Contents

INTRODUCTION

Credo quia absurdam est.   I believe because it is absurd.

(Augustine of Hippo)

Absurd. That was the word Professor Bernard Wasserstein chose to characterise the dispute which arose over the application by a group of Jews to the London Borough of Barnet for permission to erect small groups of structures resembling telephone poles, connected – at a height of about twenty feet – by fine nylon filament, at thirty nine locations in the borough. Overall, the number of such structures was to be about eighty. Given that such structures closely resemble common 'street furniture', it was argued by those supporting the proposal that these eighty items would be virtually unseen among the veritable forest of tens of thousands of lamp posts, telephone poles, traffic signs and the like already in the area. Yet, far from remaining a routine matter within the purview of Barnet's Planning Officers, the application became an issue of heated public controversy, engaging the attention of the national and international media.

From a sociological perspective an analysis of this conflict over space can tell us a great deal about the participants in the dispute. In an essay entitled 'Private Space and the Greek City', Michael Jameson made the following introductory observation:

> How space is conceived of and how it is used are artefacts of particular cultures, in much the same way as are relations between the sexes or systems of ritual or of social stratification. Examination of space in this sense can tell us much about the culture as a whole, not least those aspects of it which are taken so much for granted that they are rarely expressed verbally. ... In social terms, the distinction between town and country, residence and cultivated land, may be less significant than that between private and public.

(Jameson 1990: 171)

As will become clear in subsequent discussion in chapter 3, the taken-for-granted nature of some aspects of culture, though rarely unexpressed, will be vitally important to an analysis of the *eruv* dispute. The religious driving force which lay behind the application for planning consent by a section of London's orthodox

Jewish population relates to the laws of the Jewish *shabbat*. In order to overcome specific restrictions arising from those laws, Jewish sages long ago devised legal 'solutions'. Among these solutions is one which requires the creation of the physical structures which were the subject of the planning application. In everyday usage the legal solution is referred to by the Hebrew word *eruv*.[1]

The decision to examine aspects of the conflict surrounding the proposal to construct an *eruv* in Barnet as a sociological thesis of this type was taken, in large part, because I am in sympathy with Wasserstein's assessment (1996: 278) that: 'It might be argued that this faintly absurd controversy represented in symbolic form the basic dilemma of Jewish life in liberal societies in the late twentieth century'.

Career of a concept: from Talmudic obscurity to national headlines

> I think it's absolutely brilliant; it's the most interesting case from all points of view. About the word *eruv*, you know, one day, nobody knew what it meant, then, all of a sudden, it's on everybody's lips, like a comet coming from outer space. Suddenly everybody becomes a world expert on *eruv*s, and hold these really strong views about it, absolutely brilliant! It really was something that people were extremely emotional about and, really, all the sensible middle-class, middle-of-the-road, conservative people, who were so absolutely *un*emotional about everything else got really upset about all this.
>
> (Interview: Mr Stein)

Despite the foregoing, it remains the case that neither the theory (in terms of *halakhah* or Jewish law) nor the practices of *eruv* are well known, whether among Jews or non-Jews. It would be appropriate therefore, before going further, to give an outline explanation of what an *eruv* is.

Eruv is an anglicised form of a Hebrew word which literally means 'mixing' or 'amalgamation'. It is used to describe the fusion of objects (such as food prepared as part of meals), periods of time, and 'geographical' boundaries and spaces. The context in which the term is most used is that of accommodating the regulations of

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[1] Here, and in what follows in this thesis, I shall follow common usage in refering to the halakhic enclosure as an *eruv*. Likewise, I shall employ common usage in refering frequently to 'public' domains in talking of the *eruv*. As we shall see, strictly speaking, a public domain cannot be part of an *eruv*. The domains which can properly be enclosed to become the single domain of an *eruv* are

the Jewish *shabbat* to the needs of daily life, by a symbolic translation of the forbidden into the realm of the permitted. By the 'legal fiction' of creating an *eruv,* Jews facilitate the performance of acts otherwise forbidden on the *shabbat*.

The way in which the world of halakhically-committed Jews is uniquely constructed is well conveyed in a description of an observant Jew walking in the street of a city when *shabbat* begins. For such Jews, time and space are of a different nature from at least most of the others around them:

> Though I appeared to be in the same time and space as all the other people walking up Broadway, I was suddenly in an alternate reality: I occupied a different time and space, a time called Shabbat and a halakhically-constructed space [...] as a Torah scholar, I categorize and order the world from a chaotic, undifferentiated hubbub. I begin to say, 'This is permitted. This is forbidden. This is required. This is optional.' The mass of people and materials takes on a shape and undergoes a kind of creation in my hands. [...] ordering chaos consists of small – many would say picayune – details that are an irreducible aspect of rabbinic Judaism.
>
> (Diamond 1995)

Diamond illustrates very clearly for us how the notions of time and space held by religious people can be substantially different from those of secular people. This may well, in part, account for conflict *within* the Jewish community over whether the *eruv* should be built. The degree of secularization and acculturation of some Jewish individuals and groups will no doubt affect their conceptions. There will be different 'mind-maps' operating.

According to the traditional rabbinic interpretation of a biblical verse (Exodus 16: 29), carrying objects between public and private 'domains' is forbidden on *shabbat*. Kraemer (1996: 18) describes the Judaism of the rabbis as:

'private', 'free place' and '*karmelit*', a 'semi-public' domain. The nature of these domains is explained in chapter 1.

> … a Judaism of lists and categories. One of its primary concerns was to define category limits and to assign each of the world's components to its appropriate category. Such category definitions distinguished all levels of reality, from large to small. What is proper, what not proper? Who is obligated, who not?

Thus we should bear in mind in what follows that when the Rabbis forbade carrying an object from a space which is 'private' to a space which is 'public', it is halakhic categories which are referred to, not other, e.g. common sense, meanings of 'private' and 'public'. In addition to 'scriptural' restrictions, the Rabbis extended the restriction to carrying objects between two private spaces or domains. Thus, if two or more houses open onto a single area, e.g. a courtyard, it would be forbidden to remove an object from one house to another or from a house into the courtyard. The carrying of objects between two private domains, or between public and private domains is made possible through the creation of an *eruv*. By creating an *eruv*, the persons who wish to carry objects between domains form a community or union. By this act they merge multiple domains into a single domain. How this is effected is described in detail in chapter 1.

An extension of the idea of creating a community or union of local domains permits the union, by means of symbolic (though concrete) enclosure, of entire streets, neighbourhoods and districts. Even an entire city may be proclaimed a single domain. Part of the United States of America's capital city, Washington D.C., is so enclosed and the White House stands within an *eruv*. The accepted practice for generations has been to create such an *eruv,* in part, by constructing symbolic gates (Hebrew: *tzurat hapetach*) using poles connected by wires.

In England, the then Secretary of State for the Environment, the Right Hon. John Gummer M.P., was petitioned to approve the scheme to erect approximately 80 slender poles, connected by fine wire, in streets around some districts of the London Borough of Barnet, including Hendon, Golders Green and the Hampstead Garden Suburb. This proposal had met with fierce opposition both within the Jewish community and from non-Jews. The nature of that opposition is a major focus of this thesis. When, in 1994, the plan for the enclosure had been rejected by the councillors of the London Borough of Barnet, the proposers took the application to the Secretary of State under the appeals procedure. The people who brought their poles and wires

to the desk of the Secretary of State were not – as many at first thought – members of ultra-traditional sections of the Jewish community. In the conventional classification of Anglo-Jewish religious affiliations individuals and groups are represented using the model of a spectrum, with right-wing, left-wing and centrist groups (see figure 1 at the end of this introduction). The *eruv* proposers, orthodox Jews largely drawn from the establishment United Synagogue, are generally seen as occupying the centre or centre-right of the spectrum and are variously termed 'central orthodox' or 'mainstream orthodox'. However, one must approach the conventional categories widely used in discussions of the Anglo-Jewish communities with a considerable degree of caution. One of the problems of such usages is that they suggest too static a model of identity, partly by conflating affiliation and identity. The significance of this is discussed elsewhere.

Crisis in Kosher Suburbia

Jonathan Webber, commenting upon the complexities of Jewish identities, both in the past and in the present, argues that, 'in practice' the majority of Jews today see themselves very much as citizens of the countries in which they live, adopting the languages, cultures and values of those countries. He highlighted:

> the different ways in which Jewish identities are today defined and experienced – both how Jews define themselves and how they are defined by others. This is also a very different world from the one occasionally encountered in books and films made by romantics who aim to stress the exotic otherness of certain types of Jews, for example through their possession of a photogenic, ethnically distinctive culture; the Jews of this book are not the quaint exemplars of a remote and strange civilisation so beloved of folklorists and certain producers of television documentaries. The Jews as described in this book are portrayed through the categories of the different national and local European societies in which they are to be found – *for this is the discourse in which Jews describe themselves today*.
>
> (Webber 1994: 5; emphasis in final phrase added)

The explosion of the *eruv* controversy into the genteel life of suburban north-west London, where the contest over public space is usually quiescent, challenges Webber's view. For some, Jews and non-Jews, the *eruv* represents *precisely* what

Webber does not recognise in most of the Jews represented in his book. It is an exemplar of the remote and the strange. The idea of the *eruv* is 'ludicrous and intrusive [...] hocus-pocus' (Brichto 1994: 166). Some of those Jews who are opposed to the *eruv* may well feel themselves to be 'outsiders' *vis-à-vis* the 'lifeworld' in which an *eruv* figures. Equally, those Jews who find the *eruv* meaningful may well *not* use the discourse of national and local European societies to describe themselves nor to conceive or construct their world. And yet the affiliations by which these Jews are generally identified are categorised as 'mainstream'.

Structure of the thesis

This thesis is in three parts. It begins, necessarily, with some 'groundwork'. The first four chapters constitute the first part of the thesis, covering several areas of literature review, background analysis, and methodology and theory.

Chapter 1 examines the concepts of *eruvin* found in *halakhah*, a term variously understood as text, legal process and as determinative practice or social norm. While an analysis of *eruvin* in the context of *halakhah* is a *sine qua non* of a full appreciation of the meaning of the events which constitute the focus of this thesis, such analysis alone is partial.

Chapter 2, as background to the analysis of issues concerning the contemporary Anglo-Jewish society, examines aspects of the history of the Anglo-Jewish population over the past 350 years, particularly in relation to constructions of Englishness/otherness (Jewishness), one of three axes of debate in the *eruv* issue. The other two axes of debate, modern/post-modern and sacred/secular also figure in this chapter and in chapter 3. Each of these axes of debate is in some manner inscribed in social space.

Chapter 3 takes up an entirely different strand of analysis. It surveys the contribution of academic disciplines such as sociology and human geography to our understanding of the social constructedness of our concepts of space and how this plays a role in the construction of identity. The impact of modernity and post-modernity in transforming identities in general and religious identities in particular is also examined in this chapter.

Chapter 4 looks at the sociological methods used to gather the raw material for analysis and reflects upon the nature of the material and possibilities for understanding it in sociological terms, including a defence of the 'social constructivist' position which argues that social reality is generated by our 'interpretation' of it; and some comments on the issue of 'peer' or élite interviewing.

The second part of the thesis consists of three chapters which contain the bulk of fieldwork research material. This is drawn from some twenty four interviews conducted by me,[2] and interviews recorded by the BBC and broadcast by BBC1 in an *Omnibus* programme on 7 July 1997. My research interviews were conducted with respondents who were selected for interview because they were (a) knowledgeable of and, in most cases, involved in the affairs of the Anglo-Jewish community, or (b) were involved indirectly or directly in the *eruv* dispute. Another aspect of the selection of possible interviewees was to secure a variation among respondents in their 'distance' from the dispute. Hence some respondents were 'central', i.e. heavily involved in, or committed to, support or opposition. Others were involved in lesser degrees, some being what might be described as 'peripheral', e.g. knowledgeable, but not drawn to deep involvement.

The *eruv* dispute was represented also in documents such as newspapers and official reports. The press, particularly two local newspapers, *The Hampstead and Highgate Express* (known as the *Ham and High*) and the *Hendon and Finchley Times* were not regarded – by either supporters or opponents – as having taken a neutral stance over this dispute. The report to the Secretary of State for the Environment by the Inspector who oversaw the Planning Inquiry contains a good deal of material which throws light on how outside officialdom regarded the dispute and what was seen as appropriate responses to it. I also read hundreds of letters concerning the *eruv* dispute. These were from two sources: the files of the London Borough of Barnet, particularly the correspondence concerning the third *eruv* planning application (the files designated by the Council's officers as 'Eruv 3'), and

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[2] Such was the controversial nature of the *eruv* dispute that of 32 persons approached for interview, 8 declined to be interviewed (including the United Synagogue's Chief Rabbi Jonathan Sacks) and a further 8 would not allow a recording to be made or notes to be taken. However, the insights supplied by these respondents were most helpful. Of those who granted a recorded interview, all were promised complete anonymity.

the correspondence files of Mr Christopher Kellerman, Manager of the Hampstead Garden Suburb Trust.[3] This documentary material is used throughout these chapters.

The third, and final, part of the thesis begins with chapter 8. This chapter discusses the findings of part two in the light of:

1. issues raised in the chapters forming parts 1 and 2 of the thesis and of recent research findings and theoretical work;

2. comparable and relevant sociological research from elsewhere, e.g. contemporary Jewish communities in Israel and in the USA. In the latter country the construction of *eruvin* has been the subject of debate and intermittent controversy.

3. Recent work on community, identities and nationalisms, in particular Billig's notion of 'banal nationalism'.

Chapter 9 seeks to draw sociological conclusions about the etiology and nature of the *eruv* dispute.

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[3] Unfortunately, in many cases, I was unable to control the quality of reproduction of documents, though none is so poor as to be illegible.

CHAPTER ONE

Exploring the Concept and Practices of Eruv

The main purpose of this chapter is to explore in some depth the origin and history of *eruv(in)* and to set the concept in its context as part of the practices of *halakhah.* The introduction looks at the uses of the term *eruv,* in particular defining the meaning which I use in this thesis, and examines the peculiar language of rabbinic debate and the *halakhah* which emerges therefrom. Section **1.2** reviews the difficulties inherent in attempting to reconstruct a chronological ordering of the concepts and practices of *eruv.* Only one way of doing this could be possible: critical scrutiny of Biblical and later literatures which have a bearing upon *eruv*. Section **1.3** introduces *halakhah* as a set of practices within which the concept of *eruv* operates. Here it will be seen how difficult it is to bridge the conceptual chasm between the Biblical text concerning the requirement to remain in one's place on the Sabbath and the 'solution' created through a symbolic meal. In section **1.4** I examine the ways in which the practices of *eruv* have been (re)interpreted and realised in practice, including the application of such practices in modern cityscapes, and conclude with a general description of the practical aspects of making an *eruv* and how it is proposed to realise these in Barnet.

1.1 Introduction

Eruv: defining terms

In everyday language the term *eruv* is used to refer to a variety of concepts and practices. For example, there are two related concepts to which the term *eruv* is commonly applied and in which cases the usage, though well established, is technically incorrect, but serves as a useful form of 'shorthand'. One of these concepts is *shitufei mevo'ot* (lit. 'partnership of lanes'), the other is *tsurat hapetach* (lit. 'form of the gateway'). In the case of the first of these two concepts, creating a *shituf* ('partnership') extends the definition of single domain to a large area, even a whole city. In the case of the second concept, *tsurat hapetach* is a method of modifying an opening or breach in a notional boundary which has been delineated for the purposes of (re)defining domains. Although these concepts form a part of the focus of this chapter, the use of the tern *eruv* will be restricted to one sense: ritual means and devices for the 'merging' of domains.

The language of rabbinic debate

Much of what follows in this chapter will be novel to most readers. To begin with, most people outside the state of Israel are not Jewish, and they would find most of Jewish culture at least unfamiliar, if not utterly strange. This strangeness would, however, not be confined to the non-Jewish reader. Many Jews are estranged from traditional Jewish learning, even while many have achieved distinction in other intellectual fields. The world of halakhic endeavour is today, probably to a greater extent than at almost any period in the past, the preserve of a specialist minority. It should come as no surprise then that the discourse of those closely engaged with, and deeply committed to, the realm of *halakhah* should be *sui generis*:

If the Bavli [Babylonian *Talmud*] speaks to a restricted, elite society, this means that, however we are tempted to interpret its ideologies and messages, we must be mindful that it is not a popular communication. Of course, certain messages that might appear threatening or radical if offered before a popular audience would not be so if shared in the restricted society of colleagues. The same claim that would provoke a defensive response if articulated by an outsider could invite welcoming curiosity if spoken instead by an insider; and the Bavli is talking in the company of insiders. We should thus be extremely cautious before responding, "the Bavli couldn't possibly be saying that!" (where "that" is an opinion that contradicts our sense of common Jewish piety). The Bavli *could* be saying "that," though it might not intend to share "that" with more than a relatively small number of like-minded Jews.

(Kraemer 1996: 15)

We should bear in mind that the more peculiar and distinctive the nature of any specialist discourse, such as the discourse of *halakhah,* the more significant may be the consequences of that peculiarity. Certainly in the case of the proposed Barnet *eruv,* the general public — both Jewish and non-Jewish — unfamiliar with *halakhah*, evinced a wide range of reactions to the idea of the *eruv*, prominent among which were confusion and contradiction.

1.2 The origins and history of the eruv

The literature

How ancient are the concepts and practices of the *eruv*? The short answer is that we know that the symbolic spatial practices of *eruv* are ancient, but a precise reconstruction of their origins and evolution is not possible: as we shall see, the historical and documentary material necessary for such an undertaking is lacking. As will become clear as this discussion proceeds, the status of the practices of *eruv* depends, in part, upon the dating of the practices and their location within traditional literature: in particular the question of whether there is support for them in the *Torah*. Practices founded directly upon *Torah* carry greater weight than those which are not. This issue is sufficiently important to *halakhah* and *eruv* to warrant detailed exploration here. Among extant Jewish literature which might furnish clues to the history of the *eruv*, the earliest is the collection of books, written in Hebrew and Aramaic, known in English as the *Old Testament*, and referred to by Jews as a Hebrew acronym: *Tanakh*. This acronym is made up of the initial (Hebrew) letters of the three sections into which Jews divide the books: *Torah* ('teaching'), *Nevi'im* ('prophets'), *Ketuvim* ('writings'). According to modern critical scholarship, the *Tanakh* is a compilation of works: the oldest material,[4] such as the 'Song of Deborah' in chapter 5 of the book of Judges, is believed to date from some 1,500 years B.C.E.; the most recent material,[5] the book of Daniel, from the second century B.C.E.[6]

There is no direct reference to *eruv* in any part of the *Tanakh*. However, there is a passage in the *Torah* which is cited by Jewish scholars with reference to *eruv*: Exodus chapter 16, verses 29 and 30:

> [29] ... Let everyone remain where he is: let no man leave his place [*lit. that which is underneath him*] on the seventh day. [30] So the people remained inactive on the seventh day.

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[4] Anderson (1988: 196).
[5] Anderson (1988: 633).
[6] Dates are expressed as B.C.E. (Before the Common Era) and C.E. (Common Era) in preference to the Christian classifications of B.C. (Before Christ) and A.D. (Latin *Anno Domini:* '[in] the year of [our] Lord').

The passage is relevant to this study because it is cited [7] by rabbinic texts as a written *Torah* source supporting developments of rabbinic law relating to *eruv*. I shall explain the relevance of this point below. At this juncture, I would simply remark that the text in Exodus is a written source pre-dating the written editing of the *Mishnah* and *Talmud* by at least several centuries. [8]

Another passage in the *Tanakh* recognises the *Shabbat* (sabbath) laws restricting the carrying of burdens and, by implication, at least some notion of the 'domains' of the *Shabbat* (Jeremiah 17: 19–24, 27):

> [19] These were the words of the Lord to me: Go and stand at the Benjamin Gate, through which the kings of Judah pass in and out, and stand also at all the gates of Jerusalem. [20] Say: Hear the words of the Lord, you kings of Judah, and all you citizens of Jerusalem who come in through these gates. [21] These are the words of the Lord: Do not put your lives at risk by carrying any load on the sabbath day or bringing it through the gates of Jerusalem. [22] You are not to bring any load out of your houses or do any work on the sabbath, but you are to keep the sabbath day holy as I commanded your ancestors. [23] They, however, did not obey or pay attention, but stubbornly refused to hear or receive instruction. [24] Now if you will obey me says the Lord, and refrain from bringing any load through the gates of this city on the sabbath and keep that day holy by doing no work on it ... [27] But if you do not obey me by keeping the sabbath day holy and by carrying no load as you come through the gates of Jerusalem on the sabbath, then I shall set fire to the gates; it will consume the palaces of Jerusalem and will not be put out.

Two phrases in this passage lead me to concur with those who see it as recognising the concept of the domains of *Shabbat.* The first of these is the twice-repeated injunction not to carry any load *through the gates of Jerusalem.* The second is the injunction not to carry any load *out of your houses* [9]. In both cases the injunction

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[7] e.g. BT*Gemara Eruv*. 51a, in Scherman and Zlotowitz (1990) at *Eruvin* 51a; BT *Shabbat* 96b, in Urbach (1996: 122).

[8] There is some scholarly debate about these two *Torah* verses. Some hold that they are an interpolation which is later than the surrounding material. See e.g. Singer *et al*. (1925: volume V, p. 302, s.v. Exodus).

[9] Rabbi Dr Louis Jacobs has pointed out to me that 'many modern scholars understand the references to carrying "loads" to mean trafficking with merchandise, although in the late Rabbinic scheme the

applies on *Shabbat.* This passage dates from the period immediately preceding the destruction of Jerusalem by the Babylonians (c. 586 B.C.E.) and indicates that the restrictions on carrying on the sabbath were known, but that the 'solution' to the problem, an *eruv*, may not have been known. Still later texts, the early second century B.C.E. [10] Book of Jubilees (2: 30) and the possibly contemporary [11] Damascus Covenant Scroll (11: 8) record the restriction of carrying, but not the 'solution' (Urbach 1996: 21–2). Against this, traditional texts, e.g. Maimonides' *Mishneh Torah* (Touger 1993: 14), attribute the institution of the practices of *eruvin* to King Solomon (10th century B.C.E.).[12]

Two Torahs

The *Mishnah* preserves a tradition concerning *Torah*:

> Moses received *Torah* on Sinai, and handed it on to Joshua, and Joshua to the elders, and the elders to the prophets, and the prophets handed it on to the men of the Great Assembly.[13]

This is the 'chain of tradition', and also of authority in its interpretation, which began with the revelation by God to Moses at Mount Sinai. In traditional circles it is held that at the same time that God revealed to Moses those things which were then put into writing, another body of knowledge was revealed which was not recorded in writing at that time. The two sets of revealed knowledge were both referred to as *Torah* ('teaching'), the *Torah she'bichtav* (written *Torah*) and the *Torah she'be'al peh* (oral *Torah*). The Avot D'Rabbi Nathan, a work which Stemberger (1996)[14] calls 'an extracanonical tractate' of the Babylonian Talmud, contains an early reference to

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reference is to carrying any object' (personal communication 26.3.98). That this is so is clear in references to the same practice in Nehemiah 13: 15 ff.

[10] See Weiser (1961: 417) concerning the dating of this work.

[11] Weiser (1961: 462 ff.).

[12] Touger (1993: 13) contains a note: '*Sefer HaMitzvot Gadol* asks why this requirement was not instituted in an earlier time, and quotes a letter of Rav Hai Gaon that explains that prior to King Solomon's era, the Jews were very heavily involved in wars (to conquer the land of Canaan, and then to protect themselves from the Philistines and others). It was not until King Solomon's time that the land was blessed with peace. Since an army camp is not obligated to heed the restrictions of *eruvin* (*Hilchot Melachim 6:13*), the practice was not instituted until the age when peace became the norm in *Eretz Yisrael*'.

[13] *Avot 1: 1.*

[14] Stemberger (1996) is the latest edition of a work originally published in the 1880s by H.L. Strack. It has been reworked to such an extent by its present editor that it is more his work than that of the original author. It is widely referred to as Strack and Stemberger and I have referenced it thus in the

the existence of two Torahs, one written, one oral. [15] Each came to be regarded, by normative rabbinic Judaism,[16] as indispensable to the determination of Jewish practices. The basis of the *Mishnah* and *Talmud* is to be found in some of this oral *Torah*. Thus, authoritative decisions, determinative of practice, came to be seen as originating from two distinct sources, the written *Torah* and the oral *Torah*. Importantly for this discussion, the first explicit written account of *eruv* occurs in the *Mishnah*, a compilation of *halakhot* (plural of *halakhah*) and other 'non-legal' material, edited c. 200 C.E., though arguably reflecting practices which had been, in some cases, established many centuries earlier. [17]

Understanding written and oral Torah

Is the idea of oral law, as distinct from oral *Torah*, unique to Judaism? In one sense, no. In the history of societies, custom and traditional ways of ordering society pre-existed the invention of writing. The written laws of the earliest literate societies came into being in a context of existing oral laws. A problem common to all written law codes is that no written code can foresee all future circumstances, nor can it encompass all possible understandings or interpretations of its own formulation. On this view, the written *Torah* is lacking so much in detail, to say nothing of its internal contradictions,[18] that some additional interpretations and rulings are demanded in order to make the *Torah* capable of being applied as law. For those who accept the claims of modern biblical criticism, there is no problem in accepting that the *Torah*, both written and oral, came into being as the evolution of earlier traditions. However, the ancient Jewish sages did not understand oral *Torah* in the same sense in which oral law might be understood as a concept. As Maccoby puts it:

> ... it was never Pharisaic doctrine that the Oral Torah was necessary because
> of imperfections in the Written Torah. The imperfection, as they thought, lay
> in the human intellect, which was unable to understand the perfect word of

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bibliography, but used only Stemberger's name in the short references in the body of the text.

[15] Chapter 15 relates that a man stood before Shammai and asked, 'Master, how many Torahs have you?' Shammai replied 'Two, one written and one oral'. Strack and Stemberger (1996: 247) argue for a dating of Avot D'Rabbi Nathan to the third or fourth century C.E.

[16] Among those who dissented from this view were the Sadducees and the Karaites, both of which parties rejected the Oral Law, recognising only the Written Law (Pentateuch).

[17] For a discussion of the nature of the *Mishnah* (see Alon 1994: 28 ff.).

[18] e.g. Deuteronomy 16:3–4 and 16:8, which concerns the number of days on which one shall eat *matzah*.

God fully, and therefore needed an Oral Torah to interpret Scripture. God, in pity for the imperfection of the human intellect, gave an Oral Torah, or the nucleus of one, in order to help man to understand his perfect Written Torah.

(Maccoby 1988: 27)

Thus oral *Torah* is much more than simply law.

To return to the question of the opposition of 'oral' and 'written' *Torah*, and of the relationship between them, Weingreen remarks that:

...talmudic exegesis, in its varied forms, has attracted the serious attention of Old Testament scholars who postulate *(a)* the existence of a mass of extra-biblical oral material in historical times along with the sacred written texts, and *(b)* the preservation and further development of these oral traditions in the Talmud.

(Weingreen 1976: 8) [19]

Of particular relevance to the question of the 'dual' Torah, Weingreen notes that '...on the subject of the oral Tora, with regard to its nature, development, preservation and transmission...' there is information in the *Talmud.* He quotes a passage in the *Mishnah* on *Sanhedrin* [20] which states that the discussions and decisions of the judicial sessions of the *Sanhedrin* were written down by clerks. He goes on to propose that: 'Such records must surely have been the basis of much of the tannaitic [21] teachings in the academies, of legal disputations and of the halakic summaries which formed much of the Mishna.' (p. 78). As a result of properly recorded court decisions, a body of knowledge became available to interpreters of the Law, whether jurists or scholars in 'academies'. This legal written material 'was

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[19] Weingreen's analysis sought to demonstrate continuity between literary forms in the Bible and 'midrashic and halakhic formulations which seem to be rooted in the *Mishna* ...' (p. ix). His work leads to the conclusion that the biblical text, including the *Torah*, contains passages which are: 'expository notes [which] had been originally intended to be external to the contemporary text which they expounded but had subsequently been incorporated into it' (*ibid.*). Thus, biblical texts contain material of the same nature as (and contemporary with) that of the *Mishnah*. One can see immediately where this is going to lead us: the dating of material in the *Torah* and other biblical sources and in the *Mishnah* and *Talmud* is not straightforward. Of relevance to *eruv*, there are scholarly questions raised about the date and 'authenticity' of both the passage from Exodus 16 and from Jeremiah 17. It is impossible to know for certain when either passage came into being, or was recorded in the form we have them, or when they found their respective places in our current texts.

[20] *ibid.* p. 79. The mishnaic passage quoted by Weingreen is from *M. Sanhedrin.* 4:2.

[21] From the noun *tanna*, meaning 'teacher', the *tannaim* were those teachers active in the first two centuries C.E.

not consigned to the memory of succeeding generations of scholars but... on the contrary, records of the proceedings were made for future reference' (p. 79). Weingreen sees the court and the academy as the twin loci of activity in the process of consolidation of custom and practice into written law. He sees no obstacle to tracing this activity back to at least 1,000 years B.C.E.:

> ...further considerations... do not rule out the likelihood of the practice of recording the essentials of extra-biblical authoritative directives in law and in pure exposition. Even in the early monarchical period there were no physical impediments to writing by educated individuals. The Gezer Calendar assigned to the tenth century B.C.E., the Samaria ostraca of the eighth century B.C.E. and the Lacish letters of the sixth century B.C.E. all testify to the use of writing for secular purposes... Why then should one postulate that the oral Tora, which had a direct impact upon the religious life of the people, should have been the exception and the mode of preservation relegated to feats of memory and not to the practical method of written records? (p. 96).

The existence of extensive written legal material outside the written *Torah* before the compilation of the *Mishnah* is not disputed. [22] Jackson describes the activities of the community which produced and collected the library which we now know as the Dead Sea Scrolls. That community 'display no inhibitions against codifying their own practices and understandings of the Biblical text' (Jackson 1996: 22). It should be clear by this point that Weingreen is arguing that what seems to be the paradox of the <u>written</u> nature of much, if not substantially all, of the <u>oral</u> *Torah*, arises from an apparent misnomer. Weingreen's answer to the puzzle of why we term certain material oral *Torah* lies partly in the 'deployment' of the oral *Torah* in the 'academies' which functioned alongside the courts as major sites of legal debate.

Weingreen [23] devotes an entire chapter to the question of, as the chapter title has it, 'Oral Tora and written records'. Early in the chapter he defines what he means by oral *Torah*: '...laws which were operative in biblical times but to which no

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[22] See e.g. E.E. Urbach's comments in *Encyclopedia Judaica* vol. 12 columns 93–109 s.v. 'Mishnah': 'Many *halakhot* in the Mishnah have their source in the judgements of *battei din* in cases which came before them'.

[23] *op. cit.*

reference is made in the pentateuchal [24] corpus of law' (p. 76). Having argued that the editing of the *Mishnah* at the beginning of the third century C.E. was but the culmination of a long cultural process in the context of an 'organised social, political and religious order', he presents:

> evidence that what is designated as 'oral' matter actually existed in written form... we conclude, then, that the adjective *oral* refers not to the means of preserving authoritative rabbinic legalistic materials, but only *to their circulation and transmission.* It seems clear that, though summary records were made in writing, precautions were taken against copies being made for circulation (p. 79).

There are references in the *Talmud* to the danger that some persons would accord a similar or higher status to non-written *Torah* material than to the written *Torah* itself and Weingreen, quoting one such passage, [25] states that the *Mishnah* itself, once in circulation as a written document, competed in authority with the canonical biblical texts.[26]

Another extensive modern discussion of the nature of oral *Torah* is found in Stemberger (1996). In a chapter entitled 'Oral and Written Tradition' the author poses the same question concerning oral *Torah* as did Weingreen: 'Does the term entail a statement about the manner of transmission—viz., not in written form but by oral tradition?' (Stemberger 1996: 31). He concludes that written halakhic texts and oral transmission of traditions almost certainly existed side by side. Various reasons are suggested why the anachronistic oral method of transmission would have been maintained in an age when scholars concerned with *halakhah* would have learned to read and write in childhood. These reasons suggested include: the expense of writing materials; the use of oral methods for instruction rather than as record; and 'propaganda' in support of

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[24] The Pentateuch is another name for the five books of the *Torah*, the first five books of the Bible, revealed by God to Moses at Sinai.

[25] *ibid*. pp. 79—80. The reference is to *M. Sanh*. 10: 5. 'Greater stringency applies to [the observance of] the words of the Scribes than to [the observance of] the words of the [written] Tora.'

[26] None of the foregoing should be taken to 'imply that the *Mishnah* was a written document from the beginning. This is, indeed, the opinion of Maimonides, but not of Rashi and the question is debated by modern scholars' (Rabbi Dr Louis Jacobs, personal communication 26.3.98).

the claim to be passing on the oral Torah of Moses in the rabbinic teaching; oral tradition would thus have been 'part of the Torah-myth most pertinent to their [the Rabbis'] political needs.

(Stemberger 1996: 42)

This central claim to authenticity is certainly not regarded as myth by the early Rabbis, nor by their spiritual descendants today. With regard to the use of the *Mishnah* and other rabbinic literature as a source for reconstructing the history of the traditions, Stemberger issues an important caveat:

The sources for a description of the rabbinic period are so biased that the historical picture gained from them remains largely insecure... For the internal development of rabbinic Judaism, we are wholly dependent on the rabbis' own testimony, and thus on the literature of a single group within this Judaism: rabbinic self-understanding has shaped all tradition... [there is] no suitable corrective to the rabbinic descriptions.

(Stemberger 1996: 5)

A similar observation is made, less forcefully, by Neusner [27] (1981a: 301): '... no one can neglect the claim ... that our knowledge of Judaism in the early centuries is enriched by information found, under rabbinic auspices, only in documents of much later periods'.

While written *Torah* and oral *Torah* are both regarded by tradition as originating from a divine source through Moses, normative Jewish theory and practice gives greater weight to those *mitzvot* which can be traced to an origin in the written *Torah*. As already mentioned, the *Tanach* does not refer to an *eruv*. The importance of the *eruv* as a practice in Jewish life will depend to some degree upon its perceived relationship to the written *Torah*. In what follows in this chapter the remarks of Maccoby (above) concerning how the sages conceived of *Torah* should be borne in mind.

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[27] In any discussion of Oral Torah today, due weight must be given to the views of Neusner. Neusner is a controversial figure. However, whether or not one agrees with his view of the lateness of the concept (myth?) of the 'dual Torah', he has shaped the contemporary debate. Regrettably, space does not permit the extensive pursuit of these interesting issues here.

1.3 The Context of the Eruv: Halakhah

Historical Perspectives

The halakhic system out of which the concept of the *eruv* arises is not the earliest legal system of Israel. Biblical texts give us some information about the legal practices of ancient Israel at different times, but critical scholarship has argued that many of the situations described in Biblical narratives are idealized and represent projections back into Israel's past of later situations. From the findings of archaeological research we can understand Israel's legal system as part of a common legal tradition operating throughout the Middle East. Drawing upon analyses of the extensive cuneiform records excavated from ancient archives, Westbrook (1996: 7) characterises that common legal tradition as unable 'to formulate abstract concepts or to define legal terms; it produces instead endless lists of examples... The law codes of the Bible are heirs to this tradition, in varying measure'. It was only under the influence of Greek philosophy that there is a development from the 'Mesopotamian science of lists [and the] concept of a law code as a pedagogical tool to that of an authoritative source of law...' (Westbrook 1996: 7–8).

We cannot be certain about the stages through which statements and formulations preserved in Biblical texts developed into those of the *halakhah* found in the *Mishnah*, *Talmud* and later rabbinic literature. By the time that issues have crystalised into the *Mishnah* tractate *Eruvin*, it is clear that many matters have been dealt with and that the tractate is dealing with an already 'substantial corpus of settled facts... past discussion for the authorities before us' (Neusner 1981b: 3). As we shall see, among these settled facts are that 'remaining in one's place does not mean that one may not leave his house... one may establish residence, for the purposes of the Sabbath, in some other place than his normal abode, by making provision for eating a meal at that other place' (*ibid.*).

Some Fundamentals

At one juncture in the dispute over the Barnet *eruv*, a group of orthodox Rabbis voiced opposition to the *eruv*, which resulted in a newspaper headline proclaiming: 'Eruv violates Jewish law, say Orthodox rabbis' (Ham & High 5 February 1993). There was indeed a difference of opinion between two groups of orthodox Rabbis

over whether the *eruv* should be constructed. I will deal with the issue of what gave rise to the difference between the Rabbis in the Barnet case in chapter 7. Here I wish to look at the operation of *halakhah* as an institutional system in order to understand how legitimate, even irreconcilable, differences can arise and be contained and maintained within the system without causing it to cease to function.

Roth (1986) gives a comprehensive introduction to the subject. Here I wish to focus upon aspects of the functioning of the process of *halakhah* rather than upon any individual legal decision, which may also be termed a *halakhah*. Surveying legal theory and systems in general, Roth makes a number of fundamental points which it is essential to grasp, at least in their generalities, if one is to understand how *halakhah* functions. These are:

(a) 'The norms of all legal systems derive from two kinds of sources: historical and legal. Comprehending the difference between them is crucial to understanding the legal process *qua* process' (p. 5).

(b) '... the nature of a legal system is such that all of its norms are derived from one basic norm, which is itself *presupposed* by the system. ... The concept of the basic norm is complex... deriv[ing] mainly from the fact that this *grundnorm* is at once "metalegal" and "legal," that is, while its validity is presupposed by the system, it functions *legally* as a norm of the system. ... To the extent that its validity can be proved at all, the proof must be theological, philosophical or metaphysical' (pp. 7–8 emphases in the original).

(c) The *grundnorm* of the halakhic system could reasonably be expressed as: 'The document called the Torah embodies the word and will of God, which it behooves man to obey, and is, therefore authoritative' (p. 9).

With regard to these points Roth explains that although historical circumstances may furnish a context in which certain principles may come to be adopted into a system, once part of the system they continue to function validly until abrogated in accordance with the system. Thus, knowledge of how a principle came to be adopted is legally irrelevant. Roth does, however, counsel against too zealous an application of the distinction between legal and historical sources of law: 'Surely it is the case that the line between the persuasive powers of historical sources, on the one hand, and their lack of legal recognition, on the other hand, is narrow indeed' (p. 10). On this point of legal relevance, it is argued that though the *Torah* makes historical claims, the truth, or otherwise, of those claims is of no consequence for the

functioning of *halakhah* as a system. The 'truth' or 'falsity' of parts of the *Torah* became a major issue for Jews (and some Christians) in modern times, when the arguments for the irrelevance of historical contexts in the process of establishing norms were rejected. This is not just a matter of historical scholarship: as we shall see below, issues of belief and practice figure in many current conflicts among Anglo-Jews. But, to remain a little longer with Roth's point that the truth or otherwise of the *Torah* is irrelevant to the functioning of *halakhah* as a system, Jacobs cites an illuminating anecdote from the biography of Rabbi Chaim Tchernowitz (1871–1949). Having been criticised by traditionalist Rabbis for a series of essays on 'The History of the *Shulhan Arukh'*, Tchernowitz's appointment as Rabbi of Odessa was challenged on the grounds that:

> ... a scholar who had produced a study in which he had surveyed the history of the *Shulhan Aruch* is thereby automatically debarred from serving as a rabbi, since his investigations into how the laws of the great Code have developed are bound to inhibit him when he is called upon, as a practicing [*sic*] rabbi is, to render decisions on that code. Tchernowitz's somewhat disingenuous reply is, "This rabbi seems incapable of appreciating that it is possible for a judge to render a decision on the basis that an accepted Code of Law even though that judge may not personally agree with that law or may lack belief in its sanctity".
>
> (Jacobs 1984: 10)

Jacobs continues by drawing attention to the 'significant questions' raised by Tchernowitz's disingenuous statement:

> ...whether a historical approach really does destroy, in some measure at least, belief in the sanctity of the law and whether there is not something schizophrenic, not to say dishonest, in such a dichotomy between theory and practice? These and similar questions must be faced ...
>
> (Jacobs *ibid*)

Of course, in fact, these questions need only be faced if one chooses to face them. The 'facts' of the origins, authorship and compilation of much of the *Tanakh* is the subject both of scholarly debate and of vehement polemic. Detailed accounts of scholarly work in the field of biblical criticism abound and are not directly relevant

to the main issues of this thesis. But the issues have practical consequences, not only in academic and scholarly circles, but in the politics of Jewish communities. Non-orthodox Judaism, in its Reform and Liberal versions, partly by accepting some modern biblical scholarship (and contributing its own scholarship), takes a different view of the nature of *halakhah* from orthodox Jews and therefore, consequently, of the idea of *eruvin*. When the non-orthodox have directly addressed the issue of *eruvin*, such as at the conference of German Reform rabbis in Breslau, 13–24 July 1846, the practices have been discarded:

> The rabbinical prohibitions known as "hedges"[28] – rigorous interpretations of Sabbath laws – are no longer binding. Such institutions as "Erube Hazerot"...which are mere evasions of the Sabbath laws, although their ostensible purpose is relaxation of the strictness of those laws, are both superfluous and inadmissible.[29]

> (Singer 1925: vol. 6 p. 213)

Rabbis, judges and authority in Judaism

Having noted the disagreements between Tchernowitz and his critics, and the attitude of orthodox authorities to their non-orthodox counterparts, it would be appropriate here to review the question of authority in *halakhah*. Matters of authority in the sense of the qualifications and personal qualities of an individual judge or *posek* [30] are not germane to my present argument and are well expressed elsewhere (Jacobs 1984; Roth 1986).

The reference to the rabbi as judge reflects the traditional understanding of the role of rabbi. In Talmudic times the rabbi was interpreter of the *Torah* and performed a judicial role within Jewish communities which had autonomy in civil legal matters. In the Middle Ages the role evolved to include functions of judge, preacher, teacher, and spiritual leader. The rabbi did not acquire priestly authority or functions. When, in modern times, states abolished the right of jurisdiction by Jewish

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[28] *M. Pirke Avot 1: 1*. 'Be patient and careful in judgement, raise up many disciples, and make a fence [or 'hedge', Hebrew: *s'yag*] to protect the *Torah*'.

[29] A generation later, in 1889, the Central Conference of American Rabbis, the representative body of American Reform Rabbis, accepted the decisions of the German conferences as the basis for their 'platform'.

[30] Halakhist competent to render decisions.

authorities over areas of civil law, the role of rabbi as judge inevitably diminished. Two consequences of this change are relevant here. The first was that, in more liberal circles in particular, the role of rabbi as spiritual leader was broadened to include priestly and pastoral functions, changes modeled largely on Protestant clergy. Increasingly, rabbinical training was organised in seminaries which had a broader academic curriculum than in traditional *yeshivot*. With the exception of the most ultra-orthodox groups, modern rabbis outside the state of Israel are employed in pastoral, educational, social, philanthropic and communal roles. [31] Only in the state of Israel, where *halakhah* is integrated into the state legal system, does the rabbi function mainly in the role of judge in matters of personal status: marriage, divorce, conversion, burial etc. The second consequence of the erosion of Jewish civil autonomy was that the surviving *batei din* had a more circumscribed role. *Batei din* in the diaspora still function to deal with matters of kashrut supervision, marriage, divorce etc., and have, in some cases, sought to widen their remit to offer simple and cheap arbitration services to Jews and non-Jews alike (Mindel 1997). However, it should be noted that not all rabbis or *batei din* are accepted as legitimate by all religious authorities:

> The term "qualified judges" as understood by today's Orthodox *halakhic* authorities, excludes non-Orthodox rabbis. [...] Orthodox halakhists pronounce Reform and Conservative Rabbis as "heretics and skeptics" (minim ve-apikorsim) who are barred by law from serving as witnesses or judges. These authorities frequently make no effort to determine whether liberal Jews in fact meet the technical halakhic definition of these categories; rather our heresy is assumed, declared and uncritically accepted by most of the Orthodox world as settled law.
>
> (Washofsky 1991: 44–5)

Throughout much of its history, Judaism has seen ideological groups competing for power. These have included: Pharisees, Sadducees and Essenes in the period around the beginning of the Common Era; Rabbis (or Rabbanites) and Karaites in the Middle Ages; Chasidim and Mitnaggedim from the eighteenth century onwards. In the past two centuries 'modern' Jewish religious movements: Progressive

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[31] (*Encyclopedia Judaica* vol.13, columns 1445–58 s.v. 'Rabbi').

(Reform/Liberal), Conservative and Reconstructionist, have competed with a range of groups categorised as Orthodox. It is this divide, orthodox *contra* non-orthodox which is the most significant for world Jewry today.[32]

Two Key Categories of Halakhic Norm

In his analysis of the fundamentals of *halakhah,* Roth [33] introduces us to an important distinction in *halakhic* thought: that between norms which are *de-oraita* (Aramaic: from the *Torah*) and norms which are *de-rabbanan* (Aramaic: from the Rabbis). Having pointed out that most legal systems make the equivalent distinction, Roth states: 'In any system in which the *grundnorm* is embodied in a written document, that document is *de-oraita* in that system. Postulating God in the *grundnorm* becomes a much more relevant factor only when the amendment of the *grundnorm* is at issue' (p. 9 n. 10). Roth devotes an entire chapter, 'The Concepts of *De-oraita* and *De-rabbanan*: Meanings and Implications', specifically to the distinction between the two concepts or categories. As a starting point for the discussion he offers a definition, admittedly not as straightforward as it seems, of *de-oraita*: 'any legal statement that can be shown to be directly from the [written] Torah' (p. 13). By implication, any principle, norm or halakhic decision which does not fall into this category is *de-rabbanan*. Roth cites a passage from the medieval philosopher Maimonides which states that most halakhic norms are derived by exegesis; norms fall into the two categories in question; and a norm is allocated to the category of *de-oraita* if it satisfies two conditions: '(1) if it is explicitly stated in the Torah, or (2) if it is derived by means of an exegetical principle, and is described by the sages themselves, transmitters of the tradition, as being *de-oraita*' (p. 17). Maimonides' formulation, as Roth explains (p. 21), was severely criticised by another great medieval scholar, Nahmanides, to the extent that:

> it seems most appropriate to Nahmanides to claim the opposite of Maimonides, namely, that every norm which is deduced in the Talmud by means of the common exegetical principles is *de-oraita*, except if the sages say of it that it is *asmakhta.*

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[32] For an explanation of these terms see Introduction; further detail is given in Jacobs (1995).
[33] *op. cit.*

The term *asmakhta* is explained below. Roth explains that not only was there a dispute between these two great scholars over the categorisation of norms, but that the disagreement has continued. The need for the distinction cannot be avoided, it is a *grundnorm* of the halakhic system, a norm 'at once "metalegal" and "legal," [...] its validity is presupposed by the system' (p. 7–8). At the same time as the system can function for all practical purposes while allowing of disagreement as to definitions or criteria for assignment of norms to categories, there are explicit and implicit halakhic principles the effect of which means that the assignment of a particular norm to one category or the other has significant consequences. Roth summarised three of these: one is that matters *de-rabbanan* are generally to be accorded greater leniency than matters *de-oraita;* another is that a norm which is recognised as *de-rabbanan* may be applied as though it were *de-oraita*; while a third would permit a stricter application of a *de-rabbanan* norm than if it were categorised as *de-oraita*. We shall see below in this chapter how these principles came to be applied to the case of *eruv*. In concluding this part of his discussion, Roth reviewed possible areas of dispute between halakhic authorities (p. 48):

> whether the norm concerning which there is dispute is *de-oraita* or *de-rabbanan*; whether it is a norm to which should be applied one of the systemic principles governing that category of *mitzvot;* and if so, which of the possible systemic principles that are theoretically applicable ought to be applied in this specific case. In all of these areas...there can be wide disagreement between the recognized authorities of the system, with no resultant vitiation of the system, since the system itself allows such divergencies to coexist.

As we have established, any *halakhah* (ruling) originating from the written *Torah* (including by exegesis) came to be known by the Aramaic term *de-oraita* (from the *Torah*); those originating from the oral tradition are given the term *de-rabbanan* (from the Rabbis). It is often the case that the Rabbis ascribe the origin of a *halakhah* to the written *Torah* by citing a text which, in their view, lends support to their interpretation. Such a cited text is called by the Aramaic term *asmakhta* (lit. hook or nail). An *asmakhta* for *eruv* is found in the verses from Exodus (16: 29) cited above which refers to remaining in one's place on the seventh day. It is from the question

of what constitutes one's 'place' that fundamental concepts underlying the practice of *eruv* arise. [34]

In summary, we can say that thus far, we have seen:

a) that the halakhic system is based upon the primacy of the written *Torah* as its *grundnorm*, the validity of which is <u>legally</u> presupposed;

b) that legal decisions, determining social norms or practices, are seen as arising directly from the *grundnorm* (the *Torah*) or by exegesis;

c) that those norms or practices which are directly from the *Torah* (*de-oraita*) are more stringently applied than those arrived at by exegesis (*de-rabbanan*);

d) there is considerable room for disagreement and difference between authorities without bringing about the collapse of the system.

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[34] See section **1.4.**

1.4 Creating an eruv: practices

Eruv: from the Torah or from the rabbis?

A questions which has yet to be addressed is: are the practices of *eruv* regarded as *de-oraita* or *de-rabbanan?* The short answer is that both the theory and practices of *eruv* are generally agreed to fall into the category of *halakhah* arising from extra-biblical sources. Expressed in terms of the question, *eruv* is *de-rabbanan*, not *de-oraita*. However, the short answer, though generally correct, conceals a great deal. As Rabbi Adin Steinsaltz expresses it:

> There is a view that Sabbath rest entails remaining in one place, an interpretation of Exodus 16: 29, 'Let no man go out of his place on the Sabbath day'. Some sects interpreted this command literally and would remain indoors in their homes for the whole day. Among these sects were the Karaites... The oral tradition is more liberal on this question but also much more complicated.
>
> (Steinsaltz 1976: 113)

We need to examine the oral tradition to see what these complications are. The oral tradition, as we have seen, was long ago committed to writing in the *Mishnah* and the *Talmud*, and has been added to over the centuries since. The relevant parts of the *Mishnah* are the tractates *shabbat* and *eruvin*.[35] Tractate *eruvin* is regarded as a 'completion' of tractate *shabbat*.

The first word of tractate *shabbat* is *yetzi'ot*, literally 'goings out'. Yet it is understood, and translated into English, as 'carryings', which Hebrew would normally render by *hotza'ot*. The choice of Hebrew term is explained in the *tosefta* as follows:

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[35] The *Mishnah* is divided into chapters each of which is further divided into *mishnayot* (plural of *mishnah*). References to passages in the *mishnah* are by chapter number and *mishnah* number, e.g. (6: 8) is chapter 6, *mishnah* 8.

The Tanna used the term *yetzi'ot* (lit., goings out), and not *hotza'ot* (lit., carryings out) for the work of "carrying" because he follows the wording of the verse, "let no man go out [*yetzeh*] of his place on the seventh day" (Ex. 16: 29) from which the prohibition is understood, i.e. do not go out with a vessel to collect the manna.

(Kehati 1990a: 6)

It is the context, not the literal wording, of the verse from Exodus which supports the prohibition against carrying on the sabbath. The verse occurs in the account of the provision by divine providence of the foodstuff called manna to feed the Israelites in the wilderness. It is understood that 'going out' to collect manna entailed, and was interpreted to mean, carrying. Widely cited though this *asmakhta* is, it is not the sole, or even principal, source of the prohibition against carrying on the sabbath.

Activities prohibited on the sabbath

The *Torah* is explicit in prohibiting work on the seventh day of the week. Not to work on the sabbath is one of the ten commandments.

Remember the sabbath day and keep it holy. You have six days to labour and do all your work, but the seventh shall be a sabbath for the Lord your God. That day you shall do no work, neither you, nor your son, nor your daughter, nor your servant, man or woman, nor your cattle, nor the stranger who lives in your home.

(Exodus 20: 8–10)

In chapter 36 of the book of Exodus we find part of the account of the construction of the Tabernacle, the portable 'home' of the divine presence. The narrative states that the offerings made by the people for the construction were in excess of the amount needed. Accordingly, in verse 6, it is recorded that Moses ordered that 'neither man nor woman should do further work (Hebrew: *melachah)* for the Tabernacle...'. The verse continues: '...and the people were restrained from bringing' [materials]. It is from the juxtaposition of this passage concerning the building of the tabernacle to the command not to work on the sabbath that the Rabbis derived the

interpretations of what constituted work forbidden on the sabbath. [36] From the account of the construction of the Tabernacle they identified thirty-nine principal categories of work *(melachah)*. The last of the thirty-nine categories of work is carrying. [37] It was noted above that the *Mishnah* tractate *Shabbat* begins with a discussion of carrying, though this is the last category enumerated in the list of work forbidden on the seventh day. There are various explanations for this, including one by *Rambam* that carrying is such a regular activity that it is more likely that people would transgress this prohibition than others which are less common (Kehati 1990a: 6).

The restrictions on carrying were regarded as sufficiently important to induce the Rabbis to require that two *Torah (de-oraita) mitzvot* go unfulfilled rather than allow carrying. These were the *mitzvah* of sounding the *shofar* (ram's horn) on *Rosh Hashanah* (New Year) or waving the *lulav* at the festival of *Sukkot*, when these days coincide with the sabbath (Appel 1989: 230 n.)

As noted above, the prohibition on carrying is connected to going out of 'one's place'. I shall return to a discussion of what constitutes one's place below. For the moment, I merely wish to note that out of ideas such as persons' having a 'place' appear to have arisen the concept of the 'domains' between which it is forbidden to perform acts of carrying on the sabbath. The evolution of these concepts cannot be fully reconstructed. We must satisfy ourselves with an examination of their (relatively late) articulation in the *Mishnah* and subsequent rabbinic literature.

The 'domains' of the sabbath

There are four domains of the sabbath recognised in the rabbinic scheme (Kehati 1990a: 2–3, Neuwirth 1984: 198 ff., Appel 1989: 285 ff., Touger 1991: 358 ff.):

> 1. A private domain (Hebrew: *reshut ha-yachid*)
>
> 2. A public domain (Hebrew: *reshut ha-rabim*)
>
> 3. A semi-public domain (Hebrew: *karmelit*)
>
> 4. A free place (Hebrew: *mekom petur*).

I shall examine the defining features of each of these domains in turn.

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[36] *BT Shabbat* 49b.

[37] A full account of the thirty-nine categories of work is given in Appel (1989) Part II 'Principal Classes of Labor (Melachot) Forbidden on the Sabbath' pp. 107–236.

1. A private domain (*reshut ha-yachid*)

A private domain is an enclosed area. Its walls, or partitions (Hebrew: *mechitzot*) from the surrounding or adjoining area(s), must be at least ten *tefachim* high. A *tefach* is a handbreadth: a ten *tefachim* high wall or partition would be about three feet high. The wall or partition may also project downwards, i.e. a pit, trench or other excavation with sides of ten *tefachim* may qualify as a private domain. 'Private' (*yachid*) in the context of domains is not necessarily related to ownership or access. The minimum area which can count as a private domain must be at least four *tefachim* (about fifteen inches) by four *tefachim* (Appel 1989: 285).[38] A private domain extends 'to the heavens', that is to say the space above it counts as private domain too. In contrast, if an area which meets the requirements for classification as a private domain is supported above the ground, the ground beneath it may be classified as another type of domain, e.g. a public domain. This is less fanciful than it sounds. There is, for instance, a building in the market place of Faversham, Kent, which is constructed upon pillars taller than normal head height, allowing people to walk freely under most of its area. That building would be considered a private domain, the ground beneath it would be either a public domain or a *karmelit*, depending upon circumstances.[39]

Obvious private domains are (Neuwirth 1984: 199):

a. a house or an apartment;

b. a yard or garden surrounded by a wall, fence or hedge;

c. a town surrounded by a wall or fence, if its gates are closed at night;

d. moveable 'areas' such as mobile homes or cars, if standing in a place which is not itself a private domain, or even cupboards or barrels of sufficient size;

e. the top of a mound (e.g. the motte of a medieval castle, even when its fortifying walls are no longer extant, [40] as in the case of Leicester Castle) or the top of one or more pillars (e.g. the Faversham building described above);

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[38] Opinions differ about the size of measures such as *tefachim* and *amot*, see Touger 1991: 358 n.1 for instances of discrepancies. In this chapter I have followed the equivalent measures given by Appel 1989.

[39] An almost identical structure is to be found in the market place of the Leicestershire town of Market Harborough, suggesting the building is a 'type'.

[40] The physical walls of the former castle building which in the past enclosed the summit of the motte need not be extant in order for the motte to be *reshut ha-yachid*. The 'walls' or sides of the motte, albeit sloping, are deemed in *halakhah* to constitute *mechitzot* and to extend to the heavens.

f. a pit or trench, as described above;

g. the roof of a building which is a private domain;

h. a balcony, if equipped with a railing or parapet of the required height.

2. A public domain (*reshut ha-rabim*)

The rules defining a public place contain a great deal of detail, the bulk of which would add little to the understanding of the matter in hand. An example of such a detail would be the question of the status of the threshold step of a doorway. If the door is open the status of this small area is different from its status when the door is closed. I will restrict myself here to examining the most common and clear examples of public domain relevant to the case of *shitufei mevo'ot*.

Some areas seem obviously public: the market place at Faversham, Trafalgar Square, the roads linking Leicester to surrounding settlements. For many authorities, including both Maimonides and Nahmanides cited in section 1.3, the requirements for a public domain to be classified as *de-oraita* are (Schachter 1983: 12 ff.):

a. that it be owned by the public, not by a private individual or body;

b. that it be unroofed;

c. that it be at least sixteen *amot* wide (about twenty-eight feet) and be open at both ends. (The minimum width of sixteen *amot* was adopted because this was the width of the road in the Israelite camp in the wilderness, and the width of the wagons which transported the portable sanctuary, the *mishkan*, forerunner of the Temple);

d. Where a road in a city runs straight through the city from edge to edge without detour it is considered a public domain[41].

e. A public domain, with the exception of roads which are classified as public domains, must be accessible to the public at all times. A city which is walled and where the gates are locked, e.g. at night, is not a public domain.

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[41] In ancient settlements it was normal that one main thoroughfare passed through the centre of the town. All the town's houses clustered around courtyards which opened onto alleys which opened onto the main thoroughfare. Furthermore, this main thoroughfare linked all districts of the town or city and it was the only way that traffic could leave or enter the city. It was thus a focal point and considered a public domain. The cities of more recent periods are not built on this pattern.

The question of six hundred thousand

For some halakhic authorities there is a sixth requirement which must be met before areas can be classified as public domains *de-oraita*. This additional condition is the subject of disagreement and has significant consequences in modern cities.[42] Whether an *eruv* (in the sense of *shitufei mevo'ot*, a 'wide area' *eruv*) can be satisfactorily established at all depends upon the view taken by the relevant halakhic authority on the question of population. The matter revolves around interpretation of the term *rabim* in *reshut ha-rabim*. The basic meaning of *rabim* is 'many'. If this meaning of the term is applied, the public domain could be construed simply as the domain of the many, as opposed to the domain of the few, the private owners who have exclusive rights over a private area. If the term *rabim* is understood as meaning that the area must be <u>traversed</u> by 'multitudes', and that *rabim* is defined by reference to the number of Israelites said to have been in the wilderness at the time the Tabernacle existed, a very different situation arises.

According to Exodus 12:37, '... the people of Israel traveled from Rameses to Succot, about six hundred thousand men on foot, and women and children'. The Book of Numbers (2: 32) also records the people of Israel as numbering in excess of six hundred thousand: 'These are the people of Israel as numbered by their father's houses; all in the camps who were numbered by their companies were six hundred and three thousand five hundred and fifty'. This number excluded the Levites.

Thus, according to the second interpretation, in order to qualify as a *reshut ha-rabim*, a public domain, six hundred thousand people must cross the area in one day. This interpretation was advanced by the great medieval scholar *Rashi* and was for centuries the accepted interpretation in Europe (Schachter 1983: 14). The logic would seem to be that an area which is crossed by so many people, equivalent to the entire Israelite population at one time, is <u>radically</u> public. It was also taken to mean that the status of *reshut ha-rabim* in such cases is *de-oraita* and, therefore, any consequences flowing from being *de-oraita* will be strictly observed or enforced. Clearly, in cities such as modern London populations commonly exceed six hundred

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[42] Questions raised by opponents of the *eruv* proposal necessitated published answers by the Eruv Committee such as: 'Under Jewish law there are limits to the size of an area which an *eruv* may cover. It is, therefore, impossible to implement suggestions made in certain earlier press coverage that the M25 or the shores of the British Isles should be the boundary in an *eruv*' (Eruv Press Release – 3 December 1997, published on the Internet).

thousand. Most important of all, a public domain cannot be changed into a private domain by the device of *shitufei mevo'ot* using symbolic gateways, *tsurat hapetach*. Put less technically, one can't surround a public domain with poles and wires to create an *eruv*. In order to successfully establish an *eruv* in, say, London, the area enclosed by the boundaries of the *eruv* must not be public domain. For this reason the only type of domain which can be enclosed thus is a *karmelit*. Difficulties concerning the classification into domains of large urban areas is one of the sources of rabbinic opposition to the construction of *eruvin* in large metropolitan centres.

3. A semi-public domain: *karmelit*

A *karmelit* is any area, larger than a minimum of four *tefachim* by four *tefachim*, which cannot be classified as either *reshut ha-yachid* or *reshut ha-rabim* because it lacks one or more of the defining features of these domains. It may, for instance, not be sufficiently enclosed by walls or partitions or may not be set aside for public use or as a thoroughfare. Examples of a *karmelit* would include (Appel 1989: 288–9; Scherman and Zlotowitz 1990: xxvi):

a. open fields;

b. the sea;

c. a river, provided it is at least ten *tefachim* deep and four *tefachim* wide (smaller streams are regarded as part of the domain through which they flow);

d. an alley with partitions on three sides;

e. any raised ground or depressions in a public domain which are between three and ten *tefachim* high/deep and of sufficient area to be a *karmelit*.

4. A 'free' or 'exempt' place: *mekom petur*

A *mekom petur* is any place which is neither *reshut ha-yachid* or *reshut ha-rabim*, is located in a public place and is less than four *tefachim* wide, disqualifying it as a *karmelit*. If such a place is located in a *karmelit*, it counts as part of the *karmelit* (Appel 1989: 289).

As we have noted, an interpretation of *Torah* law forbids carrying from a private into a public domain or vice-versa. The Rabbis extended this prohibition to carrying into or from a semi-public domain:

> Although *karmelit* constitutes neither public nor private ground, the Sages prohibited carrying out from it to a public or to a private domain, or carrying into it from the public or from the private domain. They similarly prohibited carrying within it across four amot, as in the public domain. ... It is permitted to carry out from a *mekom petur* to the public or private domains, or to carry into it from these.
>
> (Kehati 1990a: 2–3)

After this extension of the prohibition 'Only carrying in a *reshut ha-yachid* [private domain] remained permissible' (Schachter 1983: 6). In this case, for most practical purposes, one can say that Jews who observe the laws of the sabbath may carry things within their homes but may not carry anything from inside their homes to the outside, which would generally be either public or semi-public domain. This is the problem which was to be addressed by the construction of an *eruv* in Barnet.

Making an eruv

If, as we have just noted, the only domain in which a Jew may carry on the sabbath is a private domain, an obvious solution to the problems generated by this restriction would be to redefine places as private domain which previously were semi-public (*karmelit*). The most basic example of how this is achieved is the practice of *eruv(ei) chatzeiroth* ('the merging of courtyards'). If two or more places, each of which constitutes a private domain, are adjacent, they may be merged[43]. The procedure is as

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[43] Rabbi Dr Louis Jacobs suggests that 'it is not so much that the two private domains are merged as the space between them i.e. so that one can carry into the *chatzeir*' (personal communication 26.3.98).

follows: before the sabbath comes in, a quantity of food – a whole loaf of bread, a bread roll or *matzah* – is collected from the owners or tenants. A blessing is recited:

> Blessed are you, Lord our God, king of the universe, who makes us holy through [the performance of] his commandments and commands us [to perform] the commandment of *eruv*.[44]

This food is then deposited in one place in one of the adjoining private domains, i.e. house, flat etc. and the following (or similar) formula recited:

> By virtue of this *eruv*, it shall be permitted to transfer articles between the houses, apartments or rooms [as the case may be] of the participants.
>
> (Neuwirth 1984: 205)

A variation on the above method of effecting an *eruv* would be for one of the participants to provide the bread for all the others, then invite another person (who is not immediate family) to take possession of the food on behalf of all the prospective participants in the *eruv*. The formula recited would be something approximating to:

> This food shall belong to all of the present and future owners or tenants of the houses, apartments or rooms [as the case may be], for the purpose of the *eruv* I am making, permitting the transfer of articles between them.
>
> (Neuwirth 1984: 206)

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[44] Blessings which contain the formula '... who makes us holy through his commandments and commands us ...' are normally used in the case of commandments which are *de-oraita*, i.e. from the Torah. The commandment to make an *eruv* is not from the Torah. However, 'Even though the mitzvah of establishing an *eruv* was ordained by our Sages, it is proper to praise God when fulfilling **His** commandments, because carrying out the decrees of the Sages also fulfils God's commandments (*Hilchot Berachot 11: 3*)' (Touger 1993: 25 n.56).

Neuwirth explains (*ibid*) that the *eruv* ('merging') is effective because:

> ...the owners and tenants are considered to have a right of access to the house, apartment or room in which the food belonging to them is kept... [and] are therefore treated as being within the same common ownership, forming one, large *reshut ha-yachid*.

As an alternative to making a new *eruv* for every sabbath, one may make an *eruv* for a whole year. This should be done using foodstuffs which do not deteriorate easily, since the food much remain edible for the duration of the period for which it serves as the *eruv*. A widespread practice is to establish an *eruv* at *Pesach* (Passover), using *matzot*, the unleavened bread. Accordingly, many *haggadot* contain the requisite blessings to make the *eruv*. The amount of food required to make an effective *eruv* depends upon the number of participating properties.

> If there are less than eighteen, the amount required is the equivalent in volume of about four-ninths of an egg for each property.
> If there are eighteen or more, irrespective of how many more there may be, the total amount of food required is the equivalent in volume of about eight eggs.

> (Neuwirth 1984: 207)

A slight variation on this is found in *Mishneh Torah Hilchot Eruvin 1: 19* (Touger 1993: 18) which states that 'eighteen inhabitants' (*bnei mavoy* or *bnei medinah*) rather than eighteen properties is the limit beyond which the amount of food necessary to effect an *eruv* does not increase. It has been suggested to me [45] that an explanation of the choice of eighteen as the upper limiting number, whether of properties or persons is that eighteen is the numerical value of the Hebrew word *chai*, meaning 'life'. Thus eighteen numerically symbolises 'all' life and therefore it imposes a manageable limit upon the activity of creating an *eruv*. There is extensive discussion of what foods may be used for an *eruv*. Minimum amounts per inhabitant/property are laid down. These largely relate to what would count as constituting two meals. As for what foods may be used, the *eruv* of adjoining

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[45] I am grateful to Rabbi Jacqueline Tabick for this suggestion. I am, at the time of writing, unable to find a literary source to support this idea.

properties or courtyards requires the use of bread, the larger *eruv*, the *shituf*, may use other foods (see Touger 1993: 16 ff.). As in the case of small-scale *eruvei chatzeirot* and *shitufei mavoy*, one establishes the large-scale equivalent by depositing food on behalf of all the relevant inhabitants in one place. The practice is to deposit the *eruv* in a synagogue within the 'enclosed' area, usually to serve for the entire year. The amount of food required to establish the *eruv* is, as noted above, that which serves for eighteen or more properties.

Weights and measures in rabbinic literature

Ancient Jewish literature, including the Bible, contains references to various systems of weights and measures. Some of these are developed systems of exact measures, often specified according to certain cities or countries in which they had originated or were contemporary recognised standards. In addition to precise metrological systems there existed a series of 'rule of thumb' measures. The advantage of these measures was that they were generally easy to recognise and could be resorted to without the need for any form of standardised weights, instruments or vessels. Among the most common of these measures in rabbinic literature were volumes equal to: an average olive (*ke-zayit*); a large date with its stone inside (*kotevet*); a dried fig (*gerogeret*); an egg (*beitzah*). These are ready and approximate measures and ways of estimating them are discussed in the *Mishnah*. [46] They are of relevance here as the minimum amount of food which, if eaten, would be considered a transgression of the fast of *Yom Kippur* is a *kotevet*. [47] Thus, in a practical and relevant sense, this volume represents sufficient food to constitute a 'meal'.

The place of food in legitimating an eruv

As we have seen, food plays a key role in making an *eruv*. The reason for this takes us back to the verse quoted above from chapter 16 of the book of Exodus: '... let no man leave his place on the seventh day'. An obvious question to ask about this verse is: 'what is someone's place?' The answer to that is that one's place is either:
(a) where one is at the commencement of the sabbath or
(b) where one takes one's sabbath meals, if different from (a), or

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[46] *Mishnah Kelim* 17: 6, 7 and 8.
[47] *Mishnah Yoma* 8: 1.

(c) where one has, before the onset of the sabbath (though not on a festival), deposited sufficient food for two meals.

Answer (a) covers most cases relevant to establishing and observing *eruv chatzeirot*, that is to say, most people are at home most of the time on the sabbath and there they take their meals. Answer (b) covers cases such as guests or unmarried adult children who live away from their parents' home, but eat there on the sabbath.[48] An *eruv* which includes the parental home permits the visiting children to carry within that *eruv*, and does not restrict any others from benefiting from the *eruv*. Answer (c) is more relevant to the different, though related, concept of *eruv techumim*, 'the *eruv* of [sabbath] boundaries'.[49]

The significance of the food establishing one's place is interesting. As has been noted above, 'When a person eats in one home and sleeps in another, the place where he eats is of primary importance' (Touger 1991: 406). It has been suggested to me by several Rabbis that the idea that one's place is where one eats [two] meals may reflect a custom of nomadic society. When people are on the move, their 'place' at any particular time is wherever they stop in order to prepare and consume meals. Be that as it may, in many societies it is acknowledged that, in a non-technical sense, the sharing of food establishes fellowship or 'community'. 'Since all of the residents have acquired a share in this loaf of bread, and with the onset of the Sabbath it is in the home of the one who made the *eruv*, it is considered as though they all reside in his house' (Appel 1989: 391).

The making of an *eruv* in the manner described above was widespread in the early centuries of the common era. In those times, housing was often constructed around shared courtyards and the *eruv* permitted the carrying of objects into, and from, both courtyards and houses. Often, a number of these courtyards would open onto a lane (Hebrew: *mavoy*) which lead to the public thoroughfare. Such a lane would generally be bounded on three sides. It was possible to allow carrying into and from the lane by including it in an *eruv*. This was done by fixing an upright column or board (Hebrew: *lechi*) to the side of the entrance to the alley, or a beam (Hebrew: *korah*) horizontally across the entrance from wall to wall. 'This renders the fourth side of the *mavoy* as closed; or it serves as a sign that sets off the *mavoy* from the

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[48] Appel (1989: 393 n.8).

[49] This type of *eruv* permits the extension of the distance which one may walk on the sabbath beyond one's place. See Appel (1989: 399 ff.) for an explanation of this related concept.

public domain (or the *karmelit*)' (Kehati 1990b: 1). When an *eruv* is made for the houses and their shared courtyards, the alley is included in the merged area. This type of *eruv*, including the alley, is called a *shituf mavoy* ('partnership in a *mavoy*'). Before going on to look at the extension of the *shituf* of a single *mavoy* to create the merger of a whole town or district of a city, the Barnet proposal, there remains a significant issue to be considered: non-Jews (and sometimes Jewish 'heretics') whose presence may invalidate an *eruv*.

Persons who invalidate an eruv

The Mishnah[50] states:

> If a person dwells with a Gentile in a courtyard, or with a person who does not acknowledge the *eruv*, then this one restricts him;[51] so Rabbi Meir. Rabbi Eliezer ben Ya'akov says, He never restricts,[52] unless two Israelites restrict one the other.
>
> (Kehati 1990b: 91)

Kehati goes on to explain the eventual ruling of the later Sages (*ibid*):

> ...if one of the [Jewish] inhabitants of the courtyard did not participate in the *eruv*, then he prohibits all the inhabitants from carrying from their houses to the courtyard, and from the courtyard to their houses. This inhabitant may, however, renounce his rights in the courtyard in favor of the other inhabitants. ...if one of the inhabitants of a courtyard is a Gentile, then he prohibits the Israelite inhabitants from carrying... neither an eruv nor the renunciation of rights permits carrying, unless the non-Jew carrying rents to the Israelite the rights he possesses in the courtyard.

This requirement, to rent from non-Jews their rights, was a *de facto* obstacle to Jews living in close proximity with non-Jews. As the *Encyclopedia Judaica* puts it: 'The effect of this law was to limit joint residence with a gentile or sectarian in a building

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[50] *Mishnah Eruvin*, chapter 6, *mishnah* 1.
[51] Him, i.e. the Israelite, who may not carry from his house to the courtyard, or *vice versa*.
[52] The *Gemara* puts forward the claim that neither of these Sages regarded the house of a non-Jew as a 'dwelling'. The later Sages insisted that the non-Jew must rent his rights to permit a valid *eruv*.

served by a common courtyard, or using the courtyard on Sabbaths'.[53] Similarly, 'The Sages made renting the only alternative, because they knew that this would not be easily accepted by the gentiles. They hoped that the difficulty and inconvenience this would cause would prevent Jews from living together with gentiles' (Touger 1993: 42 n.36).[54] Clearly, the issue of renting non-Jews' rights will continue to be significant when a *shituf mavoy* is extended to take in a whole district of a town or city, and in particular this may become a 'political' issue, though no greater a halakhic issue, where Jews are a minority among the population.

From single 'eruv chatzeirot' to city-wide 'shitufei mevo'ot'

In a book first published in 1988, mainly for an American readership for whom the arguments for the establishment of *eruvin* in major U.S. cities were by then becoming a commonplace, Rabbi Dr Jonathan Sacks, Chief Rabbi of Britain's United Synagogue, described an *eruv* [meaning *shitufei mevo'ot*] as a 'religious imperative' (Sacks 1993: 110). He is correct in this assertion. It has long been accepted in traditional Jewish communities that the local Rabbinic authorities have a duty to establish *eruvin* in the areas of their jurisdiction, unless there are good reasons not to do so, and despite halakhic reservations which may be advanced by some authorities (Schachter 1983: 5–6; Appel 1989: 397 n.15).

How does one proceed from the relatively simple expedient of 'closing' the entrance to a single lane or alley and the very local collection of food, in order to effect an *eruv*, to the 'privatising' of a much larger area in order to bring about the equivalent outcome? This is the question which must be answered in the case of the Barnet *eruv* proposal. As noted above, one of the defining features of a *reshut ha-yachid*, a 'private domain' is that it is enclosed by partitions of at least ten *tefachim* ('handbreadths', i.e. about three feet) in height. Ancient or medieval cities were often walled and their gates were closed at night. These are a good illustration of this concept. As they were not (usually) privately owned they did not count as private domain. As they could impede through traffic by closing their gates, they did not count as public domain. They were therefore semi-public domain, *karmelit*. An *eruv*

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[53] Volume 6, column 850–2, s.v. *Eruvin*. In the Babylonian Talmud the issue is dealt with at *Eruvin* 62b.

[54] The reason given for this is so that Jews would not 'learn from their [gentiles'] actions', i.e. would not imitate gentile ways..

could be made in a walled city allowing all its inhabitants to carry throughout the city. While few modern cities are any longer entirely walled, most have areas which can be seen to have boundaries of analogous types: long continuous runs of buildings with few gaps between them, railway embankments, motorways with fences or walls separating them from other areas, river banks which fall away steeply etc. Inevitably, in the absence of continuous *mechitzot* ('partitions'), there will be gaps. These breaches can be overcome by the creation of symbolic gateways. Although I have nowhere seen the comparison made explicitly in the literature, this idea of symbolic gates would seem to suggest an analogy with the gateways of walled cities. The analogy of a house as private domain, regardless of open doors has been quoted: 'By constructing door "frames", one can envision walls which thereby enclose an open area (although not a public zone) [*reshut ha-rabim*]. Much as a house can have more than one door and still be considered a private residence, so any area built solely of doors can be designated as a *reshut ha-yachid'* (Krasnjanski 1988: 4).

Breaches of various kinds in the proposed mechitzot surrounding an area to be deemed a private domain can be closed at each gap by the construction there of a symbolic doorway (*tsurat hapetach*). In the modern city, these usually take the form of tall, slender posts/poles, linked at a height of about 20 feet by fine wire or cord. This is, indeed, the Barnet solution. It was proposed that such constructions would be placed at about thirty locations in the Borough. The largest number of poles in any one location was to be eight. It was argued that the impact of these among so many other items of street 'furniture', buildings and trees would be unnoticed. Some people, not only objectors, questioned whether there was a necessity for actual poles and wire, given the 'purely symbolic' nature of *tsurat hapetach*. Put another way, why did the symbolic have to be concrete in order to designate a notional area? The short answer is that it needs to be so because *halakhah* requires it.

However, it would be instructive to look briefly at part of a discussion in a halakhic analysis of the proposal for an *eruv* in Melbourne to see the difficulty in explaining *halakhah* to those who are not familiar with its workings. In his Melbourne analysis, Krasnjanski discusses bridges which breach a *mechitza*, e.g. by crossing a river [or railway, motorway etc.]:

[The] difficulty lies in the fact that the bridge itself would be considered a *pirtza*, a breach in the Mechitza. ... A Tsurat Hapetach would need to be erected ... The underlying logic for this *pirtza* is that it is similar to a law where the roof of a house is a *reshut ha-yachid*, but if there is a projection off the roof, the roof becomes a *karmelit*. Since the walls of the house [notionally] extend upward, the fact that the ledge conceals these imaginary walls [extending upward beyond the roof] renders them null and void. [In the case of a bridge over a *mechitza*] *... although there are imaginary walls underneath, on the bridge they are not noticeable, and are therefore not considered to be there.*

(Krasnjanski 1988: 28–29; emphasis in final part added)

The last phrase of this passage exemplifies the type of thought which has bewildered many who have tried to understand the halakhic reasoning behind the Barnet *eruv* proposals.

Consent and renting rights

Returning to the main question of how one creates *shiufei mevo'ot*, an *eruv* for a large area, there remains one further issue: the rental of non-Jewish rights. The renting of the rights of non-Jews is normally accomplished through local authorities, such as the London Borough of Barnet:

Today, when eruvin are made in cities where Jews and gentiles live together, the gentiles' domains are usually rented through an agreement negotiated with the municipal authorities. Since these authorities have a certain dimension of control over all land under their jurisdiction, and can enter all homes with a court order, they are entitled to rent the domain for all the gentiles living in the area.

(Touger 1993: 105–6)

The issue of consent was contested in Barnet. Naturally, those opposed to the *eruv* sought to find every means within their grasp to bring the proposal to a halt. Cooper (1996: 540) suggested that *eruv* opponents 'did not simply treat halakhah as subordinate law. Rather, they dismissed its very legal status'. I would suggest that,

while generally true – and bearing in mind what has been said about the nature of *Torah* as opposed to 'law' – there was at least one set of actions by opponents which might be considered as an exception. Elizabeth and Jeffrey Segall of Cricklewood Lane, who were among the most vociferous opponents of the *eruv*, tried to turn the issue of purchasing rights from the local authority, a purely halakhic matter, to the advantage of opponents of the *eruv*. In December 1991 a 'gift' of £4,000 had been given by the United Synagogue Eruv Committee to Barnet Council 'to fund a feasibility study' concerning the *eruv*. From 1993 onwards, the Segalls employed both legal and political means to prevent any transaction taking place which would constitute a 'purchase' in halakhic terms. The details of this protracted episode of opposition are dealt with elsewhere. In fact, a payment such as the gift of £4,000 would not be necessary to satisfy the halakhic requirement to purchase rights. Jewish residents of Barnet pay local taxes; the consent of the Borough Council to the *eruv* completes the transaction.

CHAPTER TWO

England's Earliest 'Others': Jews and the English Imagination

> My reasoning was that one would learn more about Englishmen and women from an examination of what the majority of them were like; looking at heretics, Jews or witches was to be sensational, was to mistake the peripheral for the central, was to be studying the exception not the rule. I was wrong. Studying the exceptions, the marginalized, the minorities is exactly how one comes to grasp the mentality of the rulers, the majorities, those who define the margins.
>
> (Richmond 1994: 8)

2.1 Introduction

The key argument put forward in this thesis is that the conflict over the proposed Barnet *eruv* reached the level of intensity it did because the *eruv* was seen as threatening. The precise ways in which it was felt to be threatening are outlined and discussed below (chapters 3, 8 and 9). One of the most important conceptual frameworks for understanding how the perception of the *eruv* as threatening arose is the social construction of identities. Complex issues of this type are often most clearly articulated in the context of problems and challenges, such as the controversies which surrounded the proposal to construct the Barnet *eruv*. This chapter seeks to give a framework for an analysis of some of the relevant identities by focusing upon key periods and issues in the historical study of Anglo-Jewry. The selection of data will inevitably not present a 'balanced' overview of the history of Jews in England. That is not the intention. Rather the chapter seeks to bring to the fore periods and events which have some bearing upon the sociological issue of constructions of Jewishness and Englishness. This is particularly important given the assertions by contemporary scholars of 'race' (e.g. Hesse, below in chapter 3) that in constructions of 'whiteness/Englishness' contested and racialised antecedents are conveniently forgotten. The aim is to explore how the Jewish population of England and their non-Jewish neighbours have, to borrow a felicitous term from Benedict Anderson, 'imagined' each other.

This exploration begins in section **2.2** with an analysis of current controversies surrounding the writing of the history of Jews in this country. Section **2.3** looks briefly at the earliest experience of Jews in England in the Middle Ages, when we see the beginnings of constructions of Jewishness which were to endure across centuries and, remarkably, were to endure even the absence of Jews from the kingdom. In **2.4** the focus is upon the unique event known as the 'Readmission' and how different historians have represented it. Section **2.5** examines the growth of the Anglo-Jewish population from the seventeenth century and the character it assumed. This leads into **2.6** where particular attention is paid to the institutions established by the late nineteenth century, the eve of great change. Section **2.7** looks at how the Anglo-Jewish establishment dealt with the great influx of immigrants from Eastern Europe and what kind of Jewish population emerges from their interventions by the late twentieth century.The final section, **2.8** examines issues of modernity and secularization.

2.2. Anglo-Jewish Historiography

In recent years Anglo-Jewish historiography has witnessed a *Historikerstreit* between, on the one side,

> those who see English culture as anti-Semitic and repressive, self-congratulatory and hypocritical. Priding itself on its tolerance and liberalism, it has in fact only accepted Jews on certain conditions and requires their conformism and assimilation.
>
> (Mazower 1997: 33)

and those on the opposing side of the debate who argue that:

> English liberalism may be compatible with anti-Semitism but has nevertheless offered Jews opportunities which they could not find elsewhere. That it has not been perfectly tolerant is less important than the fact that it has – at least in recent times – been better than the alternatives.
>
> (*ibid*.)

Typical of the conflict between historians were the reactions to *The Jewish Heritage in British History* edited by Tony Kushner (1992), a book the subtitle of which is *Englishness and Jewishness*. In *Jewish Heritage* many of the contributors – including Kushner and David Cesarani, leading figures in the reclaiming of Anglo-Jewish history from 'Whig' representation – attacked the attitudes of earlier historians, Jewish and non-Jewish, towards the history of Jews in England. *Jewish Heritage* constituted an assault on more than a century of the historiography of Jews in England.

> Anglo-Jewish history was part of the weaponry deployed by English Jews in the struggle against exclusionary tendencies in English culture and politics. Indeed, Anglo–Jewish historiography has for most of its existence been overdetermined by these strategic ends: it has been part of communal defence.
>
> (Cesarani 1992: 30)

What Cesarani termed a 'debased historiographical progeny' finds typical expression in 'the historiographical model set out in the early *Transactions* of the Jewish Historical Society: the unrelenting focus on the readmission, the resettlement and emancipation' (1992: 35). Cesarani identifies the origins of the *apologia* for a Jewish presence in Britain in the need to deflect a deep-seated anti-Semitism, anti-alienism and chauvinism in British society and culture. Although he decries a defensiveness tantamount to distortion, he does not dismiss Anglo-Jewish historiography before 1960 as mere apology:

> In one very important sense, the early Anglo-Jewish historians simply reflected the unquestioning patriotism and adulation of English institutions characteristic of [...] the great Victorian historians later debunked for their racist and imperialistic preconceptions.
>
> (Cesarani 1992: 37)

Cesarani recognises that the situation was too complex to warrant interpretation in terms of simplistic reductionism. Even so, his overall judgement of several generations of Anglo-Jewish historians, exemplified by Cecil Roth, is not kind. American historian Todd Endelmann agrees, characterising writers such as Lucien Wolf, Vivian Lipman and Israel Finestein as 'amateurs' who created histories of 'uncritical admiration', and he chides Roth 'for despite his academic credentials his work on Anglo-Jewry was similar to that of the amateurs grouped around the Jewish Historical Society of England' and 'lacked the conceptual rigor and critical viewpoint characteristic of professional historical scholarship' (Endelman 1990: 211–2). [55] The historiographical 'school' of the 1930s to the 1960s took as its paradigmatic themes 'the clash between community and assimilation, Eastern and Western European Jewry, and between centripetal and centrifugal forces. … It permitted order to be brought out of chaos. It was the source of extraordinary vitality. … The more recent historiography … is no longer informed by a bipolar world-view' (Endelman 1992: 30). We shall see below in this chapter examples of

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[55] The judgement on Lipman and Finestein is probably too harsh. These two, with Aubrey Newman, pioneered the writing of the history of the immigrants of 1880 onwards and of East End life, see Kushner (1992: 19–20). However, the general picture presented remains that of 'the public-relations history that British Jewry had been accustomed to read hitherto' (Alderman 1992: vii). Alderman joins the chorus accusing Roth of expounding such history (*ibid*).

how recent historical writing has drawn sharply different conclusions to those of historians of earlier generations.[56]

In seeking to draw upon history as a resource to enable us more fully to understand the events surrounding the *eruv* dispute, a purely narrative approach of 'unique events and significant people' is inadequate.[57] That approach to history masks significant, long-term, incremental forces operating over many generations, what Endelman (1979: 8) called 'mundane adjustments in human behaviour that constitute the stuff of social reality'. I hesitate even to use the term 'forces' for phenomena which operate with almost glacial slowness in comparison to seemingly 'significant' events or high profile lives. These forces, and the changes which they can be seen, with hindsight, to have brought about are difficult to document or to quantify given the subtle, though inexorable and decisive, ways in which they operate. Social mobility, degrees of acculturation and assimilation, commitment and attachment are difficult enough to conceptualise, let alone to measure, especially across generations. As Endelman concluded, the new Jewish historiography is left with

> … a sub-world subjected to a multiplicity of conflicting forces interacting in unpredictable ways. Acculturation is no longer seen as leading to assimilation; in many cases it did; in others it did not. The Jewish masses are no longer seen as necessarily loyal to the community; sometimes they were; sometimes they were not. Every place, every time, every group, could manifest different results in different permutations. Order has been replaced by flux; one law of motion by a myriad of contexts, and by a multiplicity of responses.

> (Endelman 1992: 31)

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[56] For an example of the hostile reaction to the 'Kushner–Cesarani school', see Max Beloff's numerous articles and review essays in the *Jewish Journal of Sociology* throughout the early 1990s. Beloff argues that 'real' history is about 'influential people and significant events' and that pleas for consideration of ethnicity or class are unconvincing, while 'women's history' represents little more than ' a blind alley devised by feminists to keep women from tackling "real history"'. The contempt of the Kushner–Cesarani school for 'the old Anglo-Jewish leaders and their historians' as assimilationist, is countered by a charge of those historians' own assimilationism to 'an imaginary multicultural "rainbow coalition" politically a part of the Left'.

[57] Chadwick (1975) argues persuasively for historians' use of the insights of social theory in understanding long-term processes. On the Enlightenment he writes: 'Why then do I call these histories – Lecky on rationalism, Bury on the law of progress, Robertson on the history of Free Thought – *old-fashioned*? Because, by the progress of enquiry, the subject as we now have it is not

Endelman's assessment of the state of historical analysis reflects the 'apparent chaos' in social research under the influence of 'a rampaging battle among intellectuals concerning the pros and cons of post-modernity' (Friedman 1994: 102–3). Conflicting forces in society and the responses to them have a significant bearing upon the creation, maintenance and negotiation (never completed) of identities.

quite the same subject. As we meet the theme today, it was invented by the faculties of social science, not by the faculties of history' (p. 5).

2.3 Anglo-Jewish Beginnings: The Middle Ages and Aftermath

In 1066, when the Norman army began its conquest, England was wrenched out of the Scandinavian orbit and, after an interlude of centuries, once more linked closely to the near continent. Only in the wake of this momentous political, economic and social realignment can a Jewish presence of consequence be documented in England. The small Jewish population of England in the two centuries following the Norman conquest had mixed fortunes. At times they counted among their number the richest men (and women) in the kingdom. After almost a century of relative peace and prosperity, the situation of the Jews of England went into a steady and inexorable decline. [58] Selzer (1980: 356) focuses in particular upon the shift, in the twelfth and thirteenth centuries, into moneylending as an important contributory factor in the worsening position of the Jews. Forced into moneylending by increasingly monopolistic and exclusionary Christian merchant guilds, Jews were forced out of trade. Jews were beyond the legal jurisdiction and control of the Church, when the Church's doctrine eschewed profit making through loans. As Selzer notes (p. 357) moneylending did not make the Jews popular. In fact, insofar as it made them the object of hate by those who could not afford to repay loans, it made them vulnerable.

Throughout Christian Europe during the Middle Ages and into early modern times the Jews suffered religious prejudice amounting, in extreme cases to outright demonisation.[59] This was exemplified in the 'blood libel' which made its first appearance in England. In 1144, Jews in Norwich were accused of the murder of a Christian child allegedly in order to use his blood to make *matzah* for Passover. Half a century on, in 1190, anti-Jewish riots took place throughout England and saw the murder of fifty-seven Jews in Bury St Edmunds (following a blood libel instigated by monks) and the expulsion of the survivors from the town. The events of that year culminated in the mass suicide of the Jews of York, besieged in the castle by a bloodthirsty mob. One outcome of these events was to bring about an increase in the

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[58] A situation eventually mirrored elsewhere in Europe: '...the last days of the Middle Ages were a period of unequaled rejection and hostility in the attitude of European society to the Jews' (Ettinger 1961: 193).
[59] Aside from specialist literature on the characterisation of, and attitudes towards, Jews in medieval Europe, general historical surveys now also document this widespread phenomenon. See, for example, Koenigsberger et al. (1989: 132–35); Ankarloo et al. (1990: 121–3). For a recent account of antisemitism in contemporary societies, see Smith (1996). Smith draws attention to the work of Gavin Langmuir, who has made a significant contribution to the spread of critical historiography among those working on Jewish history, as well as to our understanding both of Jewish history in the Middle

control of England's Jews by the Crown.[60] The popular demonic portrayal of Jews gained additional currency after Chaucer incorporated the blood libel concerning the murder of Hugh of Lincoln in 1255 (for which alleged crime nineteen Jews had been hanged) into his Prioress's Tale.

As the thirteenth century wore on the Jews in England suffered increasing persecution. Jews were massacred at Worcester, London, Canterbury and elsewhere in 1264, and the *archae,* the chests containing the records of their loans, were destroyed,[61] 'the bitterness of debtors ... given its head by a breakdown in government' (Maddicott 1994: 315).

It seems that, in 1278 and the following year, the heads of all Jewish households in England, some 600 persons, were taken into custody and charged with offences against the coinage (e.g. clipping and filing). As Rokeah noted (1990: 98ff.), a disproportionate number, almost half, were executed: 'Jews suffered the death penalty in a ratio of nearly ten Jews executed for every Christian so put to death'. Only about a third of the Jews were fined as a penalty, compared to three times the proportion of Christians accused of similar crimes. 'I cannot but conclude that religious prejudice was the crucial factor involved in the degree of punishment' (*ibid*).

Such events culminated in the promulgation of an edict by Edward I in 1290 expelling Jews from England, the first such expulsion by a medieval European state. It is possibly not the case, as has often been often argued, that the Jews were expelled because they had been taxed into poverty and were of no further use to the Crown.[62] The expulsion was but one demonstration of the harshness of an ascendant monarchy bent on the bureaucratic centralisation of power.

Ages and of the nature and origins of Anti-Semitism as 'chimeria' (see e.g. Langmuir 1990).

[60] See Richmond (1992) for a polemic, though nonetheless compelling, account of these events in the context of defining 'Englishness' in the Middle Ages.

[61] As Professor Aubrey Newman pointed out to me in his comments on a draft of this chapter: 'What is important is that this was the action of the landowners in debt, and the Crown was protector of its Jews. The 'archae' were Crown depositories of documents, and the Crown lost if they were destroyed'.

[62] For a recent detailed analysis of the financial situation of the Jews in the reign of Edward I, based on contemporary documents, see Mundill (1990; 1998). He concludes: 'The traditional explanation for the Expulsion of 1290 [because of financial exhaustion and insignificance] must now be revised. The evidence from their unpaid bonds shows that some Jewish financiers were prosperous and that others were successful credit agents...' (1990: 17). The 'traditional' explanation of the Expulsion began to give way to broader and more nuances understandings with the publication of Richardson's (1960) The English Jewry under the Angevin Kings.

In an essay concerned largely with the marginalisation of Jews in mainstream English historiography, Richmond (1992) raises another issue.:

> If by 1290 being Christian meant being anti-Jewish, did being anti-Jewish mean being English? [...] The only people in England in 1290 who may have regarded themselves as English were those parliamentary classes: the king, his bishops, his clerical bureaucrats, the judges, the barons, the knights, urban businessmen. [...] It is, in other words, and entirely as one would expect, the governing elite who first equate Englishness with non-Jewishness.
>
> (Richmond 1992: 56)

Constructions of 'Jew(s)'

Of particular significance to this thesis is the development in Europe from medieval and early modern times to the present day of constructions of 'the Jew(s)', not uncommonly in the absence of Jews. Such constructions and perceptions of minorities by the majority and, unsurprisingly, of the majority by minorities, are an important element in interpreting the history (and historiography) of Jews in English society. For instance, we shall hear it argued that particular constructions of 'the Jews' were to prove significant in the re-emergence of a visible Jewish presence in England in the 1650s. Contemporary versions of widespread social constructions of groups of 'others' continue to be significant in present-day English society. This is certainly to be seen among those involved on both sides of the *eruv* controversy. I believe it would be instructive in understanding aspects of the *eruv* controversy of the 1990s to trace some of the behaviour, attitudes and discourses relative to Jews which have been (re)produced and developed in English society over many centuries.

In the Middle Ages, the Jews of western Christendom became blessed with a universally negative portrayal the origins of which lay in the Gospels, were nurtured in the teachings of the Church and found echoes in vulgar folklore, in the popular culture of Mystery Plays and in the literature of Marlowe and Shakespeare[63]. Reformations brought little change: Protestant Churches were to equal the anti-

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[63] 'It was not a mere accident that such works as Marlowe's *The Jew of Malta* and Shakespeare's *The Merchant of Venice* were written at that time. In effect, the 16th century strengthened the trends of hatred and antagonism already previously rooted in European society' (Ettinger 1961: 195).

Jewishness of Catholics. In western Europe, England secured a noteworthy place in the pantheon of anti-Jewishness as the country which most enforced the strictures on Jews imposed by the Lateran Council of 1215, including the wearing of the 'Jewish badge', inscribing 'otherness' on the bodies of the Jewish population.[64]

One might expect that stereotyped representations would circulate among uneducated and superstitious peasant populations. It is curious to note the degree to which (a) some Jewish presence continued in English legal discourse long after the Jews were removed beyond the practical scope of English jurisdiction, and (b) how 'the figure of the Jew reappeared in sixteenth-century legal discourse, quite unprompted by real-life English Jews, of whom there were legally none' (Bush 1993: 1240). From the time of the Expulsion in 1290 up to the mid-seventeenth century, there were no native-born Jews and virtually no foreign Jews living in England. And yet, Jews were to be found in academic legal documents in both the sixteenth and seventeenth century. The striking point is that there were no circumstances in which the status of Jews could be directly relevant or even legally possible (Bush 1993: 1225).

While the conservative, backward-looking, historicist nature of the 'legal imagination', coupled with the use of stock figures in academic legal example, could account for the continuation of the Jewish 'presence' in legal discourse beyond the Middle Ages, Bush (*ibid.*) also asserts that:

> [...] more important than the use of Jews (and others) for pedagogy or advocacy, was the need of the lawyers to identify 'outsiders' – legal placeholders – in the formulation of law and the law merchant. The Jew thus came to be used as an important element in defining and delimiting membership and commercial privileges in the emerging British Empire.

This last phrase reflects the idea expressed, e.g. Richmond (1992), that at the time of the Expulsion of 1290, Jewishness was available as an 'other' against which to discern a nascent Englishness. Similarly, Menache argues that the Expulsion served the long term interests of the monarchy. That act provided a much needed unifying element of national consciousness: the idea of a 'chosen people'. By ridding the country of 'Israel of the flesh' it was made much easier for the English to identify

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[64] Though this lasted a relatively short time, given the expulsion in 1290.

with the concept of 'Israel of the spirit', which was deeply rooted in Christian theology and society. 'The Jews and their heritage thus played a double role, negative and positive, by serving as a reference group to which the English could relate in order to determine their own position' (Menache 1985: 360). If constructing the Jews as 'other', and expelling them, somehow contributed to the imaginary of Englishness, it can be seen too that the Jews came to be given a role in the imaginary of Englishness at the time of the Readmission in 1656.

2.4 Out of the Shadows: the 'Readmission'

The expulsion of 1290 brought to an end the open Jewish presence in England until the time of the Commonwealth,[65] although there seems to have been occasions on which a Jewish presence in England was acknowledged with apparent indifference. Sisson (1938) contains an account of a lawsuit in 1596 during the course of which incidental evidence was given which leaves little doubt that Jewish religious rituals were being observed in a 'Portuguese' household in Duke's Place. The Judge seemed disinclined to regard the discovery of these practices as worthy of any action by the authorities.

Historians of Anglo-Jewry have reached widely different interpretations of the events generally referred to as the 'Readmission' or 'Resettlement' of Jews in England. Prominent among these was Cecil Roth who wrote at length on the events leading up to the Whitehall Conference of 1655–6 and the reasons for the decision to legitimise the Jewish presence in England. [66]

In 1656 England was at war with Spain. A London merchant, Antonio Rodrigues Robles, regarded by the authorities as a Spanish Catholic and therefore an enemy alien, had his property seized by the English authorities. In fact, Robles was a Jew, a Marrano, i.e. one who had been accustomed to practising his faith in secret to avoid the Inquisition. Robles, and his fellow Marranos, faced a dilemma. Should they declare that they were Jews, (presumably) present unlawfully in the country (the edict of 1290 never having been rescinded, nor the legality of its continuation challenged) or should they allow themselves to be treated as potentially hostile Spanish Catholics? In the Europe of the mid-seventeenth century it was generally judged prudent in a Protestant country to identify as Jews. The twenty or so Marrano families in London decided to declare their identity as Jews, and as Spaniards in name only, and therefore as refugees from the Inquisition. They requested Cromwell's protection as Jews seeking asylum (Roth 1961: 12). On 25 March 1656, the day that this petition was delivered to Lord Protector Cromwell, Robles appealed for the return of his seized property, 'on the ground that he was not a Spaniard, but a

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[65] Extensive research on the 'unseen' Jews in England in the sixteenth century was published from the 1890s onwards by historian Lucien Wolf. This included genealogies of Jewish families in this country. See the bibliography in Katz (1994), where Wolf's work is characterised as 'serviceable if somewhat antique'. This older work can be complemented by Prior's (1990) paper on Jewish Court musicians in the Tudor period.
[66] Roth (1961)

Portuguese "of the Hebrew nation"' (p. 13). One month later the Council of State ordered that Robles' property be restored.

Why were the Jews successful in achieving legitimisation of their presence? Roth says that Cromwell tended to think well of the Jews, partly out of native tolerance but, more significantly, he imagined using their economic power to counter Dutch trading dominance. He also wanted to employ their foreign connections for intelligence purposes (p. 8). Roth identified several factors which facilitated a more tolerant view of the Jews (pp. 2–3):

1. Newly-acquired familiarity with the Old Testament had led many English people to identify with the people of the Old Testament, whose struggles, vicissitudes and hopes so faithfully (as they felt) foreshadowed their own.
2. At this time a multiplicity of sects struggled for recognition in England. If religious pluralism within Christianity and the English nation could be tolerated, why not even those outside Christianity?

This is all very straightforward, very rational. Not so the role of a significant character in this drama, Rabbi Menasseh ben Israel. He was an Amsterdam Rabbi who came to London in 1655 to seek the formal readmission of the Jews to England. Strained relations, including war, between England and Holland had hampered the earlier prosecution of his project. Eventually he joined the London Marrano families in petitioning the Lord Protector on behalf of the London's Jews. The petition read:

> To His Highnesse Oliver Lord Protector of the Commonwelth of England, Scotland and Ireland and the Dominions thereof.
> The Humble Petition of The Hebrews at Present Residing in this citty of London whose names are underwritten
>
> Humbly sheweth
> That Acknolledging The manyfold favours and Protection your Highnesse hath bin pleased to graunt us in order that we may with security meete privately in owr particular houses to our Devosions, And being desirous to be favoured more by your Highnesse, we pray with all Humblenesse that by the best meanes which may be, such Protection may be graunted us in Writing as that we may therwith meet at owr said private devotions in owr Particular houses without feere of Molestation either to owr persons famillys or estates,

owr desires Being to Live Peacebly under your Highnes Governement. And being wee ar all mortall we allsoe Humbly pray your Highnesse to graunt us Lisense that those which may dey of owr nation may be buryed in such place out of the cittye as wee shall thinck convenient with the Proprietors Leave in whose Land the place shall be, and soe wee shall as well in owr Lifetyme, as at owr death, be highly favoured by your Highnesse for whose Long lyfe and Prosperitty wee shall continually pray To the allmighty God.

(Bevan & Singer 1927: xxx)

Cromwell annotated the petition:

OLIVER P[rotector]
Wee doe refer this Peticon
to the Consideracion of the Councill.
March the 24th. 1655/6.

Menasseh ben Israel became interested in the readmission of Jews in England through his millenarian beliefs which imagined the lack of Jews in England an obstacle to the redemption of Israel. Roth seems uncomfortable with such frippery and relegates the millenarianism to a minor position:

It was curious, yet wholly characteristic of the age, that the discussions were introduced into the range of practical politics by a *hopelessly unpractical* mystico-theological work of Menasseh ben Israel's...

(Roth 1961: 4, emphasis added)

Roth nowhere indicates that he considers the millenarian aspects of these events to be significant. He notes that the Marranos had, prior to the Robles crisis, kept themselves aloof from Menasseh ben Israel and his quasi-messianic errand. As one would expect of the merchant classes, they wanted to continue be allowed to live in tranquility, as they and their ancestors had, at least most of the time, been able to do for several generations past. They hoped that they would continue to live unnoticed. In Roth's view 'Menasseh's petitions and propaganda could do them little good, and by drawing attention to their circumstances might do them a great deal of harm'. (p. 12)

It does not seems unreasonable to me to conclude that Roth wanted to represent the reason(s) for the legitimation of the Jewish presence in England as mundane and rational. Robles' appeal against confiscation of his goods was resolved in his favour; Roth concludes:

It may be that Cromwell in his *bluff common-sense* way imagined that this *practical decision* was all that the Jews needed...

(pp. 13–14, emphasis added)

Israeli historian David Katz (1982; 1994) offers a significantly different appraisal of the 'Readmission'. Katz presents a well-documented and convincing account in which a number of diverse movements, parties and interests are shown to have converged in the events of the Whitehall Conference of 1656. As Katz remarks, it seems 'very odd that the English government should decide to convene a special conference to discuss the fate of the Jews' (1982: 1). Katz looks for explanations of events less in the circumstances of the Jews than in the circumstances and perspectives of the English. An important theme of his thesis is succinctly expressed in his argument that Anglo-Jewish history has been subject to a 'good deal of misunderstanding'. The failure of historians has been in not seeing it through the 'English prism'. As he notes, it is obvious why Jews would want to settle in London; the question is why the English *actively* solicited their return. From the contemporary perspective of Cromwell and his supporters, economic matters initially played a very small part in the decision to legitimise a Jewish presence in England. This goes against 'the claims of most previous historians'. Their misunderstanding of the key forces involved arises from their incomplete use of English non-Jewish sources (Katz 1994: ix–x).

It has been noted that officialdom ignored Jews living in places from which they were officially excluded. In England the government willingly called a public conference upon the issue of Jewish settlement. Katz characterises this as a 'case of striking originality [...] almost unique' (1994: 107). Given the history of the 'Jewish Question', how was it that a government, with enemies prepared to make mischief, should feel itself able to seek the legitimisation of a Jewish presence in England? 'For one of the oddest features of this debate was that the lack of Jews in England should have made possible a positive view of them, despite the negative foreign, and

indeed medieval English stereotypes which were available for adoption' (1982: 4). Katz identifies several movements in seventeenth century England as significant in bringing the government to initiate the debate over Jewish readmission. He stresses the break which he is making with previous accounts (1982: 6):

> What has been completely neglected in previous works is an examination of the debates, scandals and controversies that awakened an awareness of the very existence of contemporary Jews in Englishmen already inoculated with an admiration for biblical Israelites. The belief that the Jews were destined to play a major role in English life and history is, in the words of Dr Christopher Hill, 'one of the few interpretations of the Civil War that has not yet been taken up by a modern historian.' The underlying reasons for the renewed English concern with the Jews in the seventeenth century has never been explained adequately ... [67]

The early sixteenth century had seen a revival in the study of the Hebrew language and philosophical speculation – some fantastical – around it. Katz suggests that this interest progressed from speculations upon the language of the Jews to speculations about the Jews themselves as a group in the present, although the Puritans were not automatically led to identify ancient Israelites with contemporary Jews (1994: 109).

One way in which contemporary Jewry came to attention in England caused considerable scandal. The validity of the Mosaic Law was a major issue during and after the Reformation. In England the Star Chamber sentenced John Traske to imprisonment for life in 1618, having convicted him of spreading 'Judaizing' doctrines. Traske was an ordained minister who, with his family and followers, began to observe the commandments of the Hebrew Bible, seen by most Christians as applicable solely to the Jews. Traske and his followers, including his wife, spent long periods in prison. Some Traskites died there. Jews did not support the movement, regarding the observation of commandments as pointless without conversion to Judaism. Despite scandal, the Traskites prompted debate about relations between Protestants and Jews.[68]

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[67] There is a considerable literature on millenarianism both in the seventeenth century and other periods, including the present day. The prevalence of apocalyptic thought, and its influence, is generally underrated. See, for example, Somerville (1992); Bull (1995); Boyer (1992).

[68] Some reservations must be borne in mind: the general thrust of Sabbatarianism at this time had

Katz's argument can be encapsulated in the remark of Major General Edward Whalley, made during the Whitehall Conference, that 'there are both politique and divine reasons; which strongly make for theyre [the Jews'] admission into a cohabitation and civill commerce with us' (Katz 1982: 7). One can presume that reasons 'politique' would have included also 'economique'. Although Katz recognises the different arguments for Jewish readmission, he insists that economic arguments that the Jews would bring wealth into England became widespread only after 1660, i.e. retrospectively, when the Jews had 'demonstrated the potency of their international business connections' (*ibid*).

Samuel (1990) acknowledges that the theological aspects of the readmission were 'expertly' covered by Katz. Though Samuel concentrates on economic contexts reaching a different conclusion from Katz, he supports his general interpretation of events, i.e. that the religious milieu of the day was *significant* in legitimating a Jewish presence in England, an interpretation which Roth had played down.

> It is a curious fact that although the Puritan Revolution produced some very important tracts, setting out ways in which English trade could be reformed and improved, none of these proposed the admission of Jewish merchants. All proposals to readmit Jews to England are presented in tracts on religious, rather than economic topics [...] This is typical of the seventeenth century, when religious policy was at the eye of the storm [...] Since the only sound reason for excluding Jews, Turks or Catholic merchants from England were religious, it was natural that the matter should be debated as a religious issue, even though it looks to us today as though it was a secular one.
>
> (Samuel 1990: 15–34)

Samuel's conclusion is clear: it was mercantilist interests and the world-view which they espoused, which finally brought Cromwell to sanction the 'readmission' of Jews to England. The contemporary theology of the millenarians such as Henry Jessey, or Menasseh ben Israel's optimistic Jewish messianism, was not decisive. Yet 'without the initiative of these two zealous interpreters of the Book of Daniel, it is unlikely that any English government would have come to such a decision so early as Cromwell's did' (1990: 168).

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nothing to do with 'actual' Jews.

I would suggest that the strong religious, and particularly millenarian, ideologies current in seventeenth century England were a significant determinative force in shaping English identity at that time, though not, in themselves, a sufficient or exhaustive explanation of what took place. These ideologies predisposed influential parties to seek the readmission of Jews to the country in order to further an English agenda concerning the ways in which an English 'destiny' was being constructed. Roth plays this down to the extent that the 'irrational' aspects are glossed over to the extent of losing them from the picture, while the 'public-relations' history shines through: English good sense and tolerance is matched by Jewish 'contributions' of wealth and intelligence.

2.5 The formation of Anglo-Jewry 1656–1880 [69]

The Marrano families in London in the 1650s were wealthy merchant families. Their presence in England was a result of persecution in the countries of the Iberian peninsula and of London's (growing) importance as a centre of international trade. By the end of the seventeenth century there were probably still less than 1,000 Jews in England, almost all in London. The 1695 Census listed at least 548 Sephardi and 203 Ashkenazi Jews in London. [70]

The first half of the eighteenth century saw the Jewish population increase to about 6,000. Of these, the majority were Ashkenazim. It is estimated that by 1720 the Ashkenazi Jews in England outnumbered the Sephardim (Lipman 1971: 41). By the end of the eighteenth century the total Jewish population in England was probably between 20,000 and 25,000. The growth in numbers is mainly accounted for by immigration (almost exclusively Ashkenazim) and to a lesser extent by natural increase.

The most comprehensive, general and critical sources for Anglo-Jewish history in the eighteenth century are Endelman (1979; 1990) and Katz (1994). There is a wealth of specialist, closely focused studies to complement these general works.[71] It is not my intention here to give a simple narrative history of 'events', that has been done in the works cited above. My aim is to consider the character and fate of the Jews who settled in England and the communities which some of them formed there by the late nineteenth century.

As noted above, the 'readmission' of Jews to England came about by judicial decision that there was no law forbidding the presence of Jews in the realm, rather than by any act of the Protectorate government. This being so, there was no special status accorded to Jews, as was the case in many other countries. Several attempts to reverse the legitimation of the Jews' status in England were made following the restoration of Charles II in 1660. None succeeded. Royal protection was extended

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[69] There are no precise figures for the Jewish population of England and there have never been any. Estimates of the Jewish population at various times since 1656 have been made, but all arise from recourse to inadvertent sources. The figures tell us little, if anything, about immigration, emigration and natural population increase. Any figures which are given in what follows must be seen in the light of the absence of any reliable statistics.

[70] Figures quoted in Lipman (1971). The article also briefly discusses reasons for Jewish immigration in the 18th century.

[71] Of particular interest are Naggar (1990) on 'Old-clothes men'; Yogev (1978) on diamond and coral traders; Singer (1986) on Jewish religious observance.

both by Charles and his brother James II, and further enhanced in the reign of William III, whose throne had been secured with the financial help of Dutch Jews. [72] Although there remained problems relating to taxation issues, problems which themselves related to the status of Jews as aliens, 'none of this was intended to question the basic issue of the right to Jewish residence in England, which was never again seriously threatened' (Katz 1994: 189).

The Jewish population of London in 1700 comprised, in the main, merchants engaged in international and colonial trade. They traded in gold, diamonds, coral, tobacco and similar high value commodities and were suppliers of military provisions. In 1700 a Jew, Solomon De Medina, was knighted and in that same year the Sephardim of London began building a monumental new synagogue in Bevis Marks in the City of London. The growing number of Ashkenazi Jews also organised into a communal body.

Jewish experience in England in the eighteenth century differed from other European countries. The Jews in post-readmission England were never accorded a distinct legal status. The *kehilla*, the institutional, self-governing corporate organisation of Jews which was common throughout feudal Europe, never appeared in England (or the American colonies and the later United States). Throughout the entire century, with the sole exception of the rather artificial debacle of the Jewish Naturalization Bill of 1753, there was no movement pressing for Jewish emancipation, nor any public debate. 'The reason for this is clear: the position in which the Jews found themselves was not onerous enough to warrant a campaign for their emancipation' (Endelman 1979: 10). English society in the eighteenth century was progressively characterised by a toleration and liberalism which was unique in Europe. The rights Jews enjoyed were no different from those of Nonconformists such as Quakers.[73] In a secularising society, neither their legal status nor the informal and ambiguous modes of exclusion practised by the English held back Jewish acculturation. What one might call 'creeping emancipation' made assimilationary tendencies operate more pervasively and to be perceived as part of the natural order of things. [74] Continuing immigration, mainly poor Ashkenazim, meant that English

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[72] See Katz 1994: 140 ff.

[73] As Professor Aubrey Newman stressed to me in his comments: 'Jews born in England were automatically British subjects; the *only* disabilities they suffered were those suffered by *all* Non-Conformists, i.e. anyone not a member of the Church of England.

[74] The list of privileges progressively extended to Jews throughout the eighteenth and early

Jewry was not a homogenous body. Even with this caveat, and allowing for many differences of wealth, education, social class and so forth, there was a discernible pattern to be seen: throughout the eighteenth century and at all levels of society, a significant proportion of anglicised Jews established social relationships with non-Jews. The small group of Ashkenazim who became very wealthy in the eighteenth century, and who lacked meaningful social contacts with Sephardim of the same class and wealth, increasingly looked beyond the Jewish community to fulfil their needs. Many of these isolated rich Jews assimilated into gentile society, marrying among their social equals (Endelman 1990: 38 ff.). The eventual increase in the numbers of middle and upper class Ashkenazim, particularly in the first half of the nineteenth century, enabled such families to maintain a much wider social network of Jews of comparable position in society and contributed to a reduction in the proportional rate of radical assimilation.

Yet, 'with the passage of time, though, the minority of English Jews whose aspirations lay outside the Jewish community became increasingly larger' (Endelman 1979: 257). The aspirations of this expanding middle class of Jews were cultural, intellectual and professional. Their Jewishness was counted a burden. For many, the answer lay in conversion, albeit that this often created tensions with former networks of social and family relationships. But to the outside society, in any case gradually secularising, one religion was as unimportant as any other. The duties of the Established religion were hardly onerous.

At the other end of the social spectrum, among the Jewish poor, marriages to non-Jews were not an uncommon phenomenon and other co-operative ventures were sustained across the religious divide, including criminal ventures. [75] In Endelman's view (1990: 56) which – it must be admitted, is rather speculative – it was the scale of assimilation of such criminal members to the Jewish population to gentile society, as much as other factors such as escaping poverty in more conventional ways, which 'solved' the crisis of the Jewish criminal class which became insignificant by the mid-nineteenth century.

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nineteenth century is documented in Katz (1994). See especially pp. 382 ff. There is an exhaustive listing of all statutes in English law which touch upon Jews in Henriques (1908).

[75] These Jewish criminals (and the rest of the Jewish poor, the ubiquitous peddlars and old-clothes men) were a constant source of embarrassment and distress to the established Jews, '...a notorious segment were criminals: highwaymen, thieves, receivers of stolen goods, and coin-clippers' (Gartner 1973: 18).

At the risk of sounding repetitious, it warrants emphasising that the course of Jewish integration was neither uniform nor smooth and complete assimilation to non-Jewish society was a course taken only by a minority, albeit enough to be noticed at all levels of Jewish society. The immigrant character of much of the Jewish population and the limits of non-Jewish toleration, fuelled to a considerable extent by the perpetuation of negative stereotypes of 'the Jew', helped hold together even significantly acculturated Jews, while leading some to abandon Jewish identity. Prejudice worked both to reinforce and undermine group solidarity.

The Napoleonic wars reduced Jewish immigration, accelerating the rate of growth of the proportion of the Jewish population who were native-born and therefore the level of acculturation of the Jews to English life (Lipman 1990: 6–7).

During the eighteenth century, traditional beliefs and practices had been eroded in all communities and the deep cultural adjustments necessitated by this were forced upon all parts of society. Modernity in liberal English society, as elsewhere, had brought about a desacralisation of everyday life and a transformation of Judaism from an all embracing civilisation to 'merely' a religion – one element, among many competing elements, of identity and life. The English state had, by then, little interest in religious affiliations, which were increasingly coming to be seen as a matter not of concern to the public world of politics but of the private world of individual taste. With few legal disabilities remaining, and these of concern only to a small minority, the only significant stigma left to being Jewish was social. In many cases, when social or professional goals could only be satisfied in the non-Jewish sphere, the balance would be tipped and the remaining obstacles to abandoning ties to Judaism would lose their potency. Jewishness in England throughout the modern period had been a voluntary matter. This was the first instance in the history of the Jewish diaspora in which this had been true (Endelman 1990: 57). The effect of this was that in England there were no effective sanctions which a Jewish community could exert upon members to ensure conformity. Disaffiliation was less costly in England than elsewhere.

There were, too, certain parts of the community which had, one might say, a predisposition to assimilation. Endelman deals at length with the case of the Sephardim, in particular the Marrano families:

> In general, no amount of toleration will induce members of a minority to renounce their group solidarity unless there has been some prior erosion of traditional loyalties. In the case of the Sephardim, their historical experience before their arrival in England – specifically, their exposure to western secular culture and the necessity of having lived as crypto-Jews in Catholic societies – had contributed greatly to the weakening of their Jewish loyalties and consequently to their positive response to the openness of the host society.
>
> (Endelman 1990: 22)

The result of this was rapid anglicisation. Marrano identity was, in any case, problematic, being fragmented and unsettled. Endelman takes to task those Anglo-Jewish historians who,

> treated the Jewishness of the Marranos and their descendants who settled in England as if it were no different from that of professing Jews who openly practiced (*sic*) their faith their entire lives. Captives of romantic myths about universal Marrano piety and steadfastness, they have been unable to assimilate historical evidence pointing to the contrary.
>
> (Endelman *ibid*)

Another group, albeit numerically relatively few, which exhibited a significant inclination to abandon Jewish commitment were immigrants from post-*haskalah* Germany. They exhibited a marked inclination to join the Unitarians. This may well be explained in terms of the relatively smaller distance in religious terms between Judaism and this particular Nonconformist group, compared to Trinitarian forms of Christianity. [76] One can see how an affinity might be felt between Jews and Unitarians. The political and social élites of many English boroughs following the reforms of 1836 were dominated by hard working Nonconformist owners of medium and large businesses, not dissimilar in character to the recently arrived German Jews.

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[76] Jewish immigrants from Germany in the early to mid-19th century, already 'modernised' by the currents of intellectual 'enlightenment' and religious reform in Germany, rapidly disappeared from the Anglo–Jewish landscape through radical assimilation. See, for example, Newman (1975), particularly with reference to Nottingham and Bradford. For a discussion of the Unitarians in early 19th century Britain see: Seed (1986). Endelman (1990) devotes an entire chapter (four) to 'German immigrants in the Victorian age'. Of particular interest is his assessment that significant assimilation resulted from a misreading by the immigrants of the social 'scene': many of them underestimated the degree to which Jews were accepted, i.e. as Jews without the need to assimilate.

The experience of Unitarians may well have made them sympathetic to the Jewish immigrants. The Nonconformists had suffered discrimination in England as the German Jews had suffered discrimination in their country of origin.

Nationally, Jewish leadership (rabbinic and lay) anglicised in its own ways, developing attitudes and practices which mirrored the English society around them. In the early nineteenth century 'the magnates who managed communal affairs were ... impious [and] secular-minded ... intellectual leadership, either in the traditional rabbinic mold or in the new modern style, was altogether absent' (Endelman 1990: 57). Decisions tended to be taken for pragmatic reasons, ideology was never prominent on the agenda of Anglo-Jewry. There was no strong Jewish intellectual current in England comparable either to the traditional Jewish learning of Eastern Europe or the modernist philosophical movement in Germany, the *haskalah.* Anglo-Jewry viewed as a whole was never characterised by its piety or its learning. The lower middle class represented a minor stronghold of orthodoxy in the community. Among the 'shopkeepers, artisans and mildly prosperous street traders, traditional Judaism survived for two or three generations'(Endelman 1979: 136).

2.6 Defining Characteristics: Centralised Power and Institutions

England's Jewish communities governed themselves (or perhaps, more accurately, were governed by an élite) through patronage. Authority tended to be hereditary. The chief loci of service within the community were not the traditional higher learning found elsewhere, even in Germany, but charitable endeavours on behalf of the ever present Jewish poor, and the prudent management of synagogue affairs, particularly financial affairs. At the time when Britain was at the height of its imperial power, wealth and splendour the now predominantly anglicised, middle class Victorian Jewish population partook in all that this signified.

Alongside the establishment of many provincial communities in the railway age, throughout the middle decades of the 1800s moves had been made in London to create institutions which were to be of great significance in the closing years of the century and into the next. The Englishness of the Anglo-Jewish population [77] in the middle of the nineteenth century is perhaps nowhere better seen than in the institutions which they began to create. An impressive range of welfare, religious and 'political' or representative (i.e. to the gentile authorities) institutions, characterised particularly by strong centralisation, were firmly in place shortly after the middle of the nineteenth century.

The first Ashkenazi synagogue in England had been London's Great Synagogue, established by 1690. In time, as new synagogues were established across the capital, they were constituted as branches of the Great Synagogue. For the growing Ashkenazi population the Rabbi of this 'parent' synagogue was deferred to in matters of religious dispute, status, marriage and divorce, even where local 'Rabbis' (more properly, these men were probably just functionaries) were employed. As Gartner (1973: 19) put it: 'From this *de facto* primacy arose the office of Chief Rabbi ... cognate religious needs gave birth to the Chief Rabbi's *Beth Din* (court)'. When Chief Rabbi Nathan Marcus Adler took office in 1845, the office of Chief Rabbi and its functions were clearly established. As will be seen below, the insistence by Chief Rabbi Hermann Adler, in the latter decades of the nineteenth century, upon recognition of his sole rabbinic authority, would create conflict between established and newcomer Jews. Eventually this relationship between synagogues was crystallised in the creation, by Act of Parliament, in 1870 of the

United Synagogue. [78] The form of communal organisation of British Jews has always been synagogal yet, for the majority, membership has always been more important than actual attendance. Contemporary evidence from the mid-nineteenth century suggests that a high proportion of the Jewish population refrained from attending their employment on the sabbath (Saturday) but were inclined to pursue their 'rest' in saloons, theatres, concerts, racecourses and similar places of amusement, rather than in houses of study or worship. [79]

From its foundation, the United Synagogue plied a brand of English Judaism which retained a good deal of traditional content but which was suitably modified to reflect the contemporary self-image of the acculturated lay leadership. Religious acculturation was seen in religious services which represented a shortened and simplified version of orthodox synagogue rituals, [80] stressed decorum over devotion, and reflected contemporary class divisions in its seating arrangements and pricing. Its religious contours were embodied in the 1890 'Singer's' Prayer Book [81] (Alderman 1992: 106–9). Other acculturation in the religious sphere is evidenced in the introduction of English into services, 'confirmation' ceremonies, the 'questions and answers' added to the marriage service, mixed choirs and the roles (and dress) adopted by the 'clergy' (Sharot 1968: 351). It may seem strikingly odd that a Jewish population should be, on the one hand, extensively neglectful of even basic religious requirements while, on the other hand, adhering to forms and institutions which were recognisably traditional, despite modest reforms. Singer concludes:

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[77] See Endelman (1987).
[78] See Newman (1977).
[79] Singer (1986).
[80] These reforms did not seem to encourage higher rates of attendance at services which, in London in 1886, was estimated at between 10 and 15 per cent of membership (Alderman 1992: 106).
[81] *The Authorised Daily Prayer Book of the United Hebrew Congregations of the British Empire*, edited, and with an English translation, by Simeon Singer.

There was no wholesale abandonment of traditional religious practice by London Jews in the early Victorian period. They remained nominally Orthodox and insisted on faithful adherence to halakhic ritual in their synagogues, but the majority exhibited in their private lives an unorganized neglect of some requirements of the old Orthodox life-style combined with a strong loyalty to other tenets.

In such emotionally highly-charged matters as religious belief and practice, one should not expect always to find logic or consistency of behaviour.

(Singer 1986: 127)

Relations between the Jewish population as a body and the outside world were handled, in the absence of any alternative legal entity, by representatives of those synagogues. As early as 1760 the London Committee of Deputies of British Jews was set up to represent Jewish interests. This body eventually became the Board of Deputies of British Jews, [82] which functions today as one of the main representative bodies of communally organised Jewish groups.

Charity was a field in which the Jews surpassed even the enthusiastic organisation and achievements of their gentile neighbours in Victorian Britain. England's synagogues had for generations been active, though in some cases reluctantly, in helping poor Jews who made claims upon them. And there was a constant stream of such supplicants, often recent immigrants, from the end of the seventeenth century through to the nineteenth. Organisations proliferated in the 1800s (Lipman 1990: 31 ff). To bring order and efficiency to charitable endeavours, 'Boards of Guardians', a term borrowed from Poor Law legislation, were formed in London (1859) and Manchester (1867). Soon these Boards took over almost all synagogue charitable administration and activities and pioneered new ones, becoming model charities liberally supported by synagogues and philanthropic individuals.

The centralised synagogue organisations, the representative bodies and the rationally-ordered charitable organisations were dominated by an oligarchy of intermarried wealthy families, some of whom formed what came to be termed the 'Cousinhood'. The men of these wealthy families, Montefiore, Samuel, Mocatta,

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[82] See Newman (1987).

Goldsmid, Franklin, Henriques, Lucas and Rothschild,[83] were to hold positions of communal leadership for three or four generations, offices passing often from father to son (Endelman 1990: 81). By the end of the 1870s stability and prosperity reigned among a Jewish community in which the number of poor had declined to less than half the population and the middle and upper classes were the majority (Alderman 1992: 103). The rich men were in their castles (or at least their country houses), the shrinking numbers of poor were at the gate (assisted by the Board of Guardians): neither the poor nor the substantial Jewish middle classes knew that the decent order of Victorian Anglo-Jewish life was about to be turned upside down.

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[83] Not all those cited were 'Cousinhood'.

2.7 The Flood from the East 1880–1914

The expulsion of Jews from England in 1290 was but the first of a series of expulsions from western and central Europe which, over the course of several centuries, drove Jews into eastern Europe and into the Ottoman Empire. Despite the massacres perpetrated in the time of the Crusades, central Europe had been the heartland of the world's Jewish population for most of the Middle Ages. The decline of western Jewry accelerated in the century to 1570 and transformed Jewish populations in eastern Europe. [84] From then onwards, particularly after 1648, the former trend of emigration from western and central Europe began to be reversed. A steady trickle of Jews began to move westwards once more from eastern Europe. [85]

From the 1860s natural disasters, such as epidemics and famines, brought about renewed impetus for Jewish migration from the Russian Empire. After the assassination of Czar Alexander II in 1881, the steady stream of Jewish emigration westwards became a flood. By the beginning of the twentieth century, the numbers of Jewish emigrants who had left, and still were leaving, Russia each year was to be counted in the hundreds of thousands. [86] Most crossed the Atlantic, but of the huge numbers who passed through this country, tens of thousands, perhaps more than a hundred thousand [87] arrived and remained in England. In the space of less than four decades, through immigration and natural increase, the Anglo-Jewish population increased approximately fourfold (from an estimated 60,000 in 1880).

The initial reaction of the resident Jewish population was revulsion at the arrival of so many 'unpalatable co-religionists' (Fishman 1975: 65). The resident Jewish community, having established for itself a proper Victorian respectability, wavered when faced with the question of what action to take in the face of hordes of poor foreign Jews.

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[84] For a comprehensive account of these migrations see Israel (1989).

[85] These nature of these population movements is perhaps best appreciated through historical atlases, such as Barnavi (1992). Endelman (1979) details the impact of steady Jewish migration into England in the eighteenth and early nineteenth centuries.

[86] A vivid account of Jewish life in the Pale and of the immigrants' journeys to the West is found in Howe (1976).

[87] Gartner (1960) widely regarded as a pioneering classic on the immigrant experience, and a model of historical writing, estimates over 120,000 arrivals between 1880 and 1914 (p. 30). It might well be a reflection of the ambiguous attitude of English Jews to the mass immigration, transmitted subsequently to the immigrants themselves, that prior to Gartner's book in 1960, no book had been published on these immigrants since 1902.

> The immigrants reminded British Jews of their lowly and foreign origins; worse still, they reminded the Gentiles. British Jewry wished to be thought of as modern, the immigrants gave, it was argued, the impression of primitivism, or at least of medievalism. The established community wished to stress its qualities as British citizens who happened to profess Judaism; the manners, customs, mores, and even politics of the immigrants all skewed the overall character of British Jewry in a quite opposite direction.
>
> (Alderman 1992: 120)

Brian Cheyette has traced the shifts in the literary representations of the Jews in the latter half of the nineteenth century and the early twentieth century which, in some measure, reflect the fears of the anglicised Jews. In the mid- to late-nineteenth century the confident Victorian expectation that 'culture' would transform the Jewish 'other' is found expressed in, for example, the writings of Matthew Arnold. By the early twentieth century Henry James and George Meredith were portraying 'supposedly homogenous national culture … being overwhelmed by an unassimilable 'other'' (Cheyette 1993: 6).. It should be noted however that strong degrees of ambivalence, confusion and contradiction permeate literary representations and social constructions in this period:

> Homi Bhabha has labelled this ambivalence as the '*double* vision' of racial discourse which constructs 'a subject of difference that is almost the same, but not quite … in which to be Anglicized, is *emphatically* not to be English. That is, behind an idealized Jewish Self – is a particularist Other which, by its very presence, contradicts the promise of 'emancipation'.
>
> (Cheyette 1990: 98–9)

During the early phases of the increased immigration little help was afforded to the newcomers, in the hope that this would at least not encourage immigration. At the height of the earliest phase of the mass immigration, the resident establishment, including the United Synagogue's Chief Rabbi, placed advertisements in overseas newspapers in an attempt to dissuade would-be emigrants. This response to the immigration was itself perhaps a tell-tale sign of the settled population's barely latent insecurity about their own position. Eventually, well organised and substantial aid was given to the foreign Jews. It is to the nature of the aid given to these foreign

Jews, especially the explicit motives behind it, to which I now wish to turn. For some of the unforseen consequences of the actions of the resident Jews remain with us today and have a direct relevance to the *eruv* dispute.

The immigrant population

While the widespread impression at the time was that these immigrants were poor and backward, there is evidence that this image is misleading. Immigrant employment opportunities were restricted owing to (a) widespread discrimination by employers (b) limits imposed by language and (c) for some, religious requirements. The major employment for Russian and Polish immigrants, both in London and in many provincial centres, was in the tailoring, footware and furniture trades. These were trades which, particularly at the lower end, required little in the way of skills which could not easily be acquired. In the clothing trade, a new division of labour, coupled with the use of the recently invented sowing machine, allowed Jewish firms virtually to create a new industry in cheap ready-made garments.

New immigrants forced, initially, to take what work they could find, often moved down the socio-economic scale, if only temporarily. This experience may, in part, account for the determination with which many immigrants sought to better their circumstances, or at least those of their children. Other immigrants arrived with both capital and skills which they were able to apply successfully in the new economy in which they found themselves. Many middle class immigrants prospered in new enterprises (Alderman 1992: 172–3).

However, it remains true that for most new arrivals employment and housing remained a problem for many years. Parts of the East End of London, the original area of immigrant settlement in the capital, became known for the prevalence of two 'social evils': the workshop system known as 'sweating', and overcrowded and unsatisfactory housing conditions. Charges that the immigrants were the cause of sweating were, upon investigation, shown to be false. Housing problems, overcrowding and insanitary conditions, were eventually addressed and successfully improved through new housing projects funded by private communal philanthropy, especially the initiative of the 4% Industrial Dwellings Company Ltd[88]. As the twentieth century progressed private initiatives were increasingly superseded by

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[88] See Black (1988: 168 ff.).

local and central government input as the welfare state grew. As the immigrants' means improved, many were able to escape the deprived circumstances of the East End by migrating to new areas of settlement to the north and west.

Identity: intervention and unforseen consequences

A significant response of the established Anglo-Jewish institutions to the presence of so many foreign Jews was to initiate projects aimed to integrate the newcomers, socially, economically and religiously, through programmes aimed at rapid anglicisation. The social disciplining of the immigrants was a massive exercise of paternalism by the Jewish establishment. Its aim was partly the defence of their own social position in English society.

Both the establishment of Jewish 'denominational' schools, such as the Jews' Free School and several smaller establishments, and the post-1870 Board Schools acted as powerful mechanisms for the socialisation of immigrant children[89]. The highest echelons of Anglo-Jewish society became actively involved in this enterprise giving of both their time and opening their ample philanthropic purses (Black 1988: 111 ff.). By the beginning of the twentieth century, the Jews' Free School had 4,300 children, making it the largest elementary school in the land. It 'specialized in the Anglicization of the young' (Gartner 1960: 224). By 1902 there were sixteen state schools in the East End of London with a pupil intake which was virtually entirely Jewish. 'Jewish parents displayed no discernible preference for Jewish schools over the State system so far as concerned general education. Immigrant Jewry did not greatly care who made Englishmen of their children…' (Gartner 1960: 231). One telling sign of the success of the wide ranging pressures to Anglicise, both internally from the institutions of the Jewish community and externally from wider society, was the rapid decline of Yiddish in this country. This contrasts strikingly with the vibrant Yiddish culture which existed in North America, particularly in New York, well into the twentieth century (Livshin 1990).

A further project aimed at instilling English mores into the young among the immigrant population was the foundation of clubs and societies by, once more, the concerned rich of the Anglo-Jewish upper classes. Once out of the elementary school system and into work, both boys and girls were to be afforded instruction in the

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[89] See Gartner (1960) chapter VIII 'Education: A Matter of Orientation'.

proper virtues of 'order, self-discipline, thrift and independence' (Black 1988: 137) through the medium of clubs for the 14 to 18 year age group. These clubs founded, supported and run by such luminaries as the Sassoons, the Rothschilds, Claude Montefiore, Lady Magnus and Lily Montagu had a major influence on several generations of immigrant youth. The Jewish Lads' Brigade, modelled on the Christian Church Lads' Brigade, was a prime mover in institutionalising habits of 'honour, cleanliness and orderliness in the rising generation' (Claude Montefiore 1902, cited in Black 1988: 141). The Brigade furnished immigrant Jewish children a conduit for patriotic expression, the final seal of Anglicisation, directing many into the Territorial Army and into miltary service in the Boer War, a course of action of which the Anglo-Jewish establishment fully approved.

Charity work among the immigrants was a further field in which native Anglo-Jewry worked to reduce both the neediness and, incidentally but purposefully, the 'foreignness' of the immigrants. While some institutions such as the Poor Jews' Temporary Shelter provided initial help for immigrants and transmigrants en route to the United States or South Africa, other schemes supported the needy over the longer term. Soup kitchens fed thousands of families, especially during the winters, and organised the distribution of food supplies to the poorest families. The established Jewish community instituted a number of health care programmes. These sought to eradicate illness, to decrease mortality rates, and to raise health standards in the immigrant community, particularly among the young. However, as always:

> Communal public relations constituted the second concern. The established middle-class Jewish community wanted the immigrants to look, feel and act more English. Anti-alienists made negative reference to the supposed sickly appearance of the Jews. […] native Jews also feared that they too would feel the effects if the newcomers aroused anti-semitic feelings.
>
> (Tananbaum 1993: 180)

The Anglo-Jewish aristocracy, the 'Grand Dukes' and *grandes dames,* took their mission very seriously. Their goal of socialising the immigrants, turning them into members of the 'respectable poor', embracing the virtues of self-help and upward mobility, was largely successful. One should, however, bear in mind two points. The first is that a large degree of the changes in the circumstances of the immigrants was effected by developments in capitalism, industry and labour markets in the wider economy and society. The Jewish immigrant trades were not isolated from economic trends elsewhere. The second point to remember is that the socialisation which took place was not achieved without considerable conflict. There was resistance on the part of a significant number of the immigrants to the westernised, 'goyish' attitudes and behaviour of native Jews. This was an aspect of 'established–newcomer' relations which found expression in the sphere of religious observance and authority. Yiddish-speaking, traditionally learned Rabbis, newly arrived from Eastern Europe found the acculturated, centralised religious structure which revolved around the office and person of the Chief Rabbi, unacceptable. They disliked the loss of religious autonomy which 'Adlerism' [90] brought about and decried the imitation of gentile ways which they saw in the Established Synagogue. In one famous (infamous?) incident, the immigrant Rabbi Abba Werner of the rigidly orthodox Machziké Hadass referred to the Chief Rabbi as 'that West End goy'. It is perhaps emblematic of conflicts in Anglo-Jewry that the Machziké Hadass ultimately conceded authority to the Chief Rabbi in certain areas only after a long-running dispute over kosher meat supplies brought them to the brink of financial ruin. The

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[90] The Adlers, père et fils, pontificated over the bulk of Anglo-Jewry from 1840 to 1911. Nathan Adler styled himself and his subordinate clergy on the Established Church, with himself in Episcopal splendour, he kitted out local synagogue 'ministers' in clerical garb and gave them the title 'Reverend'. Rabbi was a title reserved for his office or exclusively in his gift. By the time of the death of his son and heir Hermann Adler in 1911, the autocratic nature of the office of Chief Rabbi was being called into serious question.

ample purse of Samuel Montagu brought them relief in return for recognition of Adler's 'right' to regulate certain matters.

At the end of the day, what Stansky (1995: 163) termed 'that perhaps innocent, certainly powerful, vision of "English people of the Jewish persuasion"' came to dominate:

> The Anglicization of the young was effective, as was probably inevitable with or without conscious effort by immigrant or native Jews. In fact, it was so successful that after 1918 the Jewish communal anxiety was to promote Judaization before its Anglicized generation drifted out of reach.

(Gartner 1960: 240)

The 'Anglicized generation' was drifting metaphorically – towards more secularised and assimilated lives – and geographically away from the East End of London where most immigrant arrivals had first set up home.

'Moving out is a function of moving up' (Alderman 1992: 331)

The short answer to the question of where the 'Anglicizing' or new native-born generation(s) would go is that they went upward in the socio-ecomic scale and onward to more pleasant suburbs of the capital. Even at the beginning of the twentieth century a trend of migration northwards from the East End of London, for example into the borough of Hackney, had begun. As their economic circumstances improved more and more Jews began to move from the area of first settlement. Of particular relevance to this study, Jews began to migrate, directly and via other intermediate boroughs, into the northwestern sector of London, especially the present-day borough of Barnet. This migration was spurred on quite early by the extension of the Northern Line underground railway to Golders Green in 1907. Even by 1910 it is probably the case that only a minority of the immigrants of the previous three decades remained in the first area of settlement. Throughout the 1920s and 1930s the population of Jews in the Northwestern suburbs increased steadily. In the 1930s, these London transmigrants were joined in Golders Green, Hendon and Hampstead Garden Suburb by Jewish refugees from Germany and Austria. Today, Jews constitute one in six of the population of the London Borough of Barnet.

2.8 Modernity and secularization

The hallmarks of modernity, of post-Enlightenment thinking are 'a belief in science and in the powers of rationality… for religion, this meant a smaller place in the world' (Billig 1997: 1). There are a number of characteristics of modernity which are relevant to our analysis of the *eruv* case study. As Rippin (1993:12) expresses it,

> At its simplest level, it might be said that modernity is that which renders the past problematic. Notably (and this is what makes this definition so significant), once tradition – the past – has been questioned and examined, there is no going back. The ideas of the past... can never have the same weight again, even if the challenge of modernity is ultimately rejected.

There has been a long tradition of sociological research into the 'social significance' of religion and secularization from the 'founding fathers' of sociology, Marx, Durkheim and Weber, to more recent explorations such as Hurd (1986) and Bruce (1996). However, many feel that these sociological analyses have been singularly unable to give adequate shape or meaning to this important and complex social phenomenon. Thus, both religion and the secularization thesis remain contentious areas of debate in sociology.

Nonetheless, both the early sociologists, developing the ideas of the *Philosophes* and the Enlightenment, and more contemporary writers argue that societies progress through stages in which religion would eventually be replaced and where belief in the supernatural gives way to rationality. In contemporary Western societies, it is claimed that we have witnessed an acceleration of these processes in what Wilson, and others, have called secularization. Wilson termed secularization 'the process whereby religious practices, beliefs and institutions lose their social significance' (Wilson 1969: 14). More recently, sociologists (including Wilson himself) have updated and refined this definition using new concepts such as *internal secularization* and the *secularization of religion* (Hurd 1986). However, at its most basic level, the idea of secularization still ultimately suggests the disappearance of religion. A number of explanations for this eventual secularization of society have been offered: Marx claimed religion would disappear as class consciousness developed, while Durkheim suggested that the increasing integration of society would have a similar effect on religious practices. However, the most plausible

explanation, and the one most frequently mentioned, e.g. by Billig (1997), attributes secularization primarily to the rise of science and its effects upon our understandings of the world (Bruce 1996: 48–52), an idea closely linked to Weber's notion of rational thought. Indeed, as Bruce argues:

> We can readily see how a world of rationality is less conducive to religion than a traditional society. Everything is seen as potentially improvable. Everything can be made more efficient...We live in a world of timetables and calendars which allow us to record appointments for next year. Very few of us expect a sudden invasion of the supernatural.
>
> (Bruce 1996: 48)

It seems then that, for most commentators, religion is doomed to social insignificance because the processes of secularization, however conceived, are seen as inevitable.

The Wilson Secularization Thesis

At this point, it is worth reviewing the specific components of the secularization thesis, as presented by Wilson (1966) who remains perhaps the most influential exponent of the theory. There are three key points in Wilson's thesis:

1. With regard to institutional participation, among Christians in Britain there is significant evidence of a dramatic decrease in church attendance. Jews' attendance at synagogues has been in decline for several decades.

2. As for institutional religion, no longer is religion a powerful social force: there is much evidence of disengagement and disaffection with the traditional church. In this country synagogues have suffered as a result of prolonged episodes of public hostility between the 'denominations' which has alienated many in Anglo-Jewry.

3. The increase in religious pluralism, symbolised by the dramatic rise of sects and cults, is cited by many writers as proof of the erosion of generalised religion for the whole of society, as is the argument that religion no longer provides transcendental and universalising laws for living. Rather than demonstrating a widespread continuing religious commitment, Berger suggests that: 'The vitality of sects is evidence of a secular society... a last gasp attempt to transcend reality'

(Berger 1973). Nor does Berger see evidence of religiosity in the proliferation of choice in contemporary religion: 'We choose the Gods, rather than the Gods choosing us' (quoted in Bruce 1992).

However, despite the usefulness of Wilson's concept of secularization as an analytical tool, there has never been real consensus about the concept. Some critics dispute the 'unreliable' statistics that Wilson (and others) use, e.g. on church/synagogue attendances. There are, as well, serious definitional problems as to what really constitutes religiosity and secularization (Hamilton, M.B. 1995: 165–182). Furthermore, can secularization be measured mainly by reference to British Christianity, as in Wilson's work? Finally, there is a particularly pertinent point: the national, regional, ethnic and social class differences in the role of religion make it necessary to relate theories of secularization to specific countries and social groups. It is in this vein that the weaknesses of most theorising about secularization become apparent. Most of the foregoing research and analysis into secularization is strongly ethnocentric, being measured primarily by the experience of Western Christianity.

A satisfactory analysis of the *eruv* and of Jewish communities demands that we combine a more subtle appreciation of the secularising forces of modernity and the dynamic contours of identities. [91] The *eruv* case raises two interesting points in this respect. One is that an *eruv* is part of a 'traditional', pre-modern cultural system and is today an anachronism. Another is that the supporters of the *eruv* are not, like some sects, 'world-rejecting' but, on the contrary, in present terms of education, professions and religious institutional affiliation, they are very much part of the contemporary world. However, they may be in the process of increasing separation from it if only, in the first stage, by 'compartmentalising' aspects of their lives. Some theorists would see in this ability to compartmentalise aspects of experience and understanding a rejection of consistent, overarching narratives about the world, a foreshadowing of a post-modern stance. Post-modernity and post-modern identities are discussed more fully in chapter 3.

Does the desire then for the *eruv* in North London offer evidence for or against the secularization thesis? I would suggest that the evidence is ambiguous. Let us begin by looking for ways in which the *eruv* may offer evidence of secularization. If the *eruv* does not demonstrate strong religious commitment, what other

explanation could there be for its appearance in London in the 1990s? Two explanations for religion's persistence in contexts of secularization are found in the concepts of 'cultural defence' and 'cultural transition':

> the account... of secularization... suggests a very broad principle: modernization generates secularization except where religion finds or retains work to do other than relating individuals to the supernatural... We might say that religion diminishes in social significance except in two broad contexts... cultural defence and cultural transition.
>
> (Bruce 1996: 62)

The cultural defence case, as argued by Bruce (1996: 99ff.) is that, in situations of conflict between communities of different religions, then religious practices may find a role in maintaining cultural identity. He cites the example of the role of the Roman Catholic religion in the assertion of Polish identity and nationalism. In our study, Anglo-Jews are not threatened by another religious group. They are threatened by secularization and assimilation. An attempt to explain the *eruv* based upon the concept of cultural defence against another religious community will prove to be too one-dimensional to represent the more complex situation of the Jews in this country. Furthermore, contrary to other cases of cultural defence cited by Bruce, such as the Afrikaners (1996: 99–100), Anglo-Jewry is under no comparable *external* threat, but is remarkably secure and settled. We have already noted that, since the 18th century, Anglo-Jewry has displayed a high degree of assimilation to British cultural norms and values, as expressed by its dominant communal institutions.

With regard to cultural transition, the situation of contemporary Anglo-Jewry is different to that of, say, immigrants in the U.S.A. In presenting his argument, that religion plays a role in managing change, Bruce relied heavily upon Herberg's (1956) work *Catholic-Protestant-Jew*. Herberg maintained that the assertion of elements of their Jewish religious identity helped immigrant Jews through the disruption of the transition from one culture to another occasioned by their immigration to America. While many Anglo-Jews are immigrants, and most are ultimately the descendants of immigrants, there has been a Jewish population well established here for over three hundred years. The Jewish immigrants of the period

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[91] The part played by secularization in the overall *eruv* issue is discussed further in chapters 8 and 9.

1881–1915 found an established Anglo-Jewish community with strong institutions which rapidly absorbed the newcomers into Anglo-Jewish ways. Among the immigrant Jews, outward signs of difference, such as the use of Yiddish, declined far more rapidly in this country than in the U.S.A. Immigrant Jews to this country made the cultural transition by abandoning Jewish ways for Anglicising modes of life. Resistance to this was limited to a small minority. However, while Bruce's argument and model of cultural defence may not fit contemporary Anglo-Jewry, his argument about cultural transition only fails in terms of applicability to the historic immigration of Jews to this country. There is no doubt, as is pointed out in several places in this thesis, that Anglo-Jewry is presently undergoing major transformations which affect culture, religion and identity. The contemporary desire for an *eruv* must be understood in the context of a community experiencing significant change. If the desire for the *eruv* does not offer evidence of religious commitment arising out of genuine religious faith and renewed belief, it may be part of a strategy for managing cultural transition. The discussions of contemporary secular and religious identities in subsequent chapters will throw light upon the possible outcomes of such cultural transition.

In looking to the *eruv* issue as evidence *against* secularization, one might well ask the question why would some Orthodox Jews demand the building of religious structures which involves expensive, time-consuming alterations to the physical landscape, in the face of concerted opposition, if there was not deep, even increasing, religious commitment on their part? In reply, I would first point out once more that, in fact, Anglo-Jewry has no significant history of deep religious commitment:

> If, since the resettlement [1656], Anglo-Jewry has always been secular in the sense that the majority held a comparatively disenchanted view of the world, it has also always been secular in the sense that religious norms and spheres of action were differentiated from secular norms and spheres of action.
>
> (Sharot 1971: 128–9)

It has also been noted that the Jewish community is quite *divided* over the *eruv* issue: 'One of the initial, most striking qualities about the opposition was the high number of Jewish people actively involved' (Cooper 1996: 530). Further, for many in the Jewish community the *eruv* is not regarded as embodying any religious or spiritual meanings.

Despite some debate over the details of secularization theories, the substantial decline of the conventional, institutional religion of the past in the everyday lives of people in this country is indicated by virtually all research findings. Today in the Western world there are relatively fewer active and committed religious people than in previous centuries. Yet religion rarely sparks hostility, it is normally regarded with indifference. Active humanists or atheists are even fewer in number than active religious people. Why then did the eruv proposal not meet with indifference?

This chapter noted early on that the *eruv* was perceived as threatening. It went on to survey the long history of Jews in this country and aspects of their relations to the non-Jews around them. This historical overview showed that the Jewish population has, over centuries, become substantially integrated in the larger non-Jewish society and is affected to a large degree by the same social changes as the rest of society, including increased secularism. This posed some interesting questions about why the *eruv* should appear in such circumstances, and we have explored possible explanations. But it has not explained why the *eruv* should appear to be a threat to members of a society in which Jews and non-Jews are both increasingly indifferent to religious matters. The following chapter looks at space, place and identities to continue our exploration of why the *eruv* was perceived as a threat and aroused opposition among Jews and non-Jews alike.

CHAPTER THREE

Space, Place and Identities

3.1 Introduction:

> There is an invisible barrier around a part of London that designates it as
> NW4. That designation is of significance if you post a letter but of no
> significance if you use a fax or telephone. The *eruv* is of as little significance
> to a non-sabbath-observer as NW4 is to someone who never posts a letter.
> The erection of a structure around the community is of significance to those
> of us that want it, but it is of no significance to anyone else, it has no effect
> on anyone else, either negative or positive.

(Interview: Mr Da Silva)

This chapter sets out to examine why the interview extract with which it opens – an
apparently reasonable and logical assessment of the impact of the proposal to build
an *eruv* – was so wide of the mark. The first main section, **3.2**, discusses problem
inherent in too abstract a view of space, a view which empties it of human agency,
leaving a landscape devoid of social actors. Humanistic interpretations are
introduced through a review of the work of Yi-Fu Tuan. Section **3.3** looks at two
case studies both of which involved conflicts over the designating or naming of
places. Further empirical study is reviewed in the next section **3.4**, in which Max
Farrar's detailed study of Chapeltown is used to highlight the ways in which socially
constructed knowledge of places, or identification *of* places, is linked to
identification *with* places. **3.5** takes a look back to the case studies cited earlier in
section 3.3 and seeks to uncover what lay behind the specific conflicts described.
The Hampstead Garden Suburb is the focus of section **3.6**. In this place, we
witnessed the most concerted and heated opposition to the *eruv*. The suggestion is
put forward that the reason for this may lie in the identification by some residents of
that place with an imagined Englishness constructed in large part from a 'scenic
essence'? That Englishness is virtually indistinguishable from 'whiteness', the
hegemonic dominance of which is scrutinised by Hesse (1997).

3.2 Interpreting space

Among sociologists and geographers, discussion of 'space' has often been confused, sloppy, tautologous, circular and unhelpful (Farrar 1997: 106). Part of the reason for this situation has been the highly abstract nature of the discussions. As David Harvey [92] saw it:

> ... the problem of the poorer conceptualisation of space is resolved through human practice with respect to it. In other words, there are no philosophical answers to philosophical questions that arise over the nature of space – the answer lies in human practice. The question 'what is space?' is therefore replaced by the question 'how is it that different human practices create and make use of distinctive conceptualizations of space?'

Thus, Harvey is committed to seeing space in relational terms. Space exists in objects, events and agents to the extent that it represents relations between these phenomena. For geographers as well as sociologists, the analysis of space has come to focus less on its abstract geometries and more on relations such as 'class', 'race' and 'gender' which are inscribed in and partly constituted through its places and landscapes. Spatial analysis is social analysis and vice-versa (Gregory 1994). The work of Gregory and Harvey was influenced by the French Marxist philosopher Henri Lefebvre (d. 1991). Lefebvre's work [93] explored the social production of space. Lefebvre's complex ideas, critical of structuralism and structural Marxism, led him to propose a concept of socially produced space, at once both mental and material. In tracing the development of capitalist space, he added to the Marxist interpretations of the 1960s and 1970s by identifying the *violence* of capitalist modes of production of space and the inscription on social space of *masculine power*. In doing so, Lefebvre's work reveals the politics of the production of space. In this chapter the insights of Lefebvre into aspects of power will be seen, for example, in the issue of territoriality in the Hampstead Garden Suburb, in which power in the form of a white hegemony is exercised through, *inter alia*, forms of surveillance.

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[92] Cited in Gregory (1994)

[93] Especially *Everyday Life in the Modern World* (1971) and *The Production of Space* (1991).

Another French theorist whose work has contributed much to understanding power and surveillance is Michel Foucault (d. 1984). Foucault's seminal studies[94] of institutions showed how spatial formations can be created with the particular intention of controlling or directing behaviour. A space like the Hampstead Garden Suburb is particularly susceptible to interpretation in terms of Foucault's ideas of, for example, discipline and surveillance. The Suburb is rigidly controlled and policed in terms of preserving its physical features, thereby curtailing certain modes of behaviour. Surveillance is ubiquitous but largely covert, 'there's something going on that you don't know about' (Annette Bentley referring to the film *The Stepford Wives* and comparing HGS to the town of Stepford). It is also a focus of conflict with anonymous telephone calls to the Suburb Trust Manager denouncing other residents (*Omnibus*). The layout of the Suburb, physically dominated by the highly ideological institutions of the church(es) and school, reflects hegemonic class power relations, as does the spatial segregation of 'artisans' and domestic servants homes from the other residences of the Suburb.

In subsequent sections of this chapter I have sought to avoid the shortcomings of the overly abstract by concentrating attention on illustrative concrete examples of 'spatial practice'[95]. My intention is to try to achieve 'an empirical focus on the precise mechanisms by which a territory acquires social definitions' (Farrar 1997: 108).

This can be seen in humanistic interpretations of space: space is lived and experienced by the social actors inhabiting it.[96] An early exponent of this school of thought was Yi-Fu Tuan.[97] In his concept of 'place', Tuan gave a coherent account of the ways in which the symbolic significance of particular locations are part and parcel of the construction of a sense of, and an identity with, spatial locations arising

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[94] I am here thinking of *The Birth of the Clinic* (1975) and *Discipline and Punish* (1977). However, his three volume *History of Sexuality* (1980–88) would be relevant too. I have read only selections of the works by Lefebvre and Foucault, both of whom I find difficult to comprehend without the aid of secondary literature as commentary and guide.

[95] Taylor and Evans (1996) 'did not want to assume that matters of local cultural understanding could be settled purely within theory… the capacity of local (and other) actors to resolve unevenness of economic fortunes or social experience – or to make sense of the unprecedented contemporary character of change in these cities [Sheffield and Manchester] – was in some important sense an open "empirical" issue, which sociological observers ignore at their peril (pp. 14–15). Using Raymond Williams' notion of the 'structure of feeling' about place, they argue that 'the definitive cultural character of any one social formation could best be grasped in the examination of the routine and taken-for-granted "social practices" that characterised that social formation' (*ibid*.).

[96] See Appendix B for a more extended discussion of humanistic interpretation.

[97] Tuan (1974).

from living and associating with them. He notes that place has two senses: position in society (status) and location in space. The two senses often overlap. In Tuan's scheme, 'places' (not in the sense of status) are generally small scale locations, though this is merely a contingent feature of most common usage of 'place', not an essential attribute. For Tuan, 'Place … is more than location and more than the spatial index of socio-economic status. It is a unique ensemble of traits that merits study in its own right' (p. 445)[98]. He explores how places are invested by social actors with attributes which carry greater emotional charge than descriptions of location or function. Places have a 'spirit' or exhibit 'personality'. Thus, some places are sacred, commanding a sense of awe; others have personality by being unique in their physical attributes, whether natural or wrought by human effort. Places evoke reactions in persons. There is a wide range of these. Affection may be generated by long association and familiarity, or by memory of special events: the place where one was born, childhood holiday haunts, one's old school, the honeymoon resort. Similarly moral panics can be generated around place: the Leeds district of Chapeltown (discussed below), at a time of black settlement, became characterised by terms such as 'mecca of vice', 'red light' 'muggers' (Farrar 1997: 114). It is the assigning of such moral and aesthetic judgments to places which creates for social actors 'a sense of place':

> … one can have a sense of place, in perhaps the deeper meaning of the term, without any attempt at explicit formulation. We can know a place subconsciously, through touch and remembered fragrances, unaided by the discriminating eye. While the eye takes in a lovely street scene and intelligence categorises it, our hand feels the iron of the school fence and stores subliminally its coolness and resistance in our memory. Through such modest hoards we can acquire in time a profound sense of place. Yet it is possible to be fully aware of our attachment to place only when we have left it and can *see* it as a whole from a distance.
>
> (Tuan p. 446–7)

Tuan seems to be suggesting here that memory plays an important part in generating a 'sense of place'. This is borne out in accounts of migrants who return to countries

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[98] Page references are to the 1996 reprint of Tuan's article in Agnew *et al*.

which they left long before. In the course of decades, often the most creative and productive decades of a migrant's life, the place of origin undergoes processes of change. There is often a profound sense of disorientation when a returnee revisits remembered sites. The place has changed, the people have changed, the sense of connectedness is undermined. For many migrants, the sense of 'belonging' (somewhere) which is an important part of the project of identity, is challenged. The realisation of the reality of the 'myth of return', i.e. that return to what was known and familiar, where one felt one belonged, is not possible after all, is profoundly disturbing.

In his analysis of place, Tuan identifies two types of place. One he terms 'public symbols'. These are relatively easy to discern as they are places, especially buildings, which are visually prominent: the Houses of Parliament, Chartres Cathedral, Stonehenge, Ayer's Rock and the Gateway Arch in St Louis representing good examples. Even cities can be public symbols; Tuan cites Oxford and Kyoto as examples of places which enemies held back from attacking in wartime: the outsider's recognition of the cultural and symbolic significance of those places being a defining characteristic of such places. Few places are as long enduring as, for example, Ayer's Rock. Like that place, which dominated the mythical and visual landscape of the aborigines and continues to draw modern tourists to wonder at it, places which do endure speak across cultural differences to all humanity. Monuments, cities, works of art organise space, allowing social actors to invest it with meaning (p. 450–1). The planned physical layout of the Hampstead Garden Suburb, especially its dominant monumental centre piece buildings, Are, in my estimation, good examples of what Tuan is alluding to here.

Tuan's second category of place is the 'field of care'. Unlike the public symbol which is known from without, fields of care carry few signs and are known in essence only from within (p. 451). Social actors establish fields of care in physical locations through the operation of networks of interpersonal concern. Personality depends upon at least a minimum of material possessions, including intimate space. The giving of objects, and the sharing of intimate space, express bonds of affection. Thus, emotions felt among human beings finds expression and anchorage in things and places, though the relationship between interpersonal ties and space is complex. Part of the complex of ways in which fields of care are established is by 'habit fields'. Repetition, familiarity, the mundane functional patterns of life establish a

sense of place. When established, we move in it comfortably with the minimum challenge of choice (p. 451 ff.). Later in this thesis, a claimed (and disputed) 'sense of community' felt by some residents of the Hampstead Garden Suburb is described. That, I think, reflects Tuan's ideas described here.

In Farrar's study of Chapeltown, the concept of the 'neighbourhood' is invoked to express the (positive) sense of quality of the social relationships established. Neighbourhoods are a field of care. As Tuan (p. 453) notes:

> Planners may believe an area to be a neighbourhood, and label it as such on the ground that it is the same kind of physical environment and people come from a similar socio-economic class, only to discover that the local residents do not recognise the area as a neighbourhood.

A sense of place is often acutely evoked when absent from it, as in the case of feeling 'homesick'. The threat of losing one's place can arouse strong feelings. 'We organise our lives around spatial routines and territorial divisions … which underwrite ideological divisions between classes, groups and regions' (Shields 1991: 47).

> Residents not only sense but know that their world has an identity and a boundary when they feel threatened, as when people of another race [*sic*] wants to move in … Identity is defined in conflict with others … We owe our sense of being not only to supportive forces, but also to those that pose a threat. Being has a centre and an edge: supportive forces nurture the centre while threatening forces strengthen the edge.
>
> (Tuan pp. 453–5).

3.3 What's in a name?

With Tuan's remarks about threatening forces in mind, I shall now look at two instances of conflict concerning how specific areas/places were to be known. The first arose over the decision by a group of councillors to apply a particular designatation to their borough which proved highly controversial. This conflict bears some superficial similarities to the case of the *eruv*, in that it involved the marking of boundaries and, as will be explained, seemed devoid of utilitarian justification.

In the 1980s the Councillors of a Labour-controlled London borough declared the borough to be a 'nuclear-free zone'. The borough council placed prominent signs on roads at the borough boundaries proclaiming this status. Political opponents and local taxpayers objected to this action on a number of grounds, including the allegation that the action was an inappropriate expenditure of local revenue.

What did it mean to claim that the borough was a 'nuclear-free zone'? The local authority could not control the movement of nuclear material on the roads of the borough, nor on the railways. The borough was overflown by aircraft en route to Heathrow Airport and the council would have had no particular knowledge of, or control over, the transport of nuclear material through 'its' airspace. To my knowledge, neither military nor medical bodies who might use radioactive materials routinely inform local authorities of movements of such material, nor can local government agencies compel them to do so. It would seem, then, that the public proclamation of an area as a nuclear-free zone has no tangible, practical consequences vis-à-vis nuclear materials. On the face of it, the actions of the local politicians in this case would seem to have been pointless. However, as the discussion in this chapter develops, it will become clear that the action of declaring a nuclear-free zone was replete with important symbolic resonances.

The second particular instance of conflict over how places are to be known is described in a detailed case study of what has been termed 'naming as norming', Berg and Kearns examined how 'the process of naming places involves a contested identity politics of people and place' (1996: 99). In showing how 'place-names are part of the social construction of space and the symbolic construction of meanings about place', they argued that the power to name assists in the legitimation of the dominance of hegemonic groups:

> The naming of places is a key component in the relationship between place and the politics of identity in contemporary societies. In this sense, *naming* is a sense of *norming*. Names are part of both a symbolic and a material order that provides normality and legitimacy to those who dominate the politics of (place) representation.
>
> (*ibid*. emphasis in the original)

Colonising powers generally reserve to themselves the power to name places. For example, over the past four centuries on the continent of North America, native American place names have largely been superseded by place names imposed by the European colonisers, mainly English, Spanish and French. The English conquest of Ireland was completed by the cartographic erasure of its earlier identity: '… to crush the losers' national spirit invaders violate the vanquished locale […] the British Ordanance Survey's mapping and renaming of Erse features was a campaign of calculated rapine...''(Lowenthal (1994: 17). As Berg and Kearns (1996: 103) noted:

> many geographers have argued cogently that places and landscapes are key aspects of group identity As signifiers of place, place names can evoke powerful emotions within individuals and groups, and they thus 'conform to the most classic definitions of symbolism'. In their ability to transmit symbol, image, and meaning, they are an integral component of the 'iconography of landscape'.[99].

More recently, Zionist settlers in Palestine, and latterly Israeli governments, have 'Hebraised' place names which had been established for centuries, in some cases when the non-Jewish population had been displaced, in other cases where populations lived under occupation. Former colonial possessions of European powers have also given tangible symbolic expression to their independent status by changing place names, even the names of states, to accord more with local usages and to reflect new local configurations of power. This action is an integral part of state formation. 'Naming places is thus implicated in the ideological processes involved in the formation of what Benedict Anderson (1983) has called "imagined communities".'(Berg and Kearns 1996: 100).

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[99] I have omitted a large number of references cited here by the authors in their text. These are not strictly relevant to my use of their argument.

Berg and Kearns' case study looked at the identity politics involved in deciding whether a region in New Zealand (itself a contested place name, otherwise known as Aotearoa) should continue to bear place names given to it by the inhabitants of European descent or whether its Maori names should be reintroduced as officially recognised designations. The Maori, who are of Polynesian origin, had inhabited 'New Zealand' for at least five centuries before Europeans first 'discovered' the islands. In the eighteenth century James Cook circumnavigated the islands, assigning English place names to prominent coastal features and to the 'natives' whom his expedition encountered. Thus both the landscape and its inhabitants were incorporated 'within the rhetorical ambit of a white geo-historical discourse'.[100] In time, as Maori land was seized, English place names were given as part of the process of legitimating the colonisation. Over time, the ascendant hegemonic group, white European settlers and their descendants, 'wrote' onto the landscape the symbols of their dominance, the place names. This was an significant aspect of the making of identity through cultural (re)production: 'place-names are important signifiers of meaning, providing symbolic identity to people, place and landscape (Berg and Kearns 1996: 118). However, in recognising the important point made by Berg and Kearns, we should not overlook the problematic nature of the post-colonial reconstitution or 'making' of identities by indigenous peoples. The claim of reconstituting an identity may well be, in fact, collusion in the 'invention of tradition' by others. Post-modernists engaged in making transparent the processes by which identities such as that of the Maoris come to be made, harbour in their analyses a connotation of falsity in those indigenous identities.[101]

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[100] Carter, P. (1987) The Road to Botany Bay: An Essay in Spatial History, London: Faber and Faber, p. 328, cited by Berg and Kearns (1996: 107).
[101] Friedman (1994: 139) cites the work of F. Allen Hanson on the Maoris.

3.4 Maps, local knowledge(s) and imagination(s)

Somewhat closer to home, a study by Max Farrar (1997) of the inner city area of Leeds known as Chapeltown discusses important issues relevant to understanding the relationships between place and the social construction of identity.

At the outset Farrar uses a concrete example to demonstrate the socially constructed nature of knowledge about a place. He notes how there is a gap between the knowledge of where Chapeltown is according to maps, and its location according to local knowledge. When Farrar compares maps – those 'strictly funtional systems for the factual ordering of phenomenon in space' he discovers that there is a difference in the precise location of Chapeltown according to the scale of the maps in question. In some cases the difference widens to the point where Chapeltown may, or may not, exist depending on the scale of the map (pp. 104–5). Importantly, the abstract functionality of maps breaks down when confronted with local knowledge. 'If you can find the name [Chapeltown] on a map you go to a different place from that dictated by local knowledge' (p. 105). For all our claims of scientific accuracy in modern mapping, the location of Chapeltown is a function of human imagination. Abstract geometry gives way to social construction.

Farrar analyses those mechanisms which operate to give social meaning and identity to Chapeltown. He notes that over time there have been 'contrasting representations … inextricably linked with the settling in the territory of migrants' (p. 110). Farrar's first excursion into the mechanics of generating social meaning is by recourse to a novel published in 1929. The novel is set in a fictional middle class suburb, 'Button Hill', but Farrar asserts that the streets of today's Chapeltown are readily identifiable in the text. The life of the suburb between 1880 and 1914 is depicted as 'deeply at ease with itself, conscious of its mission to establish in "Button Hill" all that is to be admired about the values and lifestyle of its class' (p. 111). By the end of the novel, the account of suburb life had reached the year 1920 and the author 'had established the idea that Button Hill was an area in which 'neighbourly' social relationships were actively created…' (p. 112). The suburb is a territory which, particularly through the extensive production of bourgeois housing, is politically constructed, reflecting both material and ideological aspirations. The beginning of the decline of the suburb is depicted by the author's use of spatial imagery. A creeping invasion moves into the roads of the suburb, house by house. A

number of large houses become converted into workshops producing ready-made clothing. As if the identification of the ready-made clothing industry were an insufficient signifier of the nature of the invasion, the author helpfully directs the reader with the observation that another dwelling had become 'a Jewish maternity home' (*ibid.*).

A newspaper article about Chapeltown from 1956 is Farrar's second point of reference. In this journalistic account, the author describes the Jewish shops, clubs and synagogues of the area. Farrar comments: 'the Jewish presence is visibly established in its built environment … its presence, architecturally encoded in the territory called Chapeltown' (Farrar 1997: 113). Thus (p. 114):

> Chapeltown is described […] in terms which heavily rely on the readers' ability to imaginatively identify with, and abstract meaning from, the shape of its buildings and the uses to which they are put.

Furthermore, in both novel and newspaper article, this Jewish presence in Chapeltown is 'other', 'alien' and 'a cause for concern' (p. 113).

> … both accounts [novel and article] are predicated on an 'us' and 'them' binary opposition – a self'–'other', 'inclusion'–'exclusion' categorisation – which is presented in such 'taken-for-granted' terms that we are justified in assuming that this is a structuring category for the authors and, presumably, for the majority of their readers. With the advent of a novel and journalism about Chapeltown, we have texts which allow us to analyse the construction of representations of the residents and the territory, crucial moves in the social production of the area called Chapeltown.

Farrar draws attention to Rob Shields' analysis of the ways in which places come to be 'known'. 'Places are referred to metaphorically … place images are generated through over-simplification, stereotyping and labelling' (Farrar 1997: 108).[102] Reference to Shield's book informs us that by over-simplification Shields has in mind the reduction of the character of a place to a single trait; in stereotyping, a single trait or multiple traits is/are amplified; lastly, labelling attributes to a place a particular nature (Shields 1991: 47).

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[102] Farrar's reference is to Shields (1991: 46–7).

Thus we see clearly that various forms of human interventions shape landscape. The interventions may employ direct means such as building burgeois houses, converting houses to industrial use, establishing distinctive ethnic/religious sites, such as shops or synagogues. The shaping may also take an indirect form such as the deployment of discourses – an exercise of the imagination – which (re)constitute the knowledge of a place, such that 'sites become associated with particular values, historical events and feelings' (Shields 1991: 29).

We live very much in a world of places which we perceive as 'real' or 'everyday', what can be called our 'taken-for-granted world'. We inhabit its places and its mundane experience is central to our social lives, guiding and constraining action. This taken-for-granted, everyday lifeworld is creative, not passive. In particular, the production and reproduction of social life involves the constant engagement with constellations of power in which the spatial is an important dimension. One aspect of this is territoriality – and especially the operation of hegemonic systems – which becomes visible in the analysis of conflict over space.

3.5 Turf wars

The designation of a London borough as a nuclear-free zone was an exercise of power. As I noted earlier, on the face of it, the actions of the local politicians in declaring their zone would seem to have been pointless. In the absence of detailed research into that particular case, any conclusions concerning what lay behind the action are bound to be speculative. However, if one views the action of declaring a nuclear-free zone in the context of the politics of the time, the possibility that it represented for some an important symbolic exercise of resistance is plausible. In 1979, a right-wing Conservative administration had assumed national power in the United Kingdom. This Conservative government had a clear majority in the House of Commons, which increased after the 'landslide' victory in the General Election of 1983. For the political left, including the Labour Party, most of the 1980s saw them marginalised as a national force. Only at a local level was there an opportunity to exercise power, a fact which central government did not fail to appreciate. Legislative measures intended to curb the power of local authorities were enacted in the early 1980s. Additionally, ranged against the political left was a powerful popular press which generally supported the Conservative government. Left wing local authorities were frequently parodied as the 'loony left'. One of the issues which called forth such attacks was the nuclear issue. In the face of the proposed acquisition of expanded nuclear weapons inventory by the British government – the Trident missile programme and the positioning of American cruise missiles on British bases – the left engaged in political actions to try to win over public opinion to its views. One of these actions was the 'women's peace camp' at the Greenham Common airfield, a long-term demonstration against the presence of cruise missiles there. Another political act was the declaration of nuclear-free zones by left-controlled local councils. Although ineffective in many practical aspects, supporters presumably believed that these declarations had symbolic value in the political realm, perhaps by raising morale among the government's opponents, demonstrating the left's political control over local areas and thereby reminding the Conservatives of that constituency of opposition. In the wider context of growing public unease over the risks of pollution of the environment generally, supporters may have have hoped to generate some public sympathy for the left's 'greener' agenda. In any event, nuclear-free zones became a major target for attacks by the right-wing press.

In Berg and Kearns study of place naming in New Zealand, it is even less clear what is taking place. A critical post-modernist analysis, in attempting to lay bear the social processes involved in the negotiation of place names, and in particular the operation of hegemonic forces, might well view the entire process as sham. There is no doubt which group exercises hegemony in New Zealand. Negotiation between the European-descent government and its agencies on the one side, and Maori groups on the other, is a process involving significant inequalities of power. The dominant group, in permitting concessions to another group, could be viewed as exercising its hegemony. Furthermore, the criticism has been levelled at the Maoris that they have succumbed to European myth-making, having acquiesced in the construction of a Maori past which is, to a significant degree, an invented tradition created by the European 'other'.[103] A Maori identity (re)constituted in part through the 'official' recognition of Maori place names may well be the achievement of the opposite of that which it is claimed is achieved.

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[103] See n. 3 above.

3.6 Hampstead Garden Suburb: *English hegemony denied*

The Hampstead Garden Suburb is the curious progeny of the Garden Cities movement and the patronising social reformist ideas of Henrietta Barnett, wife of Samuel Barnett, the Warden of Toynbee Hall. When not busy with their charges in the East End, the Barnetts would retreat to their weekend home in Hampstead. In 1896, plans were published to build a station of the London Underground system close to their home. Henrietta led a major campaign to stop the development. As a result of the campaign, the London County Council purchased eighty acres of land, now known as the Hampstead Heath Extension, and development of the station was halted part way through construction (Hall 1996: 102). No houses could be built on the newly extended heath.

During this episode, it seems that someone suggested to Henrietta Barnett that a garden suburb be developed in the Hampstead area.[104] In 1907, a further purchase of 243 acres permitted the establishment of a Trust to undertake the construction of eight thousand houses. The physical features of the Suburb were impressive. The housing stock which was eventually developed was of high quality. The style of many of the houses and of the shop developments on the Finchley Road was 'quasi-Teutonic' (Hall 1996: 124), one of the principal architects – Unwin – having been influenced by his travels in Germany. A greater proportion of land was devoted to open spaces and to gardens than to roads, against the conventional development wisdom of the time. With covenants prohibiting commerce and industry operating in the suburb, and requiring hedges – rather than walls or fences – as the dividers between properties, substantial parts of the suburb developed a genteel, semi-rural appearance. Only in the centre, at the highest point, did village cosiness give way to grand flights of fantasy. Here we find one of Tuan's 'public symbols': the Central Square. This is dominated by three grand public buildings by Lutyens. These are a spire-topped Anglican church, a domed Non-Conformist church and the Hampstead Garden Suburb Institute, an educational establishment. Thus the Suburb plan embodied the personal aspirations of its progenitor: the creation of village idyll, with religion and reason at its heart. The Central Square is now a little frequented space, having lost a large measure of its cultural matrix through the

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[104] Given her husband's network of connections to a circle of reformers which included Patrick Geddes, there would be a large number of candidates who might have first suggested the idea of the

decline of public attendance at church services. 'England is no longer the sort of place in which the only religious building that truly fits into a quiet suburb is an Anglican church – a building that always seems architecturally appropriate and, given Anglican attendance figures, has the added advantage of causing very little traffic' (Trillin 1994). Just as the geographical focal point of the Suburb is no longer the focal point of human interaction, so the claimed social reformist intentions of the Suburb were never realised. The poorer classes, the 'artisans', were soon priced out of what rapidly became an exclusive and desirable dormitory suburb of middle and upper class Londoners.

Despite several centuries of immigration, including Irish and Jewish, the England of Henrietta Barnett's day was not conscious of being other than 'mono-ethnic'. The Hampstead Garden Suburb may have been a place in which it was intended that the classes should mix, but those classes would have been white, English and christian. Within a few decades, 'the Suburb' as it came to be known, was:

> 'afflicted with the affluent' – it had attracted more than its share of nonbelievers and Quakers and the sort of residents who are sometimes described broadly as 'people in sandals'.
>
> (Trillin 1994)

The Suburb's physical appearance is rigidly policed in order to maintain the 'rural idyll'. This was well illustrated by comments made in the B.B.C. *Omnibus* programme about the Suburb broadcast on 7 July 1997. [105] Christopher Kellerman, the Hampstead Garden Suburb Trust Manager remarked that 'Some think the Trust is far too lenient, or lives in the Dark Ages, trying to preserve the Suburb in aspic… We get numerous anonymous phone calls saying do we know that so-and-so is happening'. In the same programme Lord McGregor of Durris, a long-time Suburb resident called the Suburb 'a nasty, stuffy, suburban-looking place' which was controlled by 'tiresome regulation – but essential if you are to preserve the character of an area'.

Hampstead Garden Suburb to Henrietta Barnett (see Meller 1990).
[105] A video recording of the broadcast is appended to this thesis (Appendix A).

To judge from the comments made by residents in the *Omnibus* broadcast, the 'character' of the Suburb is contested to a greater extent than one might expect, given the degree of regulation both of landscape and of residents' conduct. The arrival of the *eruv* proposal was viewed as running entirely against the 'spirit' of the Suburb. Given the idyllic, rural physical face of the Suburb, one wonders with what 'spirit' this can be associated?

> [It's a] freaky place… reminds me of that film *The Stepford Wives*; there's something going on that you don't know about.
>
> (Annette Bentley: *Omnibus*)

There has been, to my knowledge and that of my informants (including the officers and management of the Hampstead Garden Suburb Trust) only one detailed social study of the Suburb. This was undertaken in April 1970 by Shankland Cox & Associates for The New Hampstead Garden Suburb Trust Ltd. The report, produced a year after the fieldwork, is referred to hereafter as Shankland Cox (1971). A total of 283 household questionnaires were completed. The consultants' report (pp. 91–2) claimed that:

> there was a high degree of consistency between the answers obtained to the various questions and that they were also consistent with an analysis of Enumeration District data for the 1966 Sample Census… Most of the results are consistent with those given in published studies of prosperous suburbs of towns and cities in England and Wales and with the general body of sociological theory concerned with urban life.

The survey found that the Suburb's population was 'unusually old… suggesting a shortage of young families and an excess of older families with growing children and of very old people' (p. 97). The Suburb's population was 'cosmopolitan', many (18.5 per cent) of the residents having been born abroad, some ten times the proportion for the country as a whole. Of these, many were refugees from Nazi Germany (*ibid*.). The social composition of the Hampstead Garden Suburb was found to be 'quite unlike the national picture' (p. 99). Incomes of household heads were well above the national average, very high proportions of residents were in occupational classes I and II, while only 8 per cent of residents were in manual occupations compared to a

national figure of 65 per cent. An unusually high proportion of residents in the 15 to 24 age group were in higher education, projecting a continuation of existing occupational patterns for the future.

The survey's findings contradict the frequent anecdotal references regarding the strong community spirit of the Suburb. The responses to questions about reasons for living in the Suburb showed that the physical amenities such as open spaces, 'greenness' and quality of architecture were rated most highly. *Trees, open space, fresh air, country atmosphere* received percentage scores in the high 70s as features of the Suburb which were most liked. *Community feeling, nice/friendly/interesting people* received percentage scores below 20. The report surmised (p. 100) that:

> If current national trends are taken as the norm, one would expect, granted the composition of the Hampstead Garden Suburb in terms of age, class and household size, it to be an area where the level of social interaction would be low, and we found this to be the case. One of the strongest stimuli for social interaction between residents is to have children who play and go to school together. [In the Suburb]… this stimulus is lacking. Moreover, the proportion of one-person households, nearly one-fifth, is high for an area of this kind. The large proportion of working housewives [106] is an additional reason for low interaction and the level of qualifications of housewives and households suggests that they are very likely to have a wide range of interests away from where they live.
>
> When asked how much they thought people saw of their neighbours, only 17% said they thought they saw a lot, 37% said they thought they saw a fair amount, and 46% said they thought they saw little of them. It seems also that with increased length of residence, people see increasingly less of their neighbours. There are, of course, many reasons why the residents would find it difficult to establish close patterns of social relationships found in small communities, but the pattern is typical of prosperous suburbs in London and elsewhere.

The survey found that the number of residents active in associations, institutions and clubs in the Suburb was less than anticipated. A small majority of survey

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[106] Defined in the survey as person of either gender who does most of the household shopping.

respondents were not members of any association at all. The report linked attendance at a place of worship to the question of social association. In its question on religious affiliation, the largest score (roughly two-fifths) came from persons who claimed no religious affiliation; almost one-third responded that they were Christian and one-fifth that they were Jewish.

Based on these findings, particularly the highly scored desirability of the physical environment of the Suburb, I would venture to suggest that many of the Hampstead Garden Suburb's residents subscribe to what David Lowenthal (1994: 20) called the 'scenic essence' of British, or more properly, English, identity. 'This geographical icon has a profoundly English cast. Nowhere else is landscape so freighted as legacy. Nowhere else does the very term suggest not just scenery and *genres de vie*, but quintessential national virtues' (*ibid*.). The countryside, the rural, is widely touted as England's great jewel. England's 'green and pleasant land', a landscape of meadow and pasture, farmhouse and cottage, represents the true England, for which no urban creation can substitute. But this rural England, in which today almost no-one lives, is not pristine, wild or 'natural'. It is entirely made. The countryside of England is a garden, a tended plot. It is no misnomer that Kent, an intensively agriculturally worked county, is called 'the garden of England'.

This rural artifice, peopled by country folk who alone understand 'nature', i.e. the management of large commercial estates, frequently maintained with hunting and shooting in mind, is even compared to the archetypal sacred garden: 'this other Eden'. This crafted and managed landscape embodies values of stability, permanence and that monstrous cliché 'heritage'. The landscape is anachronistic. Hill sheep farmers and representatives of other now 'non-viable' rural occupations are paid subsidies to continue as 'scenic stewards for tourism' as 'landscape-as-heritage fosters nostalgic myth' (Lowenthal 1994: 24).

Order is embodied in the rural idyll. 'To be rural sanctions any status quo' (*ibid*.). Nature does not know best. Rural wasteland is as repugnant as urban dereliction. The natural state of the English countryside devoid of intensive management would be thick, scrubby woodland and boggy meadow, head high with weeds, and teeming with rats and mosquitoes. This nightmare is avoided only by the continued paternalistic dominance of England's landed gentry and aristocracy, now often hand-in-glove with a National Trust lambasted by critics as secretive and harbouring feudal, anti-public attitudes. Neatness is next to godliness in English

landscapes; the tireless gardeners filmed toiling at their topiary in Hampstead are true worshippers.

In the Hampstead Garden Suburb, the unconscious sense of national identity –'this country has been around for so long that the British simply *feel* rather than think British' (Lowenthal 1994: 20) – governs the reactions of the residents to the *eruv* question.

> There is a problem of imagining the nation in the British city. It is a problem of 'whiteness'. But this is not so easily defined given the hegemonic preoccupation with governing the 'racialised other'. What concerns me here is how and why the nationalist imaginary increasingly invokes the regulatory structure of 'whiteness' in appropriating the political and cultural experiences of British cities.

> (Hesse 1997: 87)

Hesse argues that the cultural problem of 'whiteness' [107] lies both in its occlusion of its racialised history and its forgetting of its contested antecedents; thus, a form of 'white amnesia' prevails. In this amnesia, the historically contested nature of whiteness (equated with national identity i.e. Englishness) is forgotten. The Jewish 'other' present in society, politics, culture, literature and imagination for a large part of the past thousand years is overlooked. The black presence in Britain for over two hundred years becomes erased from memory as 'race' as an issue in Britain is represented in discourses both as a recent (i.e. post World War II) phenomenon, and is 'seen not as a social and political relation with British historical antecedents, but the cultural or biological property of a contingent Black and Asian population' (Hesse 1997: 92). A phenomenon which Hesse terms 'white governmentality' operates in situations of conflict in which white communities […] regard themselves in racial or cultural terms to be defending their space against change or transformation' (p. 98). Governmentality is not specific only to the realm of the political or of the state. It operates as the 'disciplinary logic of 'whiteness' which emerges in resolute form whenever the cultural formation of the British nation is

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[107] A *caveat*. The clash between a hegemonic 'whiteness' and 'Jews' is not 'literally' about skin colour. British Jews are mostly indistinguishable from British non-Jews in terms of 'whiteness'. Nor do non-Jewish whites constitute a homogenous group.

called into question by the racialisation of spatial dynamics...' It seeks to directed the conduct of individuals or groups (p. 99).

> What is remarkable about this [white governmentality] is not so much its entrenched institution in the regime of modernity, but that its extremely mundane routinisation in the social encounters of everyday life in Britain seems to pass through the discourse of social science unnoticed even by the supercritical sensitivities of post-modern thought.
>
> (Hesse 1997: 100)

This phenomenon had not gone entirely unnoticed. Michael Billig, in his analysis of 'banal nationalism' had made precisely the same two points. The first is that [national] 'identity is to be found in the embodied habits of social life … including those of thinking and using language' (1995: 8). Regarding the response of social scientists, Billig (pp. 8–9) writes:

> The investigation of banal nationalism should be a critical study. The gaps in language, which enable banal nationalism to be forgotten, are also gaps in theoretical discourse. The social sciences have used habits of thinking which enable 'our' nationalism to pass by unnoticed. Thus, the mundane ways of thinking, which routinely lead 'us' to think that 'others', but not 'ourselves' are nationalist, are paralled by habits of intellectual thinking.

The unconscious nature of identity leads to both a kind of amnesia and a kind of blindness. Objectors to the *eruv*:

> said that in an area where people of diverse backgrounds had always lived peacefully together by treating religion as a private matter, it was divisive for a minority to foist its religious symbols on everyone else.
>
> (Trillin 1994)

There is here displayed no consciousness that, in fact, the residents of the Suburb are more homogenous in terms of their socio-economic backgrounds than the general population. One need only look at the activities to which attention was drawn in the *Omnibus* broadcast: pageant, piano circle, Suburb Weekend, heritage and architecture walks, theatre group and H.G.S. Institute art classes – ironically beyond

the means of the life model. Nor was there acknowledgement that the notion of religion as a private matter is peculiar to specific cultures and times. The purported diversity of the Suburb residents is peculiar too, as Trillin further observed: 'the notion of multiculturalism traditionally associated with the Suburb amounts to people from a variety of backgrounds all acting more or less English'. There was an 'unwritten rule … about being different': the *eruv* broke these (*ibid*.). The 'unwritten' nature of the rule reflects the familiar, continual, routine little ways in which identities are unconsciously constituted, maintained and developed (Billig 1995; Hesse 1997). So familiar and routine, so normal and natural is identity, that possession of one's own identity, and strategies exercised in defence of it, are simply below the horizon of critical awareness.

3.7 Modernity, post-modernity, identities and religion

With regard to modernity, Billig (1997: 3) points out that the problem for the contemporary world is that there 'has not been a growth in the kind of rationality that early Enlightenment philosophers put so much faith in, and its spirit seems to be destroying the world as much as saving it'. For many theorists, such as Bauman (1989) the key moment when many lost their faith in 'progress' was the Holocaust. [108] The French philosopher, Jean François Lyotard (1986) went so far as to describe Auschwitz as the metaphor of modernity. The now seemingly naïve beliefs espoused by the 'philosophes' of the Enlightenment can barely be sustained in a world which in this century has plunged itself twice into world wars, and in subsequent decades has witnessed further genocidal atrocities and extensive devastation wreaked on the ecosphere. Jews have functioned as an emblematic group – as has been noted above with regard to the figure of the 'Jew' in legal discourse and general literature – at the centre of this move from an era of optimism to an era of doubt and skepticism. England's Jews are the only European Jewish population to have survived continuously from the early modern period to the present day.

Identities, modern and post-modern

How identities function in the context of (post-)modernity is the subject of vigorous debate in contemporary sociology and cognate disciplines (Hall *et al.* 1992). Modernity, represented by such features as scientific knowledge, grand theory, universalism, coherence and rationality, [109] is said by its critics to be in retreat. Extreme critics of modernity, such as the French philosopher Lyotard[110] have proclaimed the demise of the Enlightenment project, the end of grand narratives or paradigms, particularly the scientific paradigm, and the rise of relative cultural knowledges. In reply to such philosophical post-modernism, much of the corpus of writings by Jürgen Habermas, especially his 1987 work *The Philosophical Discourse of Modernity*, has been an attack on the post-modern theory of French thinkers and a

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[108] The term 'Holocaust' is increasingly giving way in Jewish usage to the Hebrew word *Shoah*, 'destruction'. The use of a Hebrew term is a way of pointing to the uniqueness of this event as, properly speaking, there are other applications of the word 'holocaust'. Other interpretations can be found for such choices in the use of words.
[109] For a comprehensive discussion of the hallmark features of modernity, see chapter 1 of Hall *et al* 1992.
[110] For an extensive discussion of Lyotard's postmodern social theory, see Smart 1996.

defence of modernity: the emancipatory failure of the project of modernity is, in his view, only an apparent failure; the project of modernity is still incomplete. Despite modernity's failure to guarantee material plenitude, to deliver social equality, political democracy or ecological safety, it is premature to capitulate.

Anthony Giddens, in his extensive analyses of the contemporary condition (1990, 1991), sees recent social developments as growing out of a 'high' or 'late' modernity. It seems to me that the question of whether certain areas of contemporary society are developing inexorably from the consequences of modernity into a novel phase, as Giddens would have it, or that society in undergoing broader radical shifts which can be termed 'post-modernity', [111] may be a matter of terminological alternatives. The descriptions of the conditions of modernity, however adjectively qualified, and of post-modernity, seem virtually indistinguishable. It is the conditions of society which must concern us, for it is in these conditions that identities must be negotiated. These conditions are clear, though complex, and Jewish identities must be understood in the context of contemporary society-wide change.

The relevant 'condition(s)' in which contemporary identities are constructed and negotiated include the continuing globalization of society, the growth of modern consumerism, the demise of many forms of tradition, and increasing social complexity particularly brought about by fragmentation and pluralism. The characteristic quality of the contemporary world as described by Giddens (1990: 45) is that it is unstable, made so in part by our reflexive knowledge of it. This concept of *reflexivity* is key to Giddens' analysis of high modernity. Individuals are engaged in a constant monitoring of aspects of their social life. In the light of new knowledge they are prepared to modify personal beliefs and to reject practices and institutions which they see as in conflict with their understanding. This willingness, on the part of large sections of the populations of contemporary societies, to accept constant change leads also to relativism and uncertainty. This dynamism undercuts traditions, habits and customs which had been long established. However, one should not interpret Giddens' view as meaning that social actors in these societies are passive in the face of change. Far from it. Rather, people make conscious choices in developing a sense of self. In the field of religion this leaves open the possibility of the

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[111] The debate into which I am declining to enter here is typically represented in, for example, Turner (1990). A very good analysis of the claims of post-modernists about contemporary culture, showing the empirical and theoretical limitations of some post-modern writing, especially exaggerations of the

emergence of new patterns of religious and spiritual engagement, often 'disembedded' from traditional frameworks. It also leaves open the possibility of reaction in the form of religious fundamentalism. This is discussed further below.

Zygmunt Bauman (1991, 1992, 1996) has taken a radical stance on social identity, seeing in contemporary societies the consequences of a radical shift to post-modernity. Like Giddens, he sees individuals as able to make choices in constructing their identity, but recognises few, if any, restraints upon this choice. In a world in which social, economic and technological change is increasingly rapid, mapping out a long-term plan for the future becomes an irrelevant, if not impossible, exercise. The old joke: 'What makes God laugh? People who make plans' would seem to describe the contemporary world perfectly. Increasingly, the days of 'jobs for life', or the single career, are being replaced by multiple careers involving frequent change of occupations, life-long learning and retraining for new technologies or forms of employment. In these circumstances Bauman suggests that individuals adopt 'life strategies' to cope with the increasingly unstable and fragmented nature of identity (Bauman 1996). Bauman represents an extreme, perhaps exaggerated, view of the degree of freedom of choice open to individuals in shaping their own identities. However, I feel that he is right when he points out that to recognise the contingent nature of the social world is to see its arbitrariness which leads to an ambivalence towards it.

This can be seen in the apparently conflicting 'signals' from the *eruv* case study. These arise, in part, because one of the present fragmented and shifting state of identity of one of the main groups which form the subject of this research. (Anglo-)Jews, are not simply a religious group. In varying degrees, Jews have also a cultural and an ethnic or national dimension to their identities. The Jews, in themselves, are an excellent case against the formation of essentialist perspectives on identity. They are so diverse, and so unable to agree among themselves what defines a Jew, that *all* attempts at defining Jews have failed. Identity is a relative concept: it is maintained through social, symbolic and material practices. In contemporary societies identity construction based upon dichotomies rapidly loses coherence in the face of the reality of the complex nature of identities. The London *eruv* has already, even without being built, played a role in the developing negotiation of orthodox Jewish

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presence of post-modern features in popular cultures is to be found in Strinati (1995).

identities in this country by dividing groups into 'us' and 'them', supporters and opponents. But these 'new' dichotomies have fractured and weakened, even contradicted, what were perceived to be established identities, themselves based on dichotomies. As we shall see in the fieldwork interviews and in documents presented in subsequent chapters, orthodox Jews are pitted against other orthodox Jews, 'liberals' appear in support and opposition, and the ambivalence described by Bauman is apparent in many positions taken regarding the *eruv*.

Religious identities

Studies of religious identities in contemporary societies point to some general findings about all religious groups which can be seen to be applicable to the Jewish situation. Martin (1978) identified emancipation as a challenge to distinctive religious identities:

> The achievement of political autonomy or cultural recognition may eventually slacken the tide of local awareness, including its religious component, more especially where social and geographical mobility and shared media weaken the sense of difference and of deprivation.

> (Martin 1978: 82)

The social and geographical mobility of Anglo-Jews following the mass immigration after 1881 was described above in chapter 2. The Jewish immigrants and the generations of their children achieved upward social mobility and moved geographically to areas of increasingly higher status. As they did so:

> They were defined by themselves and others as different; they had specific customs which defined that difference and they tended to hold that some *minimum adherence to their customs was essential to the retention of identity;*

> (Martin 1978: 144, emphasis added)

However, in parallel to this development, there was a crucial factor operating to undermine the exercise of the minimum adherence to customs: increasing intermarriage. As Martin (*ibid.*) found:

…their mobility within the education system made endogamy difficult to apply and a relatively friendly environment corroded symbolic acts designed to mark Jews off.

The consequence of Jews' achieving success in higher education was increased upward social mobility and increasing wealth as a economic group. However, another consequence was that Jews who went into higher education institutions were likely to meet conjugal partners there. In order to defend a community against intermarriage, some orthodox groups now shun university education in favour of *yeshiva* or similar exclusively Jewish institutions.

The various strands of non-orthodox Judaism are not exempt from the pressures of assimilation and secularization. As Steve Bruce points out in his latest work (Bruce: 1999), 'liberal' religion cannot be certain of a secure future. As noted above in chapter 2, the increase in religious pluralism is cited by many writers as proof of the erosion of generalised religion for the whole of society. Religion no longer provides transcendental and *universalising* laws for living. Instead, we see cultures fragmenting into competing visions. This cultural pluralism brings with it a relativism in our theory of knowledge. Some religious denominations have adapted to this situation as the idea that different people are bound to see the world in different ways becomes established in our culture. However, the less authoritarian, democratic, forms of religion face a challenge: consensus entails coercion.

A diffuse belief system is precarious because it is difficult to embody, sustain, and transmit because lack of obedience to a central authority (be that an organization, a charismatic leader, or a text) makes it hard to develop consensus, or to preserve the tradition from mutation…

(Bruce, 1999: 167)

The committed Jewish activist population in this country resembles a group in a moral panic. Researchers who publish material showing negative demographic trends, as did Bernard Wasserstein, can lose their jobs. The Institute for Jewish Policy Research has been attacked in the pages of Jewish newspapers for suggesting that Jews are now more an 'ethnic' group than anything else because of the decline in religious affiliation. When the United Synagogue's Chief Rabbi, Jonathan Sacks, came into office in 1990, he launched a 'Decade of Renewal' to parallel the

Archbishop of Canterbury's 'Decade of Evangelism'. Both have failed. Church of England membership and attendances continue to fall. The membership of the United Synagogue declined by 14 per cent between 1990 and 1996.[112] Only the poles of the Jewish religious spectrum, the ultra-orthodox and the non-orthodox, show relative, if not absolute, growth. [113]

The reaction of most sections of the organised Jewish community to the clear decline in Jews identifying as Jews has been twofold. There has been an increase in resources devoted to increasing Jewish commitment through more funding of educational projects and activities such as youth camps and visits/study in Israel. It is hoped that some 'plateau' will be reached in the graph of decline. Increased 'quality' of Jewish knowledge and commitment will come to counteract the present quantitative loss. There has also been an increase in withdrawl from modern society. The two are not necessarily very different in intent. Intensification of Jewish experience through educational activities can reinforce a sense of Jewish particularism or difference, even among liberal Jews. The *eruv* could equally well function as a strategy to intensify Jewish living for both modern and ultra-orthodox Jews. It need not be seen as a signal of growing Jewish 'fundamentalism'. However, viewed in the overall context of a population, many of whom fear annihilation through assimilation, it may be welcomed as a marker of intensified Jewish commitment by fundamentalist individuals.

The growth in provision of Jewish schools, Jewish studies courses in universities, visits and study in Israel may increase commitment to Jewish identities. Increased Jewish cultural and religious practices such as the construction of *eruvin* may contribute to the defence of identity. A post-modern society, in which the alienating rationality so hostile to religion may be tempered, could afford shelter to religious beliefs and practices. However, on this very point, and on other suggestions of the possibility of a religious revival in our society, Steve Bruce (1999) remains unconvinced. Neither in 'the impoverishment of aspects of contemporary life', nor in 'common unease about social ills' does he see sufficient common ground in a situation of cultural diversity and individualism to arrive at answers which would

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[112] Board of Deputies Research Unit figures.

[113] In the typology of religious organisations shown in the diagram on page 7, the United Synagogue represents a 'church', the ultra-orthodox a 'sect' and the non-orthodox a 'denomination'. In a post-modern society, the 'church' type would exhibit the least 'fit' with society.

exhibit consensus of belief (Bruce, 1999: 183 ff). Bruce's analysis is discussed further in the concluding chapter.

I would suggest that the desire, on the part of a significant section of the highly acculturated and integrated Anglo-Jewish population, to establish what some perceive as an anachronistic, almost totemic, religious symbol in a modern London suburb, represents rather the assertion of an evolving orthodox Jewish identity. But this new formation must be seen in the context of late/post-modernity. In late modern societies identities may be complex, unstable and often contradictory, and assimilation to unitary common cultures is no longer possible: there are no unitary cultures in late modernity.

I would venture that a certain part of the opposition to the *eruv* arose out of essentialist perceptions of identity. Such perceptions are intolerant of 'multiple, politically "transvestite", blurred or changing identifications... The fiction... is that everyone has one – and only one – extremely clear place. No fractions.' (Anderson 1991: 166).

The *eruv* may well be a part of a reassertion of Jewish difference. But this is not a phenomenon confined to Judaism.

We are living in a time when many people think that the old cultures are disappearing: a world that is becoming increasingly homogenous, and which is increasingly globalised, and where all difference is disappearing. All over the world, you can see a growth in what you might call 'identity politics', people asking the questions, 'Who am I?' 'Who are we?' and 'What must we do in order to preserve a sense of identity which might otherwise disappear?' Throughout the world, you can see this growth in identity politics, and it is not based on a sense of rational belief, as if a survey had been done of all cultures in the world, and an empirical judgement had been reached as which is the best culture.

I think it is a response to changing times, and part of the post-modern world, and it can be justified, not just in terms of rationality, or belief, but in terms of the central questions of identity, which face us all. And there may be a number of reasons why Jews are returning to ritual and turning away from the philosophy of modernism. First of all, Jewishness is not a creed, or rather is not merely a creed, it is also a sense of ethnicity, a sense of belonging to a people. It is not just a set of beliefs. People are not returning to Judaism out of belief, they are returning to Judaism out of a sense of who they are. They wish to be Jewish. For post-modernists, its not a matter of belief, it's a matter of doing – you must do Jewish things, you must act in Jewish ways. You must live out the identity. To be Jewish, to have the Jewish identity, then means to practice, and to do things in a Jewish way. If we don't do the things that make us Jewish, then that identity will slip away.

(Billig 1997: 5 ff.)

Jewish identity as classically formulated by the end of the Talmudic period (early 6th century C.E.) recognised only dichotomous categories of 'Jew' and 'non-Jew'; there were no hybrids or fractions such as 'half-Jews', *halakhah* was resolved eventually into recognition only of polar opposites. While, in the historical and social circumstances of Jewish existence in pre-modern societies, such a dichotomous view of identity was tolerated and even reinforced, modernity has brought pressure to bear upon such 'neat' constructions of identity. In comparison even to the recent historical past, Jewish identities are in a state of fluidity and are negotiable within certain parameters. Maintaining undisputed identity boundaries, acceptable to all

other Jews, has ceased to be a viable proposition. The question of 'who is a Jew' has increasingly become one to which no single answer is available. In such circumstances, there is little or no prospect of enforcing recognition of, or conformity to, any 'standard'. The Jewish 'community', 'people', 'nation' (after all, what are we/they?) has become increasingly unbounded, its borders permeable both in the direction of coming to belong (less common) and of ceasing to belong (more common).

In America, in particular, among the mass of Jews considerable confusion is exhibited over the question of what are the 'Jewish ways' which must, at least minimally, be practised in order to maintain one's identity as a Jew, and with what other practices, including non-Jewish religious practices, these Jewish ways may be combined (see Heilman 1995, especially p. 103 ff. 'Heritage Jews'). The changes, often individually and collectively unconscious, which attempts to accommodate pre-modern Jewish identities (in the broadest sense of that term) to contemporary societies and cultures have brought about among Jews are extremely complex and are not limited to 'religion'. All aspects of Jewish existence are affected. These include the intimate such as sexuality and gender construction. Boyarin (1998) analyses the shifts in the conceptual understandings of gender role among Jewish men. The distance travelled in the transformation of the 'weak' (and therefore feminine) ghetto scholar to the 'strong' (and therefore masculine) Zionist soldier/pioneer, is much more than can be accounted for in physical, geographical measurements of migration. Boyarin demonstrates how the identity politics discussed by Billig encompasses more than outward political, social and cultural forms.

The eruv and fundamentalism

The *eruv* is a practice deeply embedded in a pre-modern culture. If observers of the contemporary religious and Jewish scenes, such as Armstrong[114] and Potok[115] are correct, then Jews who share with many others a sense of disenchantment with modernity are attempting to revive the *eruv* as part of a praxis which should not be able to function in modern societies. This is, in part, borne out by the fact that the type of Jewish orthodoxy growing most vigorously in this country, as well as in Israel and in America is not anodyne, secularised, civil religion. It is culturally deacculturating from the surrounding society, eschewing secular learning, e.g. by increasingly turning away from university education to 'traditional' *yeshivot*. This is a characteristic feature of fundamentalist religion. Given the tendency of the new orthodoxy to seek at least some degree of disengagement from the world, I would question whether what we are seeing is an instance demonstrating that, as Mary Douglas put it, 'modernization turns out to be quite compatible with… doctrines that sacralize life in external ritual forms of celebration, compatible with even all the narrowness of spirit and intellectual closure thought to be maladaptive in modern life' (Douglas 1982: 6).

Religious Fundamentalism

Religious fundamentalism is a genuinely modern phenomenon (Barr 1977) which should be distinguished from earlier historical instances of extreme and conservative religious responses to new situations, such as the revolt of the Maccabees against Hellenism. From the sixteenthth century onwards, the West developed a civilisation based upon an increasingly industrialising economy, in which science and technology seemed to promise progress, and which brought in its wake extensive social, political, cultural and educational changes. [116] It brought revolutions and the

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[114] I am grateful to Karen Armstrong for her insights into religious fundamentalism about which she has written a recent book (Armstrong 2000).
[115] Potok (1999).
[116] E.g. Giddens (1990: 5) 'History "begins" with small, isolated cultures of hunters and gatherers, moves through the development of crop-growing and pastoral communities and from there to the formation of agrarian states, culminating in the emergence of modern societies in the West'.

modern nation-state. It also brought what Weber termed the 'disenchantment' of the world.[117]

Characteristic features of Fundamentalism

1. Fear, especially of annihilation. This may be actual and immediate, as in the case of Jews [118] and Muslims, [119] or seen as the outcome of a trend, as in the case of Christians threatened by secularism and 'liberal' ideas.

2. A sense of being embattled leading fundamentalists to mount a fight back.

3. Frequently, fundamentalists display a strong anti-intellectal current in their ideologies.

4. Although arising initially from religious orthodoxies, fundamentalists are often not religiously orthodox. They may even become very modern. For example, before Khomeini, the Shia had historically distanced themselves from politics.

5. Many fundamentalist groups begin with a strong sense of social (in)justice. A concern for justice often degenerates into a religion of self-righteousness and rage, perverting compassion. Ideas become distorted, reductive, selective and simplistic, i.e. very ideological, very modern.

The Origins of Fundamentalism

Fundamentalism is generally acknowledged to have originated in conservative elements of American Protestantism arising out of the millennarian movement of the nineteenth century. In the early decades of the nineteenth century, great fervour was generated in the United States by expectations of the Second Coming of Christ. These expectations were founded upon a close reading of the Book of Revalation and other prophetic and apocalyptic books. When Christ returned, he would inaugurate a thousand years of peace: 'the millennium'. This movement, properly

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[117] The nature of the changes brought on by the emergence of modernity are extensively detailed in Hall and Gieben 1992.
[118] The *Shoah* in Europe; the struggle for the establishment of the State of Israel.
[119] Secular Arab political forces, such as the Pan-Arab socialism espoused by Egypt's President Nasser in the 1950s and 1960s, were seen by many muslims as hostile to their religion.

referred to as 'premillennarianism',[120] was not prompted in any way by particular calendar dates, e.g. the year 2000. Millenarianism emphasised as fundamental to Christianity the literal interpretation and absolute inerrancy of the Bible, the imminent and physical Second Coming of Christ, the Virgin Birth, Resurrection, and Atonement. Fundamentalism came into its own in the early 20th century in opposition to modernist tendencies in American religious and secular life. By the late 20th century the movement was represented by numerous church bodies, educational institutions, and special-interest organizations.

The development of fundamentalist religious views.

The millenarian movement grew when confidence in America's destiny first began to wane among some Protestant leaders, faced as they were with labour unrest, social discontent, and the rising tide of Roman Catholic immigration. During the late 1880s and 1890s the challenges posed by the rise of the so-called 'Higher Criticism' of the Bible, generally associated with 'liberal' scholars, also won many converts to the millenarian movement. Fundamentalism typically arises within mainstream religious orthodoxy in response to perceived threats, especially the spectre of annihilation. Fundamentalist Christians in the United states fear that their religious culture will be overwhelmed by the growth of secularist liberal ideas. This may occasion profound disturbance in individuals and communities, often accompanied by projections of the threat which spill over into fantasy. There is a desire to 'fight back'. This is one distinguishing feature between traditionalist religious groups, such as the Pennsylvania Amish, and fundamentalists.

Millenarian influence reached a peak in 1902 with the founding of the American Bible League and the publication of a series of twelve pamphlets arguing against biblical criticism and modernism, entitled *The Fundamentals*. It was from these publications that the term 'fundamentalist' came to be adopted.

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[120] A less radical movement known as 'postmillenialism', held the belief that human beings were making religious progress alone and would by their own efforts establish the millenium.

The fundamentalist—modernist controversy.

In 1919, millenarians were instrumental in founding the *World's Christian Fundamentals Association*. The leadership stressed the creedal basis of the movement, opposed modernity (especially the theory of evolution), withdrew support for university education and switched allegiance to the more recently founded Bible institutes. [121] Serious controversy first erupted, among Baptists and Presbyterians in the northern states. In 1922, a New York minister, Harry Emerson Fosdick, was forced out of his post for voicing his opposition to the activities of millenarians in foreign missionary work.

Fundamentalists' opposition to evolution and biblical criticism gained momentum in the 1920s. There was lobbying for legislation to prevent the teaching of evolution in public schools. Tennessee passed such a statute and, in 1925, John T. Scopes, a public school science teacher was charged with having taught evolution. The trial, widely known as the 'monkey trial', pitted prosecotor William Jennings Bryan, a Presbyterian fundamentalist, against defense counsel Clarence Darrow, in a courtroom drama which made international headlines.

During the following decades, fundamentalists retreated from a conflict which was leading them into ridicule. But although they retreated 'underground' to some extent, fundamentalists had not gone away. Over decades they developed institutions of their own, including the Bible institutes and radio and television stations. The prosperity of the postwar decades coupled with the alleged threat of communist subversion has permitted a significant resurfacing of fundamentalist and evangelical churches in America. A new, 'respectable' image of the fundamentalists during this period was best exemplified by the evangelist Billy Graham. The Moral Majority, a fundamentalist citizens' organization led by Baptist minister Jerry Falwell of Virginia, crusaded against abortion, homosexual rights, and the women's Equal Rights Amendment and crusaded for school prayer, increased defense spending, and a strong anticommunist foreign policy.

[121] A precursor of more recent opposition in some Jewish circles to university education, as noted above.

Non–Christian Fundamentalisms

There are Jewish (and Muslim) fundamentalists who share much in common with their Christian counterparts, though both the non-Christian groups are less concerned with doctrine than is Christianity, which largely explains Christian fundamentalists' concerns with, for example, Darwin's theories.

> ... fundamentalism 'exists' in Judaism, but it is clearly not co-extensive in meaning with its referent in Christianity. Christian fundamentalists, narrowly defined, claim the inerrancy of the Bible; in the Jewish case such a claim is regarded as characteristic of the Karaites or the Samaritans [...] Jewish fundamentalists, unlike these latter groups, claim the inerrancy not of the Bible but of the *halacha* (rabbinic law)...

> (Webber 1987: 102)

An important point made by Webber (*ibid*). is that, in the Jewish case, it is the modernists who use the term 'fundamentalist' as a perjorative label to attack the traditional leadership of Judaism and its religious ideology. Given the strength of traditional Judaism in parts of the Jewish world, e.g. its influential position in the party politics, government and society of Israel, it is not clear whether it is the modernists or the fundamentalists who should be seen as central or peripheral: the modernists could be seen as the opposition, challenging traditional authority.

Jews and Muslims alike give more emphasis to religious praxis than do most Christians. The problem for both religions is that the praxis does not work in modern society. [122] I will deal only with the (more relevant) case of Jewish fundamentalism. [123]

Jewish fundamentalism received its greatest impetus from the threats to Jewish existence posed by the *Shoah* and the wars of the State of Israel. In Israel, fundamentalism grew significantly after 1967. Prior to that time, religious Zionists in Israel were marginalised both by the secular majority, and by the more visibly religious groups [124] that seemed to offer a more 'authentic', uncompromising brand

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[122] See Potok (1999: 9) 'In discussing the modern Jewish condition it is important to examine a classical given — that it has been rabbinic Judaism which has kept us alive for 2,000 years. Today that given no longer exists. It is over because of the modern period'.
[123] See Zubaida (1987) for a description of Muslim fundamentalism in Iran and Egypt.
[124] Such as the *Neturei Karta* (lit. 'Guardians of the City') who refused to recognise the Zionist state

of religion. The Six-Day War of June 1967 resulted in the the capture of East Jerusalem and other territories. [125] The long-term fate of these territories, and their Arab inhabitants, became a major issue in Israeli politics. A religious claim provided strong justification for those who wished to hold on to the occupied territories: If the founding of the State of Israel was viewed as the unfolding of a Messianic scenario, the victory of the 1967 War was an essential stage in that process.

The future of the territories, viewed in an eschatological context, became the defining issue for broad segments of religious Zionism after 1967. Thousands of young religious Jews campaigned actively against any territorial compromise, and established numerous settlements which, though founded illegally, were subsequently granted recognition by Israeli governments, particularly, but not only, the right-wing coalitions.

The most powerful political voice of the movement against territorial compromise became *Gush Emunim* (the Bloc of the Faithful). [126] However the fundamental policies of *Gush Emunim* penetrated deeply into mainstream, largely secular, Israeli society, though their appeal was particularly strong in religious educational networks, in which a land-centered nationalism was presented as the highest form of religious virtue, and the histories of Zionism and the State of Israel were viewed as irreversible steps in the unfolding Messianic fulfillment.

The aspirations of *Gush Emunim* were widely respected by the Jewish public, especially as long as Arab intransigence seemed to make the return of the territories a far-off theoretical possibility. When peace agreements with Egypt and, more recently, the Palestine Liberation Organisation and Jordan put the return of occupied lands onto the political agenda, *Gush Emunim* and its allies found themselves in conflict with the policies of the Israeli government. During the 1990s mainstream orthodox leaders were ordering religious Jews to disobey military commands to evacuate occupied lands, and some branded Prime Minister Yitzhak Rabin a 'traitor' to the Jewish cause, leading to Rabin's assassination in November 1995.

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and awaited the coming of the Messiah to restore 'Israel'.
[125] 'The 1967 war between Israel and the Arab world deeply affected the collective psyche of the Muslim people in the wake of the defeat of the Arab troops. The rise of fundamentalist movements, a renewed interest in the symbolic role of Jerusalem and a host of other factors are frequently attributed to this war' (Rippin 1993: 17).
[126] See Beyer (1994) for an overview of religious Zionism.

Jewish fundamentalism is making a far greater impact in Israel and the United States than in this country. Proportionately, ultra-orthodox Jewish numbers in the U.K. have grown strongly in the past decade. However, they are growing from a population which is small in absolute terms and still only a single figure percentage of the overall Jewish population. It may be the case that in this country the number of Jews prepared to remain Jewish themselves and able to transmit their identity to future generations is too small to sustain a viable long-term institutional base of synagogues, schools, colleges etc. In that case, Jewish culture will decline. Jewish fundamentalism is most likely to survive as a form of religious nationalism in Israel. Even in the United States, the growth of Orthodoxy has begun to reach the limits of its ability to finance the religious infrastructure of institutions. Heilman (1995: 154) has described how, in America, as communities increase their rejection of secular higher education in favour of purely religious study, the overall income of the community declines. The most religious Jews are rapidly becoming the most impecunious Jews. This is a consequence of withdrawl from wider society and the wealth generating modern professions of the economy.

Drawing the threads together

The preceding chapters have covered a great deal of ground. Mr Stein's remarks in my interview with him 'About the word *eruv*, you know, one day, nobody knew what it meant, then, all of a sudden, it's on everybody's lips, like a comet coming from outer space. Suddenly everybody becomes a world expert on *eruv*s…' are sadly untrue. As I noted in my introducton 'it remains the case that neither the theory (in terms of *halakhah* or Jewish law) nor the practices of *eruv* are well known, whether among Jews or non-Jews'. It has been necessary therefore, before preparing to present my research findings, to give substantial background explanation of a number of issues. Chapter 1 looked in detail at what an *eruv* is. It also sought to convey how, for observant Jews, time and space are of a different nature from at least most of the others around them. Chapter 2 sought to give an overview of the long and complex relations between Jews and others in the history and society of this country. It also touched upon modernity, secularization and identities, for notions of time and space held by religious people can be substantially different from those of secular people. Chapter 3 covered a great deal of theoretical ground. This

presentation was important for me to lay out the analytical concepts which I had identified as necessary to my subsequent analysis of the *eruv* dispute. With this groundwork done to establish a number of contexts, we can proceed to the research, its methods and its findings.

Chapter 4

Some Reflections on Methodology

What type of reseach was employed in this thesis?

It seems easier to describe features of the research employed in this thesis rather than to find a single term which precisely defines it. This, in part, reflects lack of consensus on the part of social researchers regarding both methodology and its relation to theory (Hammersley 1998: 1). The research methods employed here were qualitative rather than quantitative; studied a particular limited case; involved observation and questioning of persons with some of whom the researcher shared a very specific 'life-world'; and the resulting material was subjected to interpretation. The research fits quite well into the defining characteristics of ethnography (Layder 1993; Hammersley 1998; Fulcher and Scott 1999):

- social behaviour is studied in everyday contexts
- data are taken from a range of sources especially observation and relatively informal conversation
- data collection is relatively unstructured, categories of interpretation are used flexibly
- research is small scale
- data analysis involves interpretation of meanings and functions taken from verbal explanations
- quantitative and statistical analysis play a subordinate role, if any.

Conducting interviews

The *eruv* dispute, although widely reported in the national and international media, was an issue about which the majority of the population remained completely ignorant, and towards which those who knew of it remained largely indifferent. The *eruv* never became a society-wide issue. Therefore, in most instances, those chosen to be interviewed for the purposes of this thesis were 'self-selecting'. That is to say, most of these persons had already involved themselves in some way with the eruv dispute, usually by speaking out in public or by having published something on the subject. Clearly, there was nothing to be gained by interviewing anyone who had no

apparent involvement with the eruv dispute, except for those whose knowledge of closely related broad issues, such as experience and knowledge of the Anglo-Jewish population, would help in understanding the specific issues. Thus my respondents represent the result of *purposive* sampling, in that they met the need of the project in that they possessed certain types of knowledge.

The studentship which resulted in this thesis began in October 1994. Originally conceived only in broad terms, it was intended to select for sociological investigation some aspect of religious concepts of space and place, possibly a comparison of concepts in different religions. However, by early 1995, it was clear to me as the researcher, and to my supervisors, that the proposed London eruv, and the dispute surrounding it, was the most interesting of the 'religious spaces' which had been selected as possibilities for research, and that as an issue it was alone able to constitute sufficient and appropriate material for a doctoral thesis in sociology. Most of 1995 was spent in a broad literature search and review around eruvin, the Anglo-Jewish population, and sociological understandings of space and place. These reviews were subsequently written up as chapters of the thesis.

The latter part of 1995 and the early part of 1996 were spent in seeking access to persons whom I wished to interview and in carrying out those interviews. The first interview took place in November 1995 and the final interview took place in May 1996. Thus, at the time that the interviews took place, the interviewees would already have known (or, in a small minority of cases, would have learned from me) that the main legal or planning obstacles to the eruv had been overcome. Although it was not until 27 October 1998 that Barnet Council issued a licence for the construction of the eruv, by late 1995 respondents would already have known that the eruv was probably to be built.

As noted earlier in this chapter, in deciding which persons to target for interview, one aspect of selection had already been decided: those who had 'self-selected' by becoming involved were prospects for interview. However, using my previous knowledge of the Anglo-Jewish population, I had in mind to attempt to obtain a range of respondents selected on the basis of two distinct criteria. The first criterion was whether the respondents were known to hold, or likely to hold, views which were clearly pro-*eruv* or anti-*eruv*. I intended to achieve, in terms of numbers, a reasonably balanced representation of each view. The other criterion which operated in selecting respondents was their 'distance' from the issue. That is to say,

while it was obvious that it was important to interview those closely involved in the dispute, it seemed to me important to obtain views which represented a range of involvement in the eruv dispute. I described the range of involvement using the image of a circle. The range extended from those who were closely involved, whether pro-*eruv* or anti-*eruv*, to those whose involvement was indirect or slight. Those closely involved I described as 'central', those whose involvement was indirect or slight, I described as 'peripheral'.

I created a diagram (placed at the end of this chapter), a bi-axial scattergram, on which I plotted the position of each of the sixteen anonymous respondents in accordance with their stance as pro-eruv or anti-eruv, and their involvement as 'central' or 'peripheral'. These positions are my classifications. I arrived at each description based upon my previous knowledge, e.g. of the Jewish population, and/or my understanding and interpretation of the responses given in interviews. Each respondent is plotted on the diagram in one of three ways. The first, which applies to the majority of respondents, plots their position as a static point, the co-ordinates of which represent my understanding of their position as pro-eruv or anti-eruv (X axis), and as 'central' or 'peripheral' (Y axis). The second way in which a respondent is placed is by indicating a range of opinion in which a dotted line links the two extremes of the range. This can be seen in the case of 'Rabbi Alter'. He supports the *eruv* because of his employed congregational position, but has reservations which stem from his personal affiliation. The third type of representation on the diagram is also indicated by a dotted line. In this case, however, the line does not indicate a range, but a change, a movement in a position in the direction indicated by the arrow. Thus 'Mr and Mrs Taylor' became both increasingly anti-*eruv* and increasingly 'central' (i.e. more actively involved in opposing the *eruv*) as time passed.

The diagram indicates that of the sixteen anonymous respondents who allowed a recorded interview, seven were classified by me as 'peripheral' (or as having been 'peripheral' but moved), while nine were classified by me as 'central'. Similarly, nine respondents were 'anti-*eruv*', seven were 'pro-*eruv*'.

As noted elsewhere, such was the controversial nature of the *eruv* dispute that of 32 persons approached for interview, eight declined to be interviewed (including the United Synagogue's Chief Rabbi Jonathan Sacks) and a further eight agreed to speak to me, but would not allow a recording to be made or notes to be taken. However, the insights supplied by these respondents were most helpful. Of those

who granted a recorded interview, all were promised complete anonymity. All those respondents from whose interviews material was quoted directly are listed in the key (Appendix C). The interviews conducted for this research were semi-structured. In all cases I was seeking to discover how respondents viewed the eruv issue, rather than to test an explicit hypothesis. Theoretical ideas would be used to create an explanatory framework of the results after the data had been gathered. There was a small pre-prepared stock of questions with which I opened the interview in order that the respondent should 'settle into' the conversation. In almost all cases, these included asking respondents when and how they first heard about the *eruv* and then asking them to recall their first reactions to it. The answer to the latter question would usually determine what questions would follow. I avoided asking 'closed' questions as much as possible, allowing the respondent discretion to answer broadly with only as much direction as was necessary to ensure that (in my judgment) relevant areas were adequately covered. By allowing freedom for the interviewees to answer broadly, even to digress freely, I was willing to let the interviewees indicate what they considered the problem, question, or situation to be within the limits of my ability to perceive relationships to my research question ((Dexter 1970).

Textbook assumptions about researching through interviews generally assume that the researcher and respondent are unknown to each other, do not belong to the same groups and will not meet again; thus the research roles are segregated from other roles (Platt 1981: 75).

> Most textbook treatments of interviewing implicitly assume that the respondent is not the interviewer's or the researcher's peer, but a member of different groups and a social infererior. Experience of interviewing peers shows that the interview relationship is very different in these circumstances… In the theory of interviewing it should be recognised that some interviews are as much like participant observation as they are like other interviews.
>
> (*ibid.*)

In the case of this research, I interviewed a number of respondents who had academic degrees in sociology, including a former professor from a prestigious university. Other respondents were rabbis, many with doctorates, whose knowledge of Judaism and the Anglo-Jewish community exceeded my own. Some were well known to me and, of these, some were aware that we would have a future relationship, e.g. as teacher/student and as colleagues. In short, part of my research involved groups and communities of which I was, and was known to be, an 'insider'.

My relationship to each of those anonymous respondents whose interview material I have used in my analysis is roughly as follows. Rabbi Coleman, Rabbi Hirsch and Rabbi Isaacs are all Rabbis of the Progressive movements who were known to me before being interviewed and each of them knew me, or knew of me, and was aware of the likelihood that in the future I would become a colleague. Mrs Black and Mr Neville were known to me before interview as friendly personal acquaintances. All remaining respondents were unknown to me before interview and were told that I was a research student from Leicester University but were given no other information about me. Mr Fisher and Mr Green were interviewed because of their professional role as journalists who had relatively direct involvement in the dispute. Mrs Lyons, Mr Stein, Mr Stone, Mr Wood, and Mr and Mrs Young were all involved with the Hampstead Garden Suburb in some way, e.g. as officers of the Residents' Association or involved with the operation of the Hampstead Garden Suburb Trust. Mr and Mrs Taylor and Mrs Healey were referred to me by mutual friends who understood that they held views about the eruv. In both cases their 'profiles' fitted categories which I wished to include in my sample: the Taylors were (Jewish) secularists, Mrs Healey was affiliated to the Masorti synagogue movement. Finally, Rabbi Alter was an orthodox Rabbi whose synagogue belonged to the eruv's

sponsoring movement, and Mr Da Silva was one of the spokespersons of the United Synagogue's Eruv Committee.

In this research, the consequence of being accepted as an insider were mixed. In some instances it meant that access and time were readily granted. In other cases, the interview (unavoidably) took the form of a relatively normal conversational exchange, to which I was expected to contribute more than just my questions. I also noted that in many interview situations both where I was, and was not, accepted as a fellow group member, but was recognised as someone who possessed data and information on the *eruv*, I was often asked as many questions as I put to the respondents.

Being in control

Being an interviewer puts one in the position of supplicant. Many of those I interviewed held important positions and were granting me time from a very busy work schedule. Their qualifications and status could have led to a feeling of power imbalance in the interview situation. I had to recognise that it is not always possible to 'direct' genuinely prominent or prestigious well informed respondents down a preplanned path of discussion (Dexter 1970). However, I did not come away from any of the interviews feeling that (a) any discrepancy of power or status had intruded significantly nor (b) that I had not controlled the interaction sufficiently to achieve what I set out to do. In this I was fortunate.

Another factor which played a part in the dynamics of the interviews was that the strength of feeling on the opposing sides was often intense. Such intensity of feeling led to some respondents to 'let down their guard' and reveal deep feelings, e.g. of hurt or anger. There were most certainly moments when I considered that the respondents were no longer treating the situation as a 'neutral' interview, but were actively trying to bring me round to their point of view, as though telling me their side of the story would bring about some change. I saw this situation occur even more clearly when I attended a public lecture on the *eruv* given Professor David Cesarani at a North London museum. He analysed the dispute in terms of political theory and the dilemmas facing a liberal democracy faced with accommodating minority demands. At the end of the lecture, his audience, who were largely elderly, did not ask a single question related to the academic presentation they had heard, but

put forward their own arguments, which were almost exclusively anti-*eruv*. It was as though they mistook the public lecture for a public political forum at which they could air their views.

What is truth? (Pontius Pilate, Gospel according to John, 18: 38)

Given the very public and very bitter nature of the *eruv* dispute, some prospective respondents declined to be interviewed. Others would only speak if their identity was not revealed. In all cases, I undertook to maintain the anonymity of respondents in the hope that they would feel able to speak more freely than if the material was for public consumption. I have taken all reasonable care to uphold the undertaking of anonymity of respondents as laid down in the B.S.A. Statement of Ethical Practice (reprinted in Fulcher and Scott 1999). No circumstances arose in any of the interviews, nor arose from comparing and analysing the material afterwards, which led me to believe that respondents were not truthful, in the sense that any of them had sought to conceal or misrepresent facts or events or to disguise their own attitudes. This is, of course, a different question of 'truth' from that of the relationship of the status of subjective accounts given by social actors to social reality, discussed above.

Interpreting social reality

Early in the work leading to this thesis I made my first telephone contact with a prospective respondent whom I wished to interview about the *eruv*. I explained who I was and asked if I might be permitted to interview him. His reply was, to the best of my recollection, 'I suppose you want to get my layman's account and naïve perceptions which you will then repackage in sophisticated sociological jargon?' I was a little taken aback, not knowing if the comment was hostile or jocular. I mumbled something about not expecting to hear anything naïve from him and, as his remark had not been intended as hostile, I secured what resulted in a good interview.

This respondent's remark brought to the fore two issues for me as a novice sociological researcher. The first was an issue familiar from textbooks: the question of the status of subjective accounts given by social actors in establishing social reality. The second issue concerned the respondents I was seeking to interview. Far from being 'naïve' laypersons, many of them had academic credentials and

experience far outstripping my own, even in the areas of religion, Judaism, and especially sociology. What dynamics were going to operate in these interview situations? In particular, would I elicit 'truthful' responses in such a controversial situation?

There was no question that of the possible methods of researching the *eruv* dispute, the complementary approaches of collecting accounts from knowledgeable persons and from participants through interviewing them, and of searching relevant documentary sources, was appropriate. I did not wish to rehearse in this thesis, for the sake of form, debates which are the standard fare of introductory texts on research methods, and which will not be advanced one iota by my going over them again.

There remains, however, the relevant question of the relationship of the data I collected to the wider totality of social reality. What is represented by the data in this thesis? 'The question of whether or not agents' own meanings should be adopted, or even recognised, in social science has generated much debate' (Collin 1997: 223). I accept Collin's observation that agents' conceptions of social reality form a vital *part* of that reality. The presence of meanings attached to actions is what turns a planning application of poles and wires into a struggle over an *eruv*. However, subjective experience and perceptions do not exhaust social scientific explanation. Other factors are necessary to complete the picture.

> Now, the true meanings are precisely those which we must postulate to explain the observed actions; hence, no wedge can be driven in between the agents' meanings and the true motivating forces behind their actions, rendering the former irrelevant for explanatory purposes. […] What we call 'agents' meanings' *include* such explanatory meanings, but are not exhausted by them. Even agents' misconstruals of their own behaviour will be of interest to science as a part of social reality and in so far as they explain certain surface features of social action, namely the features by which agents hide from themselves the true nature of their actions.
>
> (Collin 1997: 225)

In this research, the misconstrued and confused understandings of the *eruv* by many actors is very important in understanding how they behaved. But this represents only

a starting point for analysis. The events of the *eruv* dispute require explanatory devices which transcend the agents' own horizon and conceptual resources (Collin 1997: 227). The researcher seeking a social scientific explanation is not constrained to give more weight to an agent's account than to recognise that it establishes a subjective view of the situation. Other sociological concepts and models need to be brought into the picture to complete the explanation. In this case, the thesis seeks to offer an explanation of the picture emerging from the data in terms of modernity/post-modernity, community, religion and identities, in particular, identities expressed as banal nationalism.

A Note on Research by Cooper (1996)

Cooper's 1996 article, *Talmudic Territory? Space, Law, and Modernist Discourse,* covers some of the same ground as this thesis, though on a much smaller scale. As the title suggests, the focus of Cooper's analysis was upon discourse around space and law. My analysis sought to be much broader, and focuses upon mainstream sociological issues: modernity/post-modernity, community, religion and identities. Cooper's is a fine article which however, presumably owing to constraints of space, leaves out a great deal which would have contributed to a fuller understanding of the *eruv* dispute. Although Cooper makes references to her own interviews with 'objectors' and 'proponents', little of the verbatim interview material finds its way into the article. Nor does she give information about who her interviewees are. Yet she writes; 'The ways in which discourses are internalized and negotiated depends on history, social, and personal context' (p. 530). I felt that, while allowing for necessary anonymity, it was important to know some biographical detail of interviewees. This permits further analysis, e.g. in terms of their being 'central' or 'peripheral' to the dispute, and in terms of being 'pro' or 'anti' *eruv,* and to see if there are correlations between such data and attributes.

While there is much to admire in Cooper's article, there were claims in it with which I would take issue as they stand. For example, Cooper makes wide ranging but specific claims for entire groups such as eruv 'critics'. She says (p. 530) that the

> critics adopted what I would call a fairly 'traditional', liberal modernist perspective. Thus they attacked the eruv for undermining universalism,

evolution, the public-private divide, secularism, and Enlightenment rationality.

Firstly, Cooper's assessment here seems to ignore the extent of opposition which was identifiably anti-Semitic, as was clear from the Inspector's Report and from letters to Barnet Council (the latter, in all fairness, do not appear to have been consulted by Cooper). Secondly, the opposition from the Jewish constituency represented by the Union of Othodox Hebrew Congregations (*Adath Yisrael*) was not cast in traditional liberal terms. Their opposition was motivated by issues of Jewish communal in-fighting, disguised as 'practical' objections. Thirdly, those who in interviews with me, and in documents, identified themselves as 'liberal' were found in both the 'pro' and 'anti' *eruv* camps, and a striking feature of their views of the *eruv* was ambivalence. None of this came out in Cooper's article.

Another statement made by Cooper, 'eruv advocates did not locate the eruv within post-modern or premodern beliefs' (*ibid*.), needs to be challenged. It may be the case that *her* interviewees did not put forward arguments which were themselves premodern in nature or tone. In their arguments, for good reasons, they may well have kept to the type of utilitarian, legal discourse demanded by planning law.

> Jewish law is very complicated, we were aware of trying to explain it to people who hadn't a clue ... It's hard to find ways of expressing the idea of the eruv ... Eventually we said we can't explain it or you'll never believe it ... We presented it as a facility the community needs, to explain why we need it is our business. We just want you to respect the fact we understand it.
>
> (Cooper, p. 540)

I would suggest that the paragraph quoted from Cooper's own paper is sufficient to refute the proposition that the *eruv* was located in modernist beliefs (i.e. not premodern or post-modern beliefs) for it explains why the arguments were framed as they were. The very reason people failed to understand the *eruv* was precisely because it is located in premodern beliefs.

CHAPTER 5

The Eruv and Representation: A Religious Issue?

Introduction

This chapter examines the ways in which the *eruv* was represented, especially the extent to which aspects of the *eruv* dispute were, or were not, presented as 'religious'. In the first section, **5.1**, the question of how the United Synagogue presented the *eruv* is examined. The following section, **5.2**, looks at representation of the *eruv* in the press, editorial as well as letters. Section **5.3** deals with the expressions of support by those who wished to see the *eruv* built and expressions of opposition. Were the reasons advanced for or against the *eruv* grounded in religion? Eventually someone had to decide whether the *eruv* could be built. In section **5.4** the publications and statements of officials and official bodies who were charged with deciding whether the *eruv* should be built are scrutinised. To what degree did religious issues figure in their deliberations? The final section, **5.5,** focuses upon a Masorti respondent in order to illustrate and evaluates the conflicted religious feelings of support, indifference and opposition to the *eruv*.

5. 1. How did the United Synagogue present the eruv?

As a preamble to assessing the way in which the United Synagogue presented its case for the *eruv*, it would be worthwhile to briefly describe the initial stages of the official application to the local authority for planning permission. In 1991 the United Synagogue Eruv Committee (USEC) prepared their first submission on the proposed *eruv* for Barnet Council. In 1992 [127] they formally applied for planning permission to erect 85 poles linked by wire at 38 locations in Barnet. In mid-1992, a committee of the London Borough of Barnet recommended granting consent to the USEC 'to erect wires over the public highway at prescribed crossing points for a period of one year…' (Decisions of the Public Works Committee, 30 June 1992, pp. 1–2). This consent was to be subject to ten conditions including obtaining planning permission. In early 1993 the London Borough of Barnet's Controller of Development Services

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[127] Officially registered as complete by London Borough of Barnet on 3 August 1992.

submitted a sixteen-page report to Councillors on the *eruv* application. The report recommended conditional approval. The conditions were that the construction proceed within five years of approval; that some poles be treated with anti-vandalism paint to safeguard the security of nearby residential properties; [128] that wire linking poles be of a specified maximim thickness to safeguard birds; and that no trees should be damaged by the *eruv* construction (London Borough of Barnet, Town Planning and Research Committee report, 24 February 1993, Appendix 1, pp. 1–16) The TP&R Committee took the unusual step of going against the Borough Officers' recommendations [129] and refused the USEC's application to establish an *eruv* in Barnet.

> The Committee
>
> RESOLVED – That planning application Ref. Eruv 1 for the erection of groups of poles between which is to be suspended at high level a wire be disapproved for the following reasons:
>
> (1) The proposed poles and wires would result in the introduction of additional street furniture which would be visually intrusive and detrimental to the character and appearance of the street scene contrary to policies G1, G2, G3A, G3D, G18, T1.1, T2.1, and T3.1 of the Council'' Unitary Development Plan.
>
> (2) The proposed poles and wires along Wildwood Road by reason of their size, number and general appearance would be visually intrusive, impair the continuous landscape of Turner's Wood and the adjoining meadow land and cause demonstrable harm to the environment of a conservation area of national importance.
>
> (Decisions of the Town Planning and Research Committee, 24 February 1993, p. 1)

The USEC had produced a number of briefing documents for the consideration of the Councillors explaining the *eruv*.[130] Subsequently, the United Synagogue's Eruv

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[128] The paint referred to is also known as 'anti-climb' paint. It remains wet to deter climbers.

[129] 'It is rare and only in a minority of cases that the Members reach a different decision to that recommended by their officers' (Evidence of Councillor Mrs Sheila Scott on behalf of the London Borough of Barnet as Local Planning Authority to Public Inquiry Appeal, p.6.)

[130] Examples of these documents, the first dating from June 1991, are reproduced in Appendix C.

Committee published a number of information leaflets and press advertisements aimed at the general public.[131]

The USEC's first reaction to the refusal of planning permission was to approach Barnet Council through Chartered Town Planners, Fibbens Fox Associates (F.F.A.) who had been engaged to make written representations of a technical nature. In a lengthy letter to the Officersof the Council, Fibbens Fox Associates reported their clients' disappointment at the refusal of permission for the *eruv*:

> Our clients would nevertheless prefer to resolve this matter by agreement if at all possible and accordingly we hereby enclose a 'repeat' application which has been prepared after careful consideration of your Council's reasons for refusal and which incorporates revisions which we hope will commend themselves to your Members since they reduce even further the already limited visual impact of our clients' proposed development.
>
> (F. F. A. to Controllers of Development Services, 7 June 1993, p. 1)

The revised submission included references to discussions with the Royal Society for the Protection of Birds (RSPB) which, it was claimed, showed that the Society's previous comments on the *eruv* had been misinterpreted. 'The RSPB has no objection to these proposals' (F.F.A. 7 June 1993, p. 2). The 'repeat' application reverted to the original proposal to use a nylon mono-filament wire – so thin as to be virtually invisible – for the *eruv*. The submission dealt with considerations of visual amentity, particularly the small number of *eruv* poles compared to the number already in the borough. F.F.A., on behalf of their clients, rejected as unfounded the Councillors' allegations that the 'proposed street furniture would be obtrusive, out of character, and detrimental to the general streetscene' (F.F.A. 7 June 1993, p. 3). As for impact on the conservation area, the revised proposals called for only two wooden poles in the sensitive area of Wildwood Road. Alleged misunderstandings were highlighted (F.F.A. 7 June 1993, p. 4):

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[131] Reproduced in Appendix C.

> We have noted the unusually large quantity of third party correspondence generated by the previous application and have considered the various points made. It seems clear that many of the representations were based on misunderstanding and raised non-planning issues irrelevant to consideration of the original application.

The submission continued with a rehearsal of the nature of an *eruv*, highlighting benefits and playing down the impact, which would be 'de minimis'. The submission concludes by expressing the hope that the Officers will recommend to the Councillors that approval be granted and that 'your Council's Members will be able to take an objective view and this time accept your recommendation' (F.F.A. 7 June 1993, p. 5).

The Council's Controller of Development Services reported that his 'view of the revised application is consistent with my previous recommendation [i.e. that the Council grant permission]. However I am conscious that Members formed a different view of the earlier application…' (Report to TP&R Committee, 27 October 1993, p. 8). Members did not accede to Fibben Fox's wish that they take an objective view, nor to their Officer's implicit recommendation: the revised application was rejected.

Thus far, it is quite clear that the issue of religion appears, on the surface, to have played virtually no part in dealing with the presentation of the *eruv* as a planning application, nor in its rejection by members of the local authority. Religion is mentioned in the United Synagogues application where the concept of the *eruv* is described. Beyond the context setting description in the early part of the application, the terminology employed throughout is that of planning regulation. Planning objections are dealt with: 'birds' 'visual amenity' etc., but the United Synagogue does not press the case by citing the religious need of the community. In this application, the 'religious imperative' of the *eruv* for the orthodox Jewish community does not seem to be considered capable of enlisting Council support.

I had the opportunity to interview at length a representative of the Eruv Committee who clarified the Committee's approach to the presentation of the application, both to the Local Authority and more generally. What is striking about this is that at the end of his explanation, the Committee member says that the issue is about respecting beliefs. Yet, as we have seen, the religious aspects of the application were largely played down by the applicants:

I think in terms of the Council planning documents, it set out in detail what an eruv was and why we wanted it, but an eruv is not something that can be explained in two seconds, so we had to focus on the most important issues... on the kind of arguments articulated in the Times leader [The Times 25 Feb 1993].[132] We argued that it's not that there is such prohibition on Jews that they would never carry, but if the Council would let us build this eruv, then for Jewish law purposes, but for no other purposes, this area is a private domain and therefore you can carry in it, but it doesn't affect you. The erection of a structure around the community would be of significance to those of us that want it, but it is of no significance to anyone else it has no effect on anyone else, either negative or positive, in the way that people put a bit of kosher meat on a plate, and the fact that the meat is kosher means that I can eat it, and the non-Jew can eat it as well... the fact that it is kosher does not mean that he can't eat it, it doesn't matter to them whether its kosher or not, but it matters to me, and the fact there's an eruv around the X,Y,Z streets doesn't mean you can't use the streets. It's very fashionable to deride any kind of intricate reason as sophistry or arcane... When people threw up their hands and said: 'We don't understand what you want, you want to create a legal fiction, why should we help you create a legal fiction?' The answer is the only reason we needed help was because English planning law dictated we needed permission. I suspect that it's true that if an eruv could be designated by some rabbi standing, waving his arms around his head and saying: 'I designate this area as an eruv', I think some people would have found that every bit as disturbing. *But if I heard someone declared that the road in which I lived was declared a sacred area for Hindus, then I wouldn't care... my belief system does not impact upon that... it's of no significance to me, but there are people on whom it does. What I'm articulating now was not some strategy we came up with to deal with the opposition to build an eruv, it was a belief that it was essential and fair and obvious that if we were asking people to respect our beliefs we had to respect their beliefs.*

(Interview: Mr Da Silva, emphasis in final part added)

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[132] Reproduced in Appendix C.

5.2 The eruv in the press

Press interest in the *eruv* proposal began as soon as the formal application for planning permission was lodged. The two local newspapers covering the area of the *eruv*, the *Hampstead and Highgate Express* (known locally as the *Ham & High*) and the *Hendon and Finchley Times* (known locally as the *Hendon Times*), gave substantial space to the *eruv* throughout the duration of the dispute. The *Ham & High* is the local newspaper for, among other places, the Hampstead Garden Suburb. The Suburb was a centre of concerted and vociferous local opposition to the *eruv*. The Jewish population of the Suburb comprises a majority who are not observant orthodox Jews. Hendon is an area in which a higher proportion of the population is made up of observant orthodox Jews.

National newspapers, and subsequently international news media, also followed the major developments in the story. Generally, press reporting was limited to factual reportage with little comment. However, *eruv* supporters claimed that of the two local newspapers, the *Hendon Times* took a quite positive line, while the *Ham & High* were biased against the *eruv* plans. I put this suggestion, and some other questions, to Mr Fisher, a member of the editorial team of the *Ham & High*. The religious aspect of the *eruv* did not seem to figure in this press representative's view of what happened. However, the inter-communal division within the Jewish population over the *eruv* was something this newspaper wished to exploit:

> *It soon became apparent that some of the most vociferous opponents to this were Jewish, and this increased the quirkiness, and news value of the story, and we began to realise that this was something that we could actually blow up.* First of all, [it was] something long-running, and also something that was going to demand... to focus interest on it, and become a talking point. So, we began to give the story some coverage, and we immediately ran into the problem of people such as Black or Schreiber [members of the USEC] who from the word go thought we were distorting the situation. It got to the stage were when the planning application was turned down by Barnet Council, they blamed the *Ham & High*, saying that we had stirred up opposition to it. I don't think we did...

(emphasis at beginning added)

[I asked Mr Fisher whether his newspaper eventually took a particular stance vis-à-vis the eruv?]

> We didn't really. I think we were critical... there were times when we were critical of the eruv campaign, particularly some of the very questionable tactics they [supporters] used... But we never actually took an official line against it. What we did do, in terms of editorials and articles, was to show the strength of public opinion, and the strength of public opinion, generally, seemed to be against the eruv. But, this was interpreted by the pro-eruv group as evidence that the *Ham & High* was against the eruv.

[Question by RA: Were you, as a newspaper, lobbied or pressured in any way?]

> Well, we were certainly lobbied by Mr. Schreiber and his associates. They were absolutely incensed at what they saw written by us, and I think that all along they misread and misunderstood the reporting of it... and the nature of public opinion, the strength of the letters that we were getting in, and had to represent... fifteen against and three pro. If people are organising meetings, and criticising it, then those things are news. It's very difficult to balance that if there isn't that many strong counter-opinions coming up against that.

Weighing words

To judge by headlines used in newspaper reports, the *Ham & High* certainly seemed to be more keen to emphasise the negative aspects than were other newspapers. The justification offered by the newspaper was that their readers and correspondents (i.e. those who wrote to them on the issue) were overwhelmingly against the *eruv* proposal and the newspaper merely reflected this local feeling. On the other side, one need only look at the headlines which the newspaper composed to see that the representation of the issue was virtually unremittingly negative. For example, the following were early headlines over *eruv* stories from the Ham & High:

> Jewish Border poles 'will spoil Suburb' (12 June 1992)

> Eruv 'could incite anti-Semitism' (18 September 1992)

> Eruv anti-Semitism jibe was outrageous (16 October 1992)

Rabbi 'a disgrace to our community' [133] (16 October 1992)

City of London says no to eruv on Heath extension (20 November 1992)

Eruv flouts planning law, say protesters (27 November 1992)

Eruv: the risk within (04 December 1992)

Ombudsman probes eruv complaint (18 December 1992)

While these were not the only headlines used in the period from mid to late 1992, they are the majority and the tone is very negative. There were no 'positive' headlines in this period in the *Ham & High*. The *eruv* is consistently presented as a *problem* and a *source of conflict*. In contrast other newspapers, local and national, were either neutral or positive in their choice of headline in comparison to the *Ham & High*.

Dawning of a new eruv (*Hendon Times* 25 June 1992)

Invisible line of faith 'to benefit thousands' (*Hendon Times* 25 June 1992)

Jews to have Sabbath freedom zone (*Daily Telegraph* 29 June 1992)

Zone of freedom for the Sabbath (*Evening Standard* 02 July 1992)

MPs voice support for eruv campaign (*Hendon Times* 15 October 1992)

The battle over representation of the *eruv* in the newspapers became more heated still with a report in the *Ham & High* of 15 January 1993 which bore the headline: Jewish Zealots: We'll Patrol Eruv. The story concerned a document, claiming to be the minutes from a meeting of the Kahana Defence Group at which it was decided to have vigilantes patrol the *eruv*. The police, Hendon MP John Marshall and the Board of Deputies all immediately took the document [134] to be a hoax. Mr Christopher Kellerman, Manager of the Hampstead Garden Suburb Trust, was quoted by the *Ham & High* as saying that this document showed how divisive the *eruv* had become. Of course, if the document was widely accepted to be a falsehood, if not in fact a falsehood, Mr Kellerman's comments to the press could be interpreted either as foolish or as irresponsible. David Bogush, a Trust Council member wrote a letter

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[133] Rabbi Alan Kimche of the *Ner Yisrael* synagogue, who has labelled some *eruv* opponents 'anti-Semitic'.
[134] Document reproduced in Appendix C.

[135] to the Trust Chairman, Gerry Mansell, protesting about Mr Kellerman's behaviour. Mr Kellerman had taken an anti-*eruv* stance from the outset, acting both in his capacity as Trust Manager and as a private individual, intending, as David Bogush put it, 'to add fuel to the fire'. Refuelling continued in the *Ham & High*'s pages a week later, on 22 January 1993, when an article was published stating that the hoax claims had been rebutted: 'Communal defence group does exist'. In early February, the *Ham & High* managed to outdo itself by producing the headline: Eruv violates Jewish law, say Orthodox rabbis' (05 February 1993). [136] Even the most cynical observer who was aware of the status of the *eruv* in *halakhah* would be hard pressed to agree with the interpretation advanced by the headline writer of the Ham & High in this instance.

On 23 February 1993, Barnet Council turned down the planning application for the *eruv*. Both local and national newspapers reported on the matter. *The Times* on 25 February 1993 carried an article with the restrained headline 'Campaigners for eruv may fight refusal' and a leader, entitled 'Ethereal Boundaries', strongly supporting the *eruv*. The *Economist* of 06 February 1993 carried an article 'Drawing the Jewish line'[137] which became frequently quoted by *eruv* supporters in correspondence and evidence to the Inquiry of late 1993.

Press coverage of the *eruv* resumed on a large scale following the decision by Environment Secretary John Gummer in late September 1994 to grant permission for construction. For some papers, it seemed to be all over bar the shouting. The *Jewish Chronicle* of 23 September 1994 carried a story with the headline: 'Go-ahead for London eruv ends bitter communal battle'. The Leader column in the same issue, headed: 'Eruv of reconciliation', called for the *eruv* to 'be implemented in the spirit that it deserves: as an example, in a truly multi-ethnic society, of a move to enrich the lives of one group – with care, sensitivity and respect for those who may neither need, nor want, its benefits'. The Chronicle's judgment that the communal battle was over was wide of the mark. As things turned out, there was to be a considerable degree of shouting yet to come.

As is clear from the above, the *eruv* was rarely represented as an unequivocal issue of religion. In the headlines quoted from the *Ham & High*, only two words

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[135] Document reproduced in Appendix C.
[136] Document reproduced in Appendix C.
[137] All three documents reproduced in Appendix C.

clearly identify the story/issue as involving religion: 'Jewish' and 'Rabbi'. In the other newspapers' headlines only 'Jews' and 'faith' and are indicators of a probable religious issue (and 'faith' has non-religious connotations too); 'sabbath' could be a Jewish or Christian reference and could even be about a time or a day without direct reference to any given religion.

The *eruv* story continued from its early gensis in local newspaers to spread to national newspapers and eventually to international press and other media. Part of the spread of the story of the *eruv* came about as a result of the involvement of key persons in the drama. Thus the *eruv* became the key element in an 'In Person' article in the *Solicitors' Journal* on 21 January 1994 which profiled Laurence Bergner, a Harley Street solicitor representing the USEC. Around half of the single page article dealt with the *eruv* and included the purported quote that: 'The whole of Israel, says Begner, is an *eruv*…' a statement which is factually incorrect and not to be expected from the USEC's lawyer!

By the end of 1994, the *eruv* had even infiltrated the pages of that venerable journal and religion-free zone, the *Freethinker*. In November 1994, the more-than-a-century-old journal had published an article by the President of the National Secular Society (NSS) on the *eruv*. In December 1994,[138] it reported that the Treasurer of the NSS, David Williams, had agreed to administer an appeal for funds to fight the continuing legal battle against the *eruv*. A case was to be brought in the High Court by two secularists who have figured already in the *eruv* story, Elizabeth and Geoffrey Segall of Cricklewood.[139] The Segalls were objecting to the 'hijack' of their house as part of the notional boundary of the *eruv*.

Throughout the *eruv* saga, the Segalls were prominent in opposition. They wrote voluminous correspondence, including letters from firms of lawyers to Barnet Council, Members of Parliament and other bodies. My research has gathered over a hundred of pages of material, including letters to the press, emanating from the Segalls. Even an article written by me [140] and a colleague in a journal for A Level Sociology students generated a telephone call and letter to the journal from the Segalls. It was the Segalls who objected to the payment of £4,000 to Barnet Council

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[138] 'Court challenge to *eruv* hijack' <u>Freethinker</u>, 114 (12) December 1994, p. 189.
[139] See chapter 1, final section: Consent and renting rights.
[140] Ash, R. and Goodchild, I. J. (1997) 'Poles Apart: Secularization and Anglo-Jewry' <u>Sociology Review</u>, 7 (1) 9–13.

by the USEC. They challenged this by, amongst other means, a public question to the Town Planning and Research Committee. They went so far as to lodge a complaint with the Local Government Ombudsman over the payment. The Council's reply to the Segalls' question is reproduced.

Other key players in the dispute were the Barnet Eruv Objectors' Group (BEOG). Like the Segalls, this group, based in the postal area of NW11, generated a large amount of letters to the press, letters to Barnet Council, frequently with petitions appended, and press releases modelled on those of the USEC (example reproduced).

5. 3. Representing the Eruv: Supporters and Opponents

Supporters of the *eruv* among the public wrote many letters to the newspapers and to the local authority in which they often went to great length to present the case for the *eruv*. Unfortunately, unlike the respondents whom I interviewed, it is not possible to know with certainty the 'position' of these correspondents with regard to their being 'central' or 'peripheral' to the dispute. [141] Hence, one dimension of analysis is curtailed. However, the expression of their views still supplies insights and a 'feeling' for how the dispute was perceived. In this first example, it is interesting to note the phrasing near the end of the letter concerning cost and benefit, an equation which often figured in arguments both for and against the *eruv*.

> Please find enclosed a copy of the article which appeared in the Economist in February 1993.[142] You will note from the article that one has no idea when they are within an eruv or not. The claim that the erection of an eruv would create a ghetto simply does not stand up. In addition, in an area such as North West London, a few more poles and some wire would not create 'an adverse visual impact'. This was the opinion of the Secretary of State in September 1994 and I fail to see why a few minor changes to the plans should alter this. Furthermore, the advantages to the Jewish community are immeasurable. It will enable families with small children and the elderly to move around on the Sabbath, whereas at the moment they are confined to their homes. I believe that these and other advantages to the Jewish community far outweigh any counter arguments. If you look around the world, there are many similar eruvs which have no adverse effect on the inhabitants. Moreover, I would suggest that most people are unaware that they are even within one. The eruv would benefit thousands of people and at no cost to the borough. I sincerely hope that you will accept the reasoned approach of The Economist and support the planning application.
>
> (A. Ohrenstein, letter 249) [143]

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[141] The fact of writing a letter alone need not indicate strong feelings or involvement in the dispute: some letters were clearly model letters reproduced centrally ready for signature.

[142] The Economist article, frequently quoted by supporters of the *eruv*, is reproduced in Appendix C.

[143] The number of a letter is the number given by Barnet Council Officers to the letter when filed. All such letters quoted with a number are from the (1996) files relating to the third *eruv* planning

The article in the Economist included a photograph of the White House in Washington, D.C. and in its text draws attention to the uncontroversial nature of the *eruv* in that city. In the case of Washington, the *eruv* builders were fortunate in being able to make extensive use of the existing networks of street furniture. It seems that in the United States, common designs of telephone poles and their wires are technically suitable for incorporation as *eruv* boundaries. The next extract from a supporter's letter also draws upon the experience of *eruvin* in the United States, but unlike the previous letter, in this case the supporter's argument is framed in terms of raising objections and answering them.

> […] The cost of the eruv is to be borne by those, like ourselves, who stand to gain from it.
>
> The proposed eruv will be unobtrusive… The proposal is virtually identical to the Los Angelese [*sic*] eruv in use for some years. When I lived in LA, my house was situated at the eruv boundary and I used to walk a mile along it every Saturday. Because I knew where the fishing line was supposed to be, if I stood at the right place and sighted along the right angle I could just spot it; but no-one else ever could.
>
> It… might pose a hazard to blind people and to migrating birds; but the poles are not to be placed in the middle of the pavement… and will not impede the right of way. As to the birds – both California and Israel are in the flight paths of major bird migrations… had such a phenomenon been observed, surely by now it would have been noted.
>
> (M. and D. Prins, letter 85)

In precisely the same manner as the previous example, Alan Halibard submitted a generally lucid, though lengthy, letter in which he sought to summarise for the Councillors the objections which had been advanced against the *eruv*, and to refute each in turn. It is interesting for its analysis of the purported objections to the *eruv* and its [flawed] understanding of what constitutes an answer to them.

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application, known to the Council as 'Eruv 3'.

1. The political argument: 'Jews should not be imposing their geographical area on the rest of the non-Jewish community'.

    This is a mixture of ignorance and blatant anti-semitism which does not need to be discussed.

2. The 'wise guys' who make suggestions like, 'if the Jews can imagine that a set of poles define an area, why can't they also imagine the poles?'.

    This type of argument provides a lot of amusement but does not need to be taken seriously.

3. The 'legalists': 'Why can't The Chief Rabbi define the whole of the island of Great Britain as an Eruv, as it has natural boundaries' or 'in this modern world, can't he find some other way of giving a dispensation against mediaeval religious practices?'.

    The Eruv is part of a huge and intricate legal system and people who are not scholars themselves would do well not to display their ignorance by making suggestions to tinker with it. If there would be an easy 'quick-fix' possible, some great Jewish scholars would have thought of it during the last 2000 years.

4. The sociologist argument: 'It will create a ghetto for the Jews'.

    The ghetto was the horror imposed on the Jewish communities of Europe from the start of the Middle Ages until the end of the Nazi era. Jews were forced to live in them by the authorities, with a tremendous impact on their living conditions, social and commercial life and vulnerability. In Barnet, however, no-one is being forced to live within the Eruv, non-Jews will also live 'within' it and it will have no impact on anyone's life except for the stated purpose of allowing orthodox Jews to carry on the Sabbath. Any suggestion of a ghetto in this context is purely in the minds of the people who themselves conjure it up.

5. The environmentalists: 'It spoils the environment'.

    A few poles can hardly be considered environmentally damaging. In any stretch of road there are dozens of street lamps, traffic lights, road warning signs, road directional signs, telegraph posts, electricity pylons, belisha beacons and trees. We even have in our road a six inch diameter metal pole supporting an air-raid warning siren from the last war. We

now have also street name plaques on posts and new advertising structures sprawled across busy pavements. A sense of proportion is needed.

6. 'Not all religious Jews will use it'.

    It is true that a small minority of extremely orthodox Jews will choose not to rely on the Eruv. This is indeed the case even in Israeli cities. However this is not a reason to prevent the majority from benefitting. I myself might decide not to avail myself of its benefits, but I would support the rights of those whose rabbis take a different opinion. I rarely use public libraries nowadays, but I still believe it is an essential local authority provision and I am happy to pay my share for it from my Community Charge.

    (A. Halibard, letter 131)

One of the features of correspondence in newspapers and letters to Barnet Council was the recurring reference to the *eruv* as creating a ghetto. In yet more bizarre imaginings, the *eruv* was likened to a concentration camp. Such a reference clearly caused much hurt to members of the Jewish community as is clear from an important letter submitted by three concentration camp survivors. The reasoned tone of this letter contrasts sharply with a number of letters and newspaper articles which were to appear regularly throughout the dispute in which the *eruv* was compared either to a ghetto or to a concentration camp.

Each signatory to this letter is a survivor of one or more of Nazi Germany's ghettos and concentration camps where we were subjected daily to the most inhuman treatment.

In the context of the application for planning permission for the establishment of the North West London Eruv, we have seen reports of opposition by one or two survivors of the Nazi Holocaust. In a TV interview, one survivor likened the Eruv to a ghetto and the TV presenter stated that to some people the Eruv had 'disturbing echoes of Hitler's concentration camps'. In our view, this comparison is completely misguided.

We suspect that the survivors who have previously expressed opposition to the Eruv, through no fault of their own, do not properly understand what an

Eruv is. Of course we acknowledge the memories of those survivors. However, as you know from your examination of the plans, the Eruv only involves several short stretches of monofilament line. Since this line is no more similar to a barbed wire enclosure than telegraph wire is, we cannot remotely relate their view of the Eruv to the plans before you.

It is important for you to understand that there is no comparison between an Eruv and a ghetto or concentration camp. The very suggestion of a comparison is deeply insulting.

As each of the undersigned knows only too well, the Nazi camps and ghettos were maintained by Hitler and his henchmen to confine people against their will with a view to oppression and ultimate extermination. In our view, an Eruv is an expression of freedom and integration within the wider community. This is what we so desperately aspired to throughout the dark days of our persecution and for which those few of us who survived are profoundly grateful.

We hope that you will recommend to the Planning Committee that planning permission is granted.

(R.R. Aron; S.S. Irving; A. Perlmutter, letter dated 12 Feb 1993)

It was clear from much of the correspondence received by Barnet Council that thinly disguised anti-Semitism lay behind some of the objections to the *eruv*. When Rabbi Alan Kimche pointed this out, he was widely condemned, especially in the editorial and letters columns of the *Ham & High*. Despite this, some respondents fely able to make the point. In the following extract, Murray Rosen Q.C., who described himself as a member of the New North London Synagogue [Masorti], a Deputy of the Board of Deputies of British Jews and of Barnet Racial Equality Council, writes to urge Councillors to support the *eruv* as a means of combatting opposition from racists.

An eruv would not make much difference directly to my own way of life but would be a major benefit to thousands of more observant Jews in the Borough. Among these are many of my orthodox relatives, friends and acquaintances.

Apart from the continuing hardship which an adverse decision would cause them, I am appalled at the racist message which we would be sending out if

Barnet, which should pride itself on its racial and religious diversity and understanding, were to refuse this application.

It does not matter what spurious reason was given for such a refusal – visual amenities, insufficient general need or otherwise: the fact is, we would be penalising a very important sector of an important religious minority, in order to placate adverse racist reaction.

I would find that intolerable and so, I am sure, would you. Please vote for the Eruv Application.

(M. Rosen Q.C., letter 382)

Mr Rosen's comments on racism among some opponents of the *eruv* was taken up with rather less delicacy of tone by another correspondent.

By now you are fully aware of the eruv and how important it is to the orthodox Jewish community in North London. You are also definately [*sic*] aware that the eruv itself will not cause a physical eyesore or disturb anyone.

Therefore the only reason not to implement the eruv is because it would encourage Jewish people to live in this area which they do already.

So either have the guts and on an antisemitic basis stand up and say No to the eruv, or, if the antisemitic base is not the case, which I sure hope is so, just let us please get on with this 'silly' matter so that we can improve our life at no expense to others.

(D. Shein, letter 104)

Writing Outrage

A substantial number of letters were submitted to Barnet Council opposing the *eruv*. As already noted, letters from supporters were relatively reasoned in their statements, e.g drawing attention to the needs of certain groups, the unobtrusive nature of the *eruv*, the lack of cost to the local taxpayers. In stark contrast, the letters from opponents frequently contained incoherent, even rambling, expressions of opposition, little of which could be characterised as reasoned. A much broader range of reasons for objecting to the *eruv* were put forward. Thus, I have grouped extracts from objectors' letters by reasons for their opposition. The letters give only a partial, but sufficient, impression of the variation in submissions by objectors. The first letter

raises a common concern with the safety of birds. One wonders, though, which birds fly in the correspondent's neighbourhood at night?

> Regarding the ERUF (or whatever it is called)… I believe that nylon lines could kill some birds, who might not see them, especially if flying at night.
>
> (A. Maxwell, letter 1)

> The height of the eruv may well be a hazard to birds.
>
> (M. Miller, letter 273)

If the flying wildlife were not threatened by the *eruv*, some thought that the environment of the borough would be degraded by the poles and wires:

> An unwarranted detraction to the visual environment of … 'Green Barnet'.
>
> (S. Reilly, letter 293)

> Another piece of urban pollution… ugly clutter… a gross provocation… IF GRANTED IT WILL REPRESENT THE SETTING OF A VERY DANGEROUS PRECEDENT.
>
> (K.A. Brett, letter 294, emphasis in original)

> As lifetime residents of the Garden Suburb, we do not wish to see what is the epitome of an ideal urban England ghettoised.
>
> (R. Clarke, letter 233)

As already noted, the ghetto effect, imaginary or not, was feared by many objectors:

> I object as a Jew, because I value my new Jewish neighbours and the good relations that exist in this neighbourhood. I do not want a Jewish ghetto to develop… in this area.
>
> (Elizabeth N., letter 102)

> The eruv is an attempt by a minority of religious extremists to inflict on us… a system invented in eastern Europe for tiny, homogenous groups. It may seem unimportant and comic, but it carries sinister implications… the very creation of an eruv will attract increasing numbers of their fellows, and a true ghetto will grow up.

To judge by the behaviour of their Israeli brethren, they will be ready to stop us? On their sabbath; public transport will be stopped and <u>stones thrown at those who use their cars</u>?

(J.L. Wood, letter 137)

The eruv encourages an 'Ingroup/Outgroup' Ghetto-like atmosphere.

(G. Brown, letter 245)

I am not unsympathetic to their cause. I understand that they need to do things such as carrying keys. Also the argument that the eruv would focus anti-semitism and the 'Ghetto'.

(P. McCulloch, letter 266)

Two linked themes permeated many of the objections by respondents and in objectors' letters. The first was that the *eruv* created division. The second was that the result of this division would be anti-Semitism and violence or vandalism aroused by it:

[…] tensions are going to increase as the poles go up. Why do they feel the need to be militant in a society where they have been settled for years and where there has been no interference in their practices; a multicultural society, which the Suburb always was. It is just an escape mechanism, so that they can escape the inconvenience. And I just regard it as outrageous that they wish to escape the inconveniences of their own religion, by imposing upon the Heath, which is an especially protected area… [not suitable for] an array of poles and wires. It's part and parcel of being a Jew – you have to accept the discipline that goes with it, and if you can't accept this discipline, then get out. It strikes me as hypocrisy; the kind of hypocrisy that you would find in every religious community. And I am depressed to find that amongst Jews, because I previously regarded them as less inclined to hypocrisy than other religions.

(Interview: Mr and Mrs Young)

It is invidious for a small religious minority to seek to impose its will on both Jews who do not share the beliefs of the United Synagogue and non-Jews alike. The underlying Truth behind all religious teaching is the essential unity of the creation. The eruv would be consciously and willfully [*sic*] divisive and would serve to fuel anti-semitism.

(I. Ficher, letter 155)

The eruv would cause discord in a harmonious community, and would be vandalised. We feel that a small minority of the Jewish community has no right to inflict its bizarre ideas on the rest of us.

(F. Binnie, letter 282)

We are a tolerant people – and an eruv would cause divisions and discord with other sects, cults etc.

(R. Thompson, letter 284)

The likelihood of damage would make the eruv inoperable. It would upset the religious balance of the area.

(J. Whitehouse, letter 290)

There was no surprise expressed by any respondent that the Hampstead Garden Suburb had been a centre of opposition to the *eruv* proposal. A certain kind of English anti-semitism was seen, by insiders and outsiders alike, as finding a natural home in the Suburb:

I think that the Suburb is, in a way, home to quite genteel, upper middle-class anti-semitism, and I do think that all this hot air about street furniture is not the issue, there are far more disfiguring parts of the landscape than a few poles and some wire, so I don't believe that that was the real agenda. It was a smokescreen.

(Interview: Mrs Healey)

[It] would create anti-semitic feelings… exhibiting blatant disrespect to other religions, including Christianity, the U.K.'s premier sect, of which I am a member.

(Name illegible, letter 254)

The whole eruv issue is something which exists in the minds of the ultra-orthodox (a minority!) to more liberal people, such as myself, it has no basis. I personally think it's laughable that intelligent people can believe that G-d has ordained that it is OK to break certain sabbath rules by putting up an imaginary boundary. Also, the vandalism and anti-semitism that will be caused…

(C. Morris, letter 264)

The idea was also voiced that by allowing an *eruv*, one group among those many who currently live in religious harmony or balance would be privileged in some way over the others:

It seems to me to be contrary to all natural justice that parts of the neighbourhood should become festooned with poles and wires to facilitate the religious observance of one sect.

(Mr Hollander, letter 250)

I am Jewish, and a highly observant, practising Jew… this [proposal] is totally unneccessary. The people who are pushing the application ahead do not represent the majority of the Jewish community, but rather fanatical extremists.

(P.N. Galgut, letter 205)

The idea of any kind of street furniture which indicates an area to be used for any kind of religious practice is one which I find offensive and intrusive.

(N. Blausten, letter 285)

The eruv provides no service… I also can't help feeling that the Orthodox Jewish Community are just trying it on.

(S. Wood, letter 295)

Whilst we believe that everyone has a right to practice [*sic*] whatever religion they like, this intrusion across a range of religious denominations for one select group in a country whose national religion, which is official and recognised by the Queen, is The Church of England. This is not to say that the area is not well-known as Jewish but there is concern amongst non-

fundamental Jews that this kind of divisive behaviour causes resentment where people of all religions have previously lived happily in the same place. Also, there are basic civil liberties at stake here. It is, surely, <u>not</u> acceptable to erect a sectarian border across Barnet with poles and wires on the public highway, in many cases using residents' private properties as part of the boundary without their consent.

(D. Cunliffe, letter 256)

Where would it all end? If the *eruv* were to go ahead this would only be the thin end of the wedge:

The U.K. is not a theocracy, but a multi-cultural and multi-religious society. If we allow this structure to go through, on what grounds can we prevent the erection of Buddhist prayer wheels in our parks?

(Prof. G. Panay, letter 187)

Correspondendents and interview respondents reacted alike, in that they evinced a fear of the spread of alien religious symbols in public places, e.g. the erection of totem poles on Hampstead Heath. Would they then expect the performance of native American rites to follow in the wake of the appearance of the totem poles? Interestingly, genuine North American totem poles, gifts to H.M. the Queen by Native Americans, have long stood in the public parkland of Virginia Water in Surrey. They seem to have attracted only admiring glances from passing visitors. 'What did you think when you first heard about the *eruv*?' I asked one respondent:

What did I think? I was outraged! I was so outraged that I immediately wrote to the Council, and to the Chief Rabbi, making a number of points. First, I asked how they managed in the past hundred years without an eruv, and why they wanted to cause so many ruptures in the community. [...] If another group came along, and they wished to put up totem poles, I could see no grounds on which you could raise any objection.

What I object to very strongly is about the protection of areas you view as your own space, and their invasion by this. Christmas lights, or Divali lights in Trafalgar Square don't clash with something you want to defend. These things are for festivals, for the whole world to see and enjoy, they are not

markers. It's like Christmas time at Golder's Green when the Jewish community put up the *Hanukkiah*. [144] Poles and wires are symbolic to everyone, to have those in public places, and affecting even private space. They are repellent to everyone. It's an invasion of space. But how is one to deal with someone who comes along and wants totem poles everywhere, or a sect who mark the area? How do you reject an application from any further religious groups? We don't know why the Jewish community has suddenly erupted into a militant eruv-demanding people, or that the Muslims aren't going to do the same. As fair agnostics, we would say 'why not?'. It's never-ending.

(Interview: Mr and Mrs Young)

The main other type of objection encountered in the letters was that which focused on the practical: visual amenity, health and safety and land value.

I object because I am registered blind and I don't need more obstacles than necessary in the road. I reckon that the money that has to be spent on this conflict could be spent more usefully.

(Elizabeth N., letter 102)

I wish to object to the erection of the above poles and wires on the grounds that it is unsightly, create [*sic*] a health and safety problem, and lower the tone and value of properties along Pennine Drive NW2.

(F. Ang, letter 276)

Redrawing the line?

Throughout the period of the *eruv* controversy, newspapers published letters from readers in which 'alternative solutions' to the *eruv* problem were advanced. In all the cases the letters were from *eruv* opponents. Clearly in all of these instances, there is an element of the 'tongue in cheek'. The proposals included designating the whole island of Britain as an *eruv*:

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[144] An eight-branched light used in celebration of the festival of Hanukkah (November/December). What appears to be a ninth branch is the *shamash* (servant) from which each of the eight lights is kindled.

I have followed the eruv controversy with some interest. Can someone explain to me why Jews in a small patch of North London should be particularly favoured by this device?

If it serves a useful purpose in enabling persons of extreme orthodoxy to avoid certain religious restrictions, why should they not request an eruv around the British Isles…?

(Harriet Goldberg, letter in *Hendon Times* 28 August 1992)

Moving down the scale somewhat, a 'regional' soulution in the form of the M25 was cited on a number of occasions as a possible substitute for the local *eruv* in Barnet:

I am not sure which is the more bizarre: the erecting of 84 telegraph poles to ease the conscience of Jewish mothers who wish to circumvent the equally ludicrous law preventing them from pushing their prams on Saturdays, or the thought of a respectable gentile woman shinnying up a pole with wire-cutters between her teeth, hell bent on sabotage (Battle of the Sabbath-free zone 25 January).

If I were a Jewish mum, I should ply my fully-laden pram on a Saturday between Watford and Westerham or from Gants Hill to Kempton Park, supremely confident in the protection afforded by the magic roundabout or M25.

I do hope God has a sense of humour. He must wonder why his people invent daft rules in His name, and, when these prove inconvenient, devise even crazier rules for getting round them. Other countries have civil wars, power-crazy despots or natural disasters. We have the Eruv Question. Does sanity still exist?

(Jonathan Cocking, letter in *Evening Standard* 01 February 1993)

If the whole of Britain, or even the M25, proved too much for an *eruv*, how about just the Borough of Barnet, asked Mr Brooks:

If the Board of Deputies of British Jews allow phone calls on the Sabbath it surely follows if the Chief Rabbi were to declare the entire Borough of Barnet as an eruv that would do the trick.

It would be there, it could not be seen, and more to the point it would cost nothing.

(D.J. Brooks, letter to *Hendon Times* 22 October 1992)

Failing all else, could one try to find a truly modern solution:

If radio waves can be used to fax prayers to the Western Wall in Jerusalem, the same invisible technology can be applied to a symbolic ghetto – sorry: eruv.

This would be less expensive to maintain, could not be vandalised, and would be acceptable to all – maybe even to Him who needs no wires to look into the hearts of the truly devout.

(Peter Comberti, letter in *Hendon Times* 16 September 1993)

5.4. Religion and Political/Legal Process

In this section, I examine the political and legal decision making to see the extent of religious considerations, if any, in the decision to permit the construction of the *eruv*. We have noted above the reasons given by the Council Members for rejecting the first *eruv* application. Fibben's Fox Associates' representations detailed the response of the USEC, which sought to answer the Councillors' objections. The most comprehensive summary of the development of the *eruv* issue up to that time, setting out the case pro and anti, is the Controller of Development Services' Report of 27 October 1993.[145] In a document produced at a later date, Councillor Sheila Scott touched upon the issue of the Councillors' decision to reject Officers' recommendations. She wrote:

> It is however the view of the Members, and one with which I agree, that the Committee should not slavishly follow the officers advice but must reach their own decisions. I consider that Members were perfectly well able to assess the implications of the proposal and form the judgement that to allow it would in both cases cause demonstrable harm to the Hampstead Garden Suburb Conservation Area and the appearance of street scenes in other parts of the Borough.
>
> (Evidence of Councillor Mrs Sheila Scott on behalf of the London Borough of Barnet as Local Planning Authority to Public Inquiry Appeal, p.6.)

A Daniel come to judgment? (Merchant of Venice)

Once the recommendation in the report of 27 October 1993 was rejected, the action moved to an Inquiry by David Bushby, a Planning Inspector from the Department of the Environment, held at Hendon Town Hall between 30 November and 13 December 1993. [146] The report published by the Inspector is one of the key documents in the *eruv* conflict. I will summarise the report, quoting from it when important issues are dealt with.

After his introduction which gives some background to the planning appeal and refers readers to relevant documents, the Inspector deals with the case for the

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[145] Reproduced in Appendix C.
[146] The report, including appendices, comprises 54 pages of close-typed material. It is referred to

Appellants (Bushby 1994: 7 ff.). He describes the planning proposals: poles and wires. He outlines what an *eruv* is in *halakhah*. In paragraph 2.10, he deals with the issue of why the *eruv* proposal should come now. He accepts the Appellant's explanation without comment:

> The reasons why an Eruv should be proposed now in Barnet rather than at some earlier time are probably because in the past the main institutional aim of Jewish communities in the area was to establish Jewish day schools. Also, in the past, Jews had been fleeing from persecution, learning a new language and working. Now in a more pluralistic society, religious minorities such as Jews feel more able to affirm customs and beliefs and seek facilities which were not thought ofin the past. There is now a greater wish to observe the Sabbath and there is more awareness of the needs of the handicapped.
>
> (Bushby 1994: 8)

Commenting on the Council's rejection of their Officers' recommendations, the Inspector calls the Officers' decision to recommend approval 'brave and commendable' (*ibid*.). He criticises the Council in that when the professionals decided that there would be no demonstrable harm from the *eruv*, the Council did not appoint independent professional consultants to give advice on the appeal proposals. He identified three omissions by Councillors: they failed to weigh need against harm; they failed to identify up-to-date policies about ethnic and religious groups in the Unitary Development Plan; they failed to consider the effects of the poles on trees (*ibid*.)

The Inspector dismissed a number of matters as irrelevant to land use planning effects. These included: 'whether Jewish Rabbinical law should be interpreted in a particular way; private rights of way…; religious considerations; whether people feel uneasy about certain Jewish groups in their area. It is wrong to consider prejudice on either racial or religious grounds as a planning matter' (p. 9). He continues (*ibid*.):

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hereafter as Bushby (1994).

There has been substantial and genuine opposition on moral and social grounds. Many people feel very strongly against the Eruv. But the harm is perceived rather than actual. While the letters are sincere the points made are largely irrelevant in planning terms. However hard the objectors say they are not prejudiced, they are wrong; they are prejudiced on moral, social or religious grounds.

The test is whether the appeal proposals would cause demonstrable harm to interests of acknowledged interest. This should not be based on allegations. It is likely that members did have regard to irrelevant matters… Consequently the weight to be given to the Council decision is lessened; this was not a fully informed Council decision.

The next section of the Inspector's report deals with the key issue of visual amenity. He considered that:

The Council were overly critical of the Eruv poles in almost every location… If certain tests are applied to the poles and street furniture it can be seen that the poles would be more benign than most street furniture. The poles have the following 8 characteristics: static, not illuminated, not multi-coloured, slim with uniform profile, vertical element only, sited at back of pavement, absence of signage and almost invisible wire. It is doubtful if any other piece of street furniture has all of these aspects.

(Bushby 1994: 10)

Noting that within the *eruv* area there were already thousands of items of street furniture, the Inspector concluded that the *eruv* poles would make 'de minimis' impact. He further implied criticism of the Council which had claimed that the poles would make an impact on trees in Wildwood Road, but had not tested this claim. The Inspector's conclusion was that no harm would result to tree roots or branches. As for the Hampstead Garden Suburb, 'the special qualities of the Conservation Area derive from the quality of the buildings and spaces between them and not from a different approach to street furniture' (pp. 10–11).

The Inspector next went to some length to considered needs and benefits and responded to what he regarded as 'disquieting attitudes' on the part of some objectors:

The objectors say that there is no real benefit or only minimal benefit. If that was the case why would there be Eruvim in New York, Boston and Melbourne? And why would so many people have written in to support the appeal proposals? And why would two Chief Rabbis give evidence at the Inquiry?

It would not be correct to get into a numbers game. It would be wrong to say 'yes' if the numbers were substantial, but 'no' if the numbers were small. There is provision in the UK for the disabled; but this is not because their numbers are large, it is because they exist… While this [the *eruv*] may be seen to be a nonesense by non Jews and others, it is a matter of Rabbinical law and to debate this law is not a matter for this inquiry. The attempts to belittle the benefits show the degree to which the objectors wish to denigrate the case for the Eruv.

The objectors' argument about social disharmony has a superficial attraction. But if the objections are based on attitudes which discourage personal well-being and harmony then they are either unlawful in terms of the Race Relations Act, or contrary to policies which are directed at breaking down barriers in society.

In this case some objectors say that social disharmony would be caused by attracting Jews to the area. This disquieting attitude breaches the Race Relations Act and aims at social control. For some of the objections the underlying reasons are based on matters which are unlawful. There is no planning policy which seeks to disenable a planning application on the basis of the type of person occupying an area if the proposal is allowed. Such a policy would be unlawful and against normal decency in the UK.

The cross-examination of some objectors was not pleasant. It was to expose the prejudice. This prejudice was not against Jews; it was against orthodox Jews. The prejudice placed a sinister effect on the appeal proposals which is against common decency.

The objections on grounds of social disharmony should be rejected.

(Bushby 1994: 11–12)

In looking at the case put forward by the Local Planning Authority, the Inspector concluded (p. 20) that:

The Council's case is based on visual harm. This is the right approach. The objectors took another approach, and that is up to them. Racial considerations should not be a material planning consideration.

Planning law is blind. The real issue must be in terms of amenity and land use. If there is material harm then the proposals should be refused. But otherwise if there is no material harm then the appellants should be permitted to erect the poles and wire.

A long section (pp. 21–32) followed which detailed the evidence of group and individual objectors and supporters. No comment was made by the Inspector on any of the submissions in that section.

The final part of the Inspector's report gave his conclusions. He considered that there were four relevant matters to be decided. These were (p. 33):

1. The effect of the proposed poles and wires on the character and appearance of the street scene in parts of Barnet.
2. The same consideration regarding the Hampstead Garden Suburb Conservation Area.
3. If there are planning objections, does need outweigh these?
4. Do other material considerations amount to a compelling planning objection?

The Inspector made an important distinction between the poles and wires, and an *eruv*. The two were not the same (p. 33). He was interested in the impact of the poles and wires, not of an *eruv*, which is not a development requiring planning permission. After consideration of each site in turn, he concluded that (p. 43):

I found that the erection of the poles and wires would leave the Conservation Area unharmed. While I found the arguments on impact to be more finely balanced in the Conservation Area, I found the evidence that was advanced against the erection of the poles to be insufficient to justify dismissal or refusal of the appeal proposals.

Once he had reached that conclusion, it was not necessary to deal with the issue of need. However, the Inspector did so, in case the Secretary of State should disagree with his conclusions thus far. The Inspector believed that the erection of poles and

wires met a genuine need, for they facilitated the creation of an *eruv*. The objection that only small numbers would benefit, or that the need for an *eruv* was merely a matter of personal choice was rejected as an unduly narrow approach to need. The social harmony issue was worth consideration, but in this case their connection to land use planning matters was too tenuous to constitute a material consideration (pp. 44–5).

The Inspector allowed the appeal. In a letter to Fibben's Fox Associates, dated 20 September 1994, the Government Office for London, Environmental Directorate, informed the appellants that the Secretary of State 'agrees with the inspector's conclusions and accepts his recommendation' (pp. 3–4).

This decision tied the hands of the Councillors of the London Borough of Barnet. The Council's final decision in the *eruv* application came on 27 October 1998 when, by a vote of 13 to 1 in favour, the Public Works Committee granted a construction licence for the *eruv* (reported in the *Hendon and Finchley Times* 29 October 1998, p. 7).

5.5 Representing the Eruv: Religion

I would suggest that it was clear from the foregoing in this chapter that 'religion' (in any meaningful or substantial understanding of the term) played little part in the application, support, opposition or decision making concerning the *eruv*. Yet the *eruv* is clearly a religious phenomenon in some sense, and not a weak sense.

I focus here on the experience of a respondent from the Masorti [147] movement. In this country, the Masorti grew out of of the 'Jacobs' Affair' of the early 1960s, a theological dispute over what constituted aceptable orthodox thinking. The group is relatively traditional in liturgy and observance. The Masorti, known in America as Conservative Jews, are a group committed to a version of Judaism which they see as halakhic, but which is also accepting of modern knowledge. Many of them see themselves as modern but observant Jews, not far removed from orthodoxy. A Masorti Jew might be predicted to welcome the institution of an *eruv*. The Masorti respondent, Mrs Healy, was one of the youngest respondents in my research, being in her thirties with school-age children. She is active in her synagogue and in cross-community women's groups., had found mixed reactions to the *eruv* in her relatively traditional community [all quotations in this section come from my interview with her]:

- From what I've picked up, talking to people informally, there are a small number of people living in our *shul* community who are in favour of the *eruv*.

- There are very different sorts of views, but I think ultimately, people just shrug their shoulders, thinking its an orthodox issue, so let them get on with it.

- I have also come across a number of people who are very antagonistic towards it. Other people, who are worried that it will bring in large amounts of Hasidim as neighbours are thinking 'how unpleasant would that be!'

These reactions only indicate how, though Masorti Jews belong to a religious group which has a relatively clear and positive 'official' attitude to Jewish observance, *halakhah* and relations to other groups of Jews, individually they are liable to be affected by the attitudes of the society around them. Aspects of their acculturation to

Englishness draw them into conflicted attitudes towards less accommodating orthodox Jews, especially the *Hasidim*, whose 'otherness', in appearance and speech (the widespread use of Yiddish) draws attention to the 'otherness' of all Jews. As noted elsewhere, there were those who were genuinely pulled in opposite directions over the *eruv* issue. They neither wholly oppose it, but can feel little enthusiasm for supporting it. Among them, ambivalence is evident:

> My first reactions were deeply hostile, not because, as some people thought, that it would form a ghetto. As the debate furthered, I suppose I really developed a dual view: as liberal democratic citizens, we should all be glad to do what we want to do, as long as it doesn't impose upon anybody else's rights, territory or life. In that sense, not only do I not have a problem with the *eruv*, I think it ought to exist, because it gives certain people's lives a quality they don't believe it otherwise could have.

However, the Masorti dilemma, the attempt to combine traditional practices with modern understandings of the world appears very clearly when considering the *eruv*. The commitment to halakhic practices, even if flexibly interpreted, does not sit easy with modern thought. It is the modernist commitment to reason which creates a problem:

> As a Jew, I felt pulled. It appears to me to be a failure of Rabbinic imagination that this construct has to be in place before mothers with young children can leave home on shabbat, before the elderly can come out of their prisons on shabbat. I find it quite extraordinary, that Rabbis are still reliant on a solution that involves nylon thread going round poles, and if this some lunatic snips the wires, then either the nylon thread would have to put back up before the shabbat, or word would have to be got round to all these young orthodox Jews that they have got to stay at home! It's something out of Chelm [a proverbial town of fools].

The clash of values, and the very uncomfortable ambivalence resulting from the clash, is very clearly articulated here.

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[147] See diagram of Jewish religious spectrum reproduced on page 7, showing Masorti as representing a central position between Orthodox and Progressive Judaism.

I cannot believe that there aren't other ways of staying within the spirit of the traditional circuit of shabbat without this ridiculous charade. I find it embarrassing, it was explained to me that the *eruv* was a wonderfully liberating innovation conjured up by the Rabbis. It may well be that in the times when people lived architecturally, demographically in a very different relation to the space of the community that they do today, it may well have been the best solution to a knotty halakhic problem. But it seems to me now that it's anachronistic and unimaginative way of dealing with the issue of how to celebrate shabbat within the community in accordance with the spirit and the meaning of Jewish law.

The respondent, in similar vein, was disappointed that the religious authorities had not found a satisfactory alternative to the *eruv*. The *eruv* was meant to be a solution to a problem, but was turning out to look like a problem created by Jews themselves which they were unable to solve without recourse to non-Jewish authorities. This was an embarrassment for all Jews:

To say that Jewish law cannot cure the problems that it throws up itself... it has to turn to English civil law to help sort out its messes, that's not only a bad thing, but it makes a laughing stock of Jewish law. I think that it is acknowledging that in order to put into effect this rabbinic remedy, you need to have the permission of local or central goverment, in order for Jewish law to do its work, when it's not acting on sovereign Jewish territory. If there is a problem within Jewish law, of what people can and cannot do on shabbat, Jewish law needs to come up with a more satisfactory way around it.

The experience of this respondent showed that were people who held committed religious beliefs, though not necessarily orthodox Jewish beliefs, who had serious thoughts and strong feelings about the *eruv*. For them, the religious dimensions of the *eruv* were significant.

Through a glass darkly? (I Corinthians 13: 12)

We have seen in this chapter how the *eruv* was represented as many things. The United Synagogue recognised the *necessity* of playing out the 'game' within the

rules and regulations of planning law. So too did the Local Authority and the Government Inspector. The effect of this was to mute the religious debate in the official arena. To a lesser extent social issues such as contested space or ethnic relations were also muted or driven beneath the surface of the dispute, as the Inspector acknowledged and, in some instances, deplored.

If the nature of the legal framework necessitated fighting out the *eruv* dispute on the terrain of local planning regulations, i.e. that the issue was often represented as something which it was not, how did people represent themselves? Clearly, there were supporters and opponents. Just as this chapter looked at how the issue was represented, the following chapter examines how people presented themselves and their positions vis-à-vis the dispute as participants or observers.

CHAPTER 6

The Eruv and Typologies: Opposition and Support

6.1 Introduction

In the debate which was provoked over the Barnet *eruv* the protagonists, as part of their reasons for supporting or opposing the *eruv,* often identified themselves as being a particular type of person or holding a particular attitude. Even in those cases where it was not explicitly stated, it was often clear from the content of what was said that a person could reasonably be recognised as being a certain 'type'. I would argue that important insights into the nature of the *eruv* dispute can be discovered through analysis by means of a typology.

It is important to bear in mind that the 'types' outlined here are developed primarily with sociological analysis in mind (Layder 1993). They stem from Weber's notion of the 'ideal type': they are abstracted constructs, nowhere represented in pristine fashion in any concrete instance. Furthermore, the existence of categories or types which may use similar terms in other contexts, such as in Jewish communal polemic or in demographic analysis, should not be taken to imply any necessary correspondence with the usage employed here.

Choosing to analyse data in terms of a typological framework should not suggest that it is a simple matter to identify types of social actors. As will become clear, the findings showed that there there did not emerge any simple identifications. In many cases, the same or almost similar, 'type' was to be found on both sides of the dispute, if not uncomfortably straddling it, exhibiting a lack of clear cut boundaries between types. Similarly, any one respondent can be found expressing views which figure in more than one type, e.g. both liberal and secularist or both traditionalist and modernist.

Section **6.2** looks at 'traditionalists' for whom the *eruv* is an expression of a religiously-centred identity construed to be the continuation of an ancient traditional way of life. Section **6.3** examines the support for the *eruv* emanating from those who characterised their position, implicitly or explicitly, as 'liberal', grounding it in a characteristic vision of a certain type of public political sphere. This vision of the public sphere is one in which individual and collective freedoms should be maximised, in a context of political democracy at almost all levels of society.

Complementing the analysis of the liberal position is an account of the very similar 'multiculturalist' position. Resembling the liberal view in many respects, multiculturalists argue that this country is no longer, if it ever was, a mono-cultural society. They celebrate difference, even if not comprehending some manifestations of it. In Section **6.4** those who bring into play typical Enlightenment ideas: truth, objectivity, reason, logic as support for the *eruv* are heard. Often in these instances, the claim to reason is often deployed to undermine the case of opponents rather than to bolster support for the *eruv* directly. These I term 'modernists'. The views of a sub-set of modernists, those who would describe themselves as secular, are represented in this section.

6.2 Traditionalists: *'They change, we don't.'*

The 'type' which I have called traditionalist comprehends the *eruv* from a perspective of beliefs and practices lived out against an all-pervading background of Jewish laws (*halakhah*) and traditional local practices (*minhag*). For them, the *eruv* is part and parcel of the complex of laws of the Jewish sabbath and, for the majority of them, the creation of an *eruv* is 'a religious imperative' for orthodox Jewish communities (Sacks 1993: 110). Before the Second World War it was the norm for Jewish communities in large centres, e.g. in Warsaw, and in small centres, e.g. in the *shtetl* of Eastern Europe, to construct *eruvin*.

Traditionalists hold a range of views with regard to contemporary society. At the extreme right of the traditionalist spectrum are those who reject the need to accommodate Jewish law to modern society, regarding it as sufficiently flexible and creative to cope with changed circumstances, while in essence, not changing. They totally reject reformist positions which update laws and practices in the light of modern circumstances and understandings. In the United Kingdom, this group consists mainly of the fully observant, chasidic and non-chasidic Jews, who are to be found especially as members of the Union of Orthodox Hebrew Congregations (*Adath Israel*). In Israel, this type of traditionalist looks to the teachings and example of Rabbi Avraham Yeshaya Karelitz (1878–1953), best known by the Hebrew title of his monumental writings as the *Hazon Ish* (literally: 'vision of man'). The *Hazon Ish* was opposed to any innovation (Hebrew: *hiddush*) in religion, claiming that innovation was alien to his nature. [148]

On the left of the traditionalist spectrum are those who may be described as 'accommodating' (i.e. to some aspects of modern life) orthodox found in the United Synagogue, the Federation of Synagogues and in some independent communities. In the context of the particuar issue of the *eruv*, some members of the Union of Orthodox Hebrew Congregations may disregard their Rabbis' rejection of the *eruv*. Many of the members of all these traditionalist groups (especially towards the left of the spectrum) are middle class with professional or business employment, are young (20s and 30s) and have good levels of secular education.

One should recognise that, even allowing for some penetration of modern 'liberal' ideas into traditionally oriented circles, the traditionalist position, though

based upon the traditional sources, is far from being clear-cut or without complexity, it is highly textured. This attribution of the origin of a particular sentiment to 'traditional' sources in no way precludes those same sources functioning as the basis for 'liberal' expression, as in the two extracts which follow, even if sources are not explicitly acknowledged:

> I found it particularly difficult to understand how people could oppose something that, from my perspective, they wouldn't really be affected by. There is a principle quite well known in Jewish law that if there is a project or something being proposed, which the person who proposes it benefits from, and other people are not adversely affected then it's wrong to object.
>
> (Interview: Mr Da Silva)

> '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 emeritus Chief Rabbi, Lord Jakobovits, has said.
>
> (Trillin 1994)

I believe that these two examples well illustrate that a traditionalist position need not be opposed to a liberal position. However in the internal divisions of the Jewish community, the traditional versus the modern is largely antithetical in religious matters. Orthodox Rabbi Alter gave a description and sturdy defence of the traditionalist view of the indivisible unity of traditional beliefs and practices when responding to criticism of the *eruv* by Liberal Rabbis:

> Well, I personally don't believe that [names of two Liberal Rabbis] have any knowledge of *halakhah* or how it works. Neither of them, I suspect, adheres to, nor believes in, the importance of Jewish *halakhah* as the major... as the life of a Jew, and therefore, anything which seems not to fit a certain picture of one's lifestyle can be dismissed... you can dismiss putting on *tefillin* [149] every day, you can dismiss having a *mezuza* [150] on every door of a house, you can dismiss *mikveh*,[151] you can dismiss keeping kosher and these people

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[148] Kaplan 1992: 154.
[149] Traditional devices employed in prayer, boxes strapped to the arm and forehead.
[150] Device fixed to doorposts of homes, contains scrolls on which scriptural verses are written.
[151] Ritual bath.

actually do that, the second day *Yom Tov* [festival]. So therefore, another concept [the *eruv*]... there are a lot of concepts which unless you are a qualified halakhist who understands all this, don't really fit into the logic of the twentieth century, so why shouldn't you dismiss this? Why should they think this *mitzvah* [commandment] is any more important than any other *mitzvah*? [152]

The use of the term 'lifestyle' by this orthodox Rabbi seems to me to carry a clearly negative overtone. A lifestyle is something which is one's own picture, one's own construction, it is shallow and ephemeral and not to be put on a par with a life anchored in traditions and delineated by the practice of mitzvot. This use of the term 'lifestyle' was the closest any traditionalist respondent came to using language that seemed to signal an awareness of contemporary sociological analyses and concepts, such as the concept of 'identity politics'. No analysis was offered on the part of traditionalists as a way of explaining (even though the knowledge might bolster their own interests) why some people had returned to traditional forms of Jewish expression, lifestyle, identity, call it what you will. It seems almost as though that development is accepted as an accidental or contingent event with no explanation needed, nor even relevant or important. In response to a direct question, an explanation was offered for the widespread support for *eruvin* in the USA and in Britain, which was also recognised as a relatively recent phenomenon:

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[152] The question of the relative importance of any individual mitzvah vis-à-vis any other mitzvah is complex and controversial. The orthodox position is that all mitzvot are of equal importance. They criticise the non-orthodox for 'picking and choosing' among mitzvot. The non-orthodox reply to this is that there is no agreed enumeration of what the mitzvot are, the third century Talmudic enumeration of 613 is both late and purely homelitic in intent. Furthermore there is what Freehof (1960: 12) calls 'a supressed scandal in traditional Judaism'. This is the wholesale neglect by the orthodox of large areas of civil and ritual law, about which the orthodox authorities maintain a discreet silence.

…the orthodox Jewish community community has grown, multiplied fantastically and the problems of living in a community where you cannot get out on shabbat if you're a married woman with little children has created a tremendous social pressure, and people want something done about it. ...one of the catalysts to this, is the situation in Israel, because when you're there you see hundreds of thousands of people carrying prams all over the place, and you ask yourself, why shouldn't this be, if it is halakhically permissible, we're talking about people who wish to remain within the framework of halakhah, you can actually do that. Within the last ten or fifteen years things have really ripened, people are much more interested in actually building these eruvs [subject to] the financial constraints of having these things done etc.

(Interview: [orthodox] Rabbi Alter)

Again, in the extract just quoted, there is an acknowledgement of recent change but without analysis or explanation being regarded as important enough to articulate. Why had things 'ripened' in the last ten or fifteen years? Elsewhere in the interview with Rabbi Alter, he was able to offer indirect evidence that changes had indeed taken place in this country in the attitudes of the Jewish population and the wider society. He remembered being told that the *eruv* had been mooted long before the late 1980s and that there had been traditionalist opposition at that time:

[...] about fifty years ago there was a meeting of all the orthodox rabbis in England as whether to make an *eruv* in London or not. But it was decided against, this was told to me by one of the foremost orthodox rabbis in this community, and there were many members of the orthodox community who were against the actual making of the *eruv*, for different reasons. Many, of course, were quite happy about it, because with a young family, people like to have the ease of being able to be mobile. There were others who said, you know, in a non-Jewish country, one should keep one's head low and, you know, don't make too big a *tummel*[153] about it and therefore just keep it quiet.

(Interview: Rabbi Alter)

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[153] Yiddish, means something like 'upset'.

Rabbi Alter also recognised the phenomenon of a generational difference in the outward expression of Jewish identity. He claimed that the younger generation are more open in their espousal of 'tradition' through dress and appearance. Yet, once more he seems relatively indifferent regarding accounting for it. This apparent lack of interest in accounting for change may be rooted in attitudes, such as those fostered by the *Hazon Ish*, which place far greater value on continuity and resist change even to the extent of playing down or denying change.

> I wouldn't say it's changed *that much* because there has always been quite a large Jewish community in that area, but because of the younger generation, people show themselves more... wear their yarmulkes... It's noticeable on the Sabbath and the festivals, with people coming dressed in the Sabbath garb, so it may have actually changed the landscape to an extent.

It is possible that here the Rabbi is failing to grasp the significance of changes in certain externals: distinctive Jewish apparel. As anthropologists and sociologists have shown in many studies, external phenomena may be of great significance, especially in contexts of acculturation and assimilation. Other respondents took a view which reflected their experience that things had changed significantly among the orthodox population:

> Its the same with... gays and lesbians and the Jewish community... I think, subconsciously or semi-consciously, there is an attitude amongst committed young, orthodox people that if it's okay to be gay and visible, it's okay to be orthodox and visible, whereas amongst their parents, they may take the view that it is not acceptable to be visibly gay. I don't know what the level of tolerance is of ethnic diversity among sixty year old Jews, but I suspect it is less in both cases than among forty year olds.
>
> (Interview: Mr Da Silva)

Furthermore, in contrast to Rabbi Alter's view of things, this respondent did not see the changes as limited to the behaviour and attitudes of the orthodox population. He saw the changes as part of a wider change in non-Jewish society.

> It isn't just a change from a Jewish perspective. I think you have a situation in England, in 1996, where the socio-religious make-up of society is much

broader than it was in 1946, and inevitably, there is an unwillingness on the part of, say, Hindus and Muslims, to take the path that nineteenth century Jews did, and be quiet about everything. On shabbat now, because they can't carry things, you see people wearing a *tallit* ['prayer shawl'] in the street and others, even orthodox people, will say, 'Oh, it's so embarrasing to see people wearing a *tallit* in the street'. But those same people aren't the slightest bit concerned to see Indian people walking down the street in Indian garb. There has been a great move towards ethnic and religious diversity now... and there is also a greater acceptance of different customs, and increased liberalism... basically, an increasing acceptance of a religious pluralism and a weakening of the 'Anglican' norm.

(Interview: Mr Da Silva)

What few among the generality of people understood, because it remains largely a matter of internal Jewish community politics, and intra-orthodox politics at that, was opposition to the *eruv* by right wing orthodox Rabbis. Respondents offered several differening explanations for the opposition. A Liberal Rabbi raised in a traditionalist background offered an account in direct social and political terms, which focused on the issues of power and authority in the Jewish community:

One of the troubles of orthodox Jewish life is that everyone's afraid of saying one thing, but everyone will find a *posek* [halakhic authority] or a *daf* [page of the Talmud] somewhere to show it's all wrong. It paralyses orthodox Jews. If you come up with one proposal, somebody will show faults with it, come up with a *get* [154] that will enable to release an *agunah* [155] there'll be somebody out there who'll say it's not *halakhah*, because that's the way Jews assert their... like other individuals... their competitive edge, they assert their authority. It's what the orthodox do, one says 'yes' the other says 'no'. Also they want to take the credit for getting a victory.

(Interview: [Liberal] Rabbi Hirsch)

In contrast orthodox Rabbi Alter gave an account of why the ultra-orthodox Rabbis of the *Adath* had come out against having an *eruv* cast in quite different terms. In the

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[154] Hebrew: a bill of divorce.
[155] Hebrew: literally 'an anchored woman', unable to remarry because of lack of a religious divorce.

early part of his remarks, what is striking about this analysis is the notion that there had been a past in which there had been widespread knowledge of Jewish law. Without offering any analysis or evidence, the Rabbi asserted that ignorance multiplied in succeeding generations up to the present day. [156] In the latter part of his explanation, regarding the need to compensate in the present generation for the lack of knowledge, the Rabbi overlooks the historical fact of the near ubiquity of *eruvin* in all major Jewish centres in Europe up to the mid-twentieth century. Was there some sense in which these *eruvin* did not work?

> The problem is that when the *eruv* was originally constructed, in Biblical and Talmudic times, you were dealing with a very knowledgeable population that understood what an *eruv* was, and therefore realised its advantages and disadvantages. As generations go by, there was an unbelievable amount of ignorance, and this could cause tremendous halakhic problems, for example, the person who is used to carrying all the time, when he goes to another city... he will certainly keep on carrying. Certain Israelis come here and don't realise that you are not allowed to carry, and even the most Orthodox do... they don't realise the problem. This creates a tremendous problem... you've got to educate a generation, that have always carried... for instance, if they go somewhere else, to an area where it's forbidden, they probably won't realise because of their ignorance. Number two, if an *eruv* was to break for example, and you're so used to carrying, you probably wouldn't notice, but today's situation – the lack of knowledge... it's very difficult to see that the *eruv* becomes only a positive act and doesn't bring about many negative acts, because it may bring, at one level, tremendous advantages to people, but at another level, it may bring tremendous disadvantages, and that can't be remedied.
>
> (Interview: Rabbi Alter)

Rabbi Alter's second justification of rejection of *eruvin* was echoed by a representative of the Chasidic Lubavitch movement:

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[156] The Rabbi was almost certainly not asserting a purely personal view. There is a rabbinic doctrine known in Hebrew as *nitqatnu ha-dorot* ('the decline of the generations') which has often been invoked in order to bolster resistance to innovation in *halakhah* among traditionalists.

The eruv is a good idea but we don't always physically support it because the eruv could physically break at any time and then the people who are carrying within it could be transgressing the law… it somehow spoils the fabric of the Sabbath.

(Avrom Weiss, Lubavitch spokesman; *Omnibus*)

This ultra-orthodox argument was acknowledged in broadly sympathetic terms by another respondent, despite being a supporter of the *eruv*: In this case however, the respondent, who is from the left of the orthodox spectrum, i.e. is religiously more accommodating to modern life, highlighted the important role which women were playing in bringing about the construction of the *eruv*:

[...] and amongst Jewish women, it [*the eruv*] was very much a talking point because by this stage, the idea for the *eruv* was being attacked, this was in 1990, by the strictly orthodox rabbis led by Rabbi Padwa in Stamford Hill. Their take on the *eruv* was that this would... from their point of view... they come from a particular religious background, that doesn't recognise or observe the idea of *eruv*s, in the same way as they don't eat normal kosher meat, they eat *glatt* [157] kosher meat... and they had taken it upon themselves not to observe the rules of *eruv*, which is one of those things that you can do if you want to, but you're not obliged to observe it. [158] So, what they argued was it was a very bad idea, which would actually undermine Jewish observance in London.

(Interview: Mr Green)

This possibility of legitimate dispute and differing opinions within *halakhah*, all equally regarded as legitimate, has been noted above in chapter 1. There was clearly resentment on the part of some *eruv* supporters when the former Chief Rabbi of the United Synagogue, Lord Jakobovits, failed to support the present proposal for an *eruv* at an early stage:

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[157] A term implying extra-stringent standards of *kashrut*; a concept which is disputed.

[158] Similar to the English expression 'to go beyond the letter of the law' is the rabbinic principle *lifnim mi-shurat ha-din*, to go 'beyond the line of the law', usually applied in ethical contexts to encourage moral standards higher than the formal requirement of the law. See Jacobs 1984: 187 ff.

>Now at that point, the Chief Rabbi, who was then Lord Jakobovits, came under intense pressure to actually back the *eruv*, and Lord Jakobovits refused to do that, the Beit Din refused to do that, and it wasn't until after he left office that Lord Jakobovits came out in favour of the *eruv*. He didn't realize the passion with which, particularly women and young families, wanted the *eruv*, and instead he was prepared to go along with a *haredi*,[159] a right-wing viewpoint that this wasn't strictly necessary. This shows how detached he had become from the bulk of his own observant membership, who definitely wanted it.

>(Interview: Mr Green)

Mr Green, a young, married, modern orthodox respondent had a less than reverent attitude to the motivation behind the disputes. He commented upon the opposition to the Barnet *eruv* from Chief Rabbi Jakobovits, the strictly orthodox rabbis and some traditionalist Jews in terms of the personal relationships between Rabbis and communities. Alan Kimche was an independent Rabbi, not under the control of any authority:

>...because it originated with Alan Kimche who is *hated* by everybody, simply for being so successful. He's hated by the *Adath* in Hendon for stealing away the children of the *Adath* members to the [nearby] Ner Yisrael synagogue, which proved enormously popular with young married children of the *Adath* Hendon and North Hendon members. He also stole away the *frum*,[160] the more observant members of the Raleigh Close United Synagogue in Hendon, so when he came up with this idea, he wasn't going to find support from any of them, and he didn't.

It seems from the responses of the traditionalist, genuinely observant respondents that this section of the Jewish population were divided over the *eruv*. There seems to be generational and gendered aspects to it. We have already noted that the original impetus for an *eruv* came from Ner Yisrael synagogue which is characterised by two features: its congregation has a young, even youthful, age profile; and young Jews, even among the observant orthodox, allow women a greater degree of active

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[159] Hebrew term used for the ultra-orthodox, literally 'trembler' or 'shaker'.
[160] Yiddish, means 'pious', used of the religiously observant.

involvement in decision making in all aspects of life. The older generation, in contrast, seem less open to allowing greater freedom to women.

6.3 Liberals: 'can be rather intolerant'

A good deal of support for the *eruv* came from people who would not use it or benefit in any way from its construction. The majority of these were people whom I have classified in my typology as 'liberal', a term some readily apply to themselves. Liberals seek to promote individual and collective freedoms in a context of political democracy at many levels of society. Their attitudes reflect a utilitarian approach to decision making, seeking the greatest good for the largest number, but not applying so crude a calculus as to deny rights of freedoms to moniorities. However, they become much concerned should any proposals appear to cause harm, even to a few. In some instances, this led to support for the *eruv* from this quarter being equivocal or lukewarm. This is in keeping with Bauman's ideas that modernity, of which in the political sphere liberal and democratic ideas are characteristic, produces ambivalence through the recognition of the contingent nature of social arrangements. This ambivalence shows as a significance strand in the thinking expressed in several of the extracts which follow immediately below.

In the first of these, the liberal position is encapsulated in an extract from a book written by Liberal Rabbi Julia Neuberger. She was not alone in, for her own part, rejecting the idea of the *eruv* (the legal 'fiction') but in supporting it for other Jews for whom it had significance:

> I am intrigued by the legal 'fiction'. Plainly large areas of Hampstead Garden Suburb are not, in any real sense, a shared courtyard or stairway. For the purposes of getting round the law about sabbath observance, however, it counts. This thinking seems extraordinary to us liberals. I don't oppose the *eruv*. If it makes the orthodox Jews in this area happy, makes their lives easier and does not disturb anyone else (which is debateable in this particular case) I don't object.

> (Neuberger 1995: 192)

The point which Rabbi Neuberger makes here about 'legal fictions' is discussed by Schimmel (1998). He makes it clear that, given the orthodox position that *halakhah* is ultimately of divine origin, it can, at times, be judged preferable to use a 'legal fiction' or 'legal device' to maintain the letter of the law, even if one fails to

maintain the spirit of the law, for in doing so at least the law is maintained. An example given of such a legal device is *eruv tavshilin*. [161]

For Rabbi Neuberger, the ambivalence of her feelings towards the *eruv* centres on the harm it may have done. It was not uncommon to find liberals who felt uncomfortable with the idea of the *eruv*, both specifically to do with the idea itself, its implementation (as with Rabbi Neuberger) generally with orthodoxy, and specifically with intra-communal relations. Thus, [Reform] Rabbi Coleman could admit:

> '[...] I do have a whole range of negative views [*on the eruv*] some of which are rooted in my own personal psyche, and some of which are rooted in the current political situation of reform – orthodoxy.

I put it to Rabbi Coleman that some of his colleages who were Liberal rabbis had written things that were very critical, even disparaging, of the *eruv* proposal, calling it 'hocus pocus' and such things. I asked him if that surprised him, given what he'd said [earlier in the interview] about people in the Progressive movement (see Jewish religious spectrum page 7), being 'liberal with a small l'.

> I said that *I* was liberal […] I think there is an awful lot of *il*liberality both within the RSGB [162] and ULPS [163]. I think that I'm almost really sometimes quite extreme in my liberalness; I'm saying that I'm a genuine liberal, and I'm quite extreme in my liberalness. If I look at my negative feelings [to the *eruv*], they have a number of strands. One clearly connects with the ambivalence I feel driving down Golders Green Road, and seeing large amounts of people in *shtreimel* and *kappotes* [164]. I suppose on some very deep level, I feel... that there is some kind of criticism in me... there are

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[161] 'Although cooking and baking are forbidden on the Sabbath, they are permitted on a festival, provided that the food is intended to be eaten on the festival. It is forbidden to cook on the festival for thefollowing weekday. The question rises whether, when a festival falls on Friday, the eve of the Sabbath, it is permitted to cook on the festival for the Sabbath. By the device of the *eruv* it is permitted. The procedure is to set aside, on the day before the festival, two simple cooked dishes, say a boiled egg and a small piece of fish or a piece of bread. This is the *eruv*, in that it 'mingles' the festival with the weekday which precedes it and the principle hen obtains that just as the two dishes are the beginning of the preparations for the coming Sabbath, all cooking on the festival is merely a continuation of the process begun on the weekday. The dishes prepared are eaten on the Sabbath'. (Jacobs 1995: 149).
[162] Reform Synagogues of Great Britain.
[163] Union of Liberal and Progressive Synagogues.

vestiges of progressive insecurity in me, and the reminder that my Judaism is not of that kind... I think there are probably things about not wanting the Hampstead Garden Suburb to become like those areas of Golders Green or Hendon, which are so intensely right-wing orthodox, that I would feel uncomfortable living there. So, I suppose there are negative strands around like that for me, but my liberal sentiments dominate, and I'm not... none of those negative feelings are emotions that I'm proud of, I just acknowledge them, that they exist, because I'm only a human being. But the negative feelings are over-ruled, as it were, by my liberal sentiments. [...] So, on balance I don't want it for myself, but I want it for those people that want it.

(Interview: Rabbi Coleman)

The most unequivocal support on the part of Progressive Jews came from one of the leading Reform Rabbis, Tony Bayfield, who wrote a letter to the councillors of the London Borough of Barnet expressing support for the *eruv*. He was putting forward a personal view, but in his capacity as Director of the Sternberg Centre, a large Jewish cultural and religious centre in north west London, which meant that his view would not be easily overlooked. He expressed his position thus:

As a Reform Jew, I am not directly affected by the issue, since we have liberalised our practice sufficiently to avoid the particular difficulties which the *eruv* addresses. Nevertheless, I have learned over the years that God speaks to different people in different and often surprising ways. My admiration is always for those who respond and, amongst those, it is my belief, are the devoutly religious Jews of north west London. I respond to God's promptings in a slightly different fashion but that in no way diminishes my conviction that those who need an *eruv* should be allowed to have an *eruv*.

(Letter: Rabbi Tony Bayfield)

The liberal sentiment, expressed above, of not wanting the *eruv* for oneself, but standing up for the rights of others,[165] were found in the discourse of other

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[164] Distinctive items of dress worn by ultra-orthodox, particularly Hasidic, Jews.

[165] A sentiment virtually paraphrasing the now clichéd 'I don't agree with what you say, but I would defend to the death your right to say it'.

respondents. One such respondent was Mr Stone. a member of the (orthodox) United Synagogue in Norrice Lea, on the fringe of the Hampstead Garden Suburb. He had originally taken an anti-*eruv* stance. He was not closely involved in the dispute, though he was well acquainted with the dispute, as he lived in Hampstead Garden Suburb and had been an office holder in the Residents' Association in the recent past. He changed his position from opposition to support only because he disliked what he recognised in the opponents of the *eruv*. In reply to my interview question: 'Did you get the impression that people you spoke to actually understood thoroughly what an *eruv* was', Mr Stone replied:

> I think they either understood, or they didn't want to. I think that's to some extent what caused me to support it... the intolerance of those who opposed it, they just couldn't see there was another viewpoint and that it was really a symbolic thing, that was meaningless for them but for those who wanted to observe it, it meant a lot. [R.A. - Would the *eruv* be of benefit to you personally?] No, it wouldn't. I'm not so strict that I won't carry on the sabbath, but I do know others whom it would help, the more strictly orthodox and I see no reason why they shouldn't have their eruv.

Mr Stone was also very clear about his view of the nature of opposition to the *eruv* and why he felt compelled to shift his own position:

> Objection came from two distinct classes of people: the more liberal Jewish element, who didn't like idea of the more orthodox element doing something that was public, and drawing attention to themselves. This non-orthodox element can be rather intolerant, I think some of them can, and they do not go by the traditional rules, and so on, of Judaism and think it's strange that anyone would want to have a barrier, physical or arbitrary, in which they can do certain things, and can't do others. So, I think they find the whole concept archaic, and perhaps these non-orthodox Jews are happier integrating more into the wider society, rather than identifying themselves as something unique.

Mr Stone's comments highlight the possibility for internal conflict in the liberal scheme, a clash of values in which, for example, some conceptions of equality lead

to intolerance. This came over very clearly in an article written by [Jewish] politician Gerald Kaufmann, former Labour Shadow Minister, and published in the *Daily Mail* on 24 September 1994 entitled 'The Danger of creating your own ghettoes'. The article, topped by a photo scene from the film Schindler's List – itself captioned 'Walled In: The ghetto people of Schindler's List, prelude to the Nazi holocaust' – argued that 'isolationism could pose a threat to our integrated society'. It purports to adopt a liberal, tolerant perspective. Given the range of argument put forward by Kaufmann and the amount of woolly thinking so typical of public debate, it is worth quoting at some length.

Kaufmann told the Mail's readers that by granting permission for the *eruv*, Secretary of State John Gummer had 'authorised ultra-Orthodox Jews to create their own do-it-yourself ghetto'. After pointing out how devoutly orthodox was his own father, he went on to develop his case against the *eruv*:

> I am proud to be Jewish, in my own more relaxed way, but I believe that Mr Gummer has made a sad mistake in allowing this plan to go ahead. By permitting one group to set itself apart from the rest of the nation, he is inviting every other group to seek similar treatment.
>
> Once that process becomes active, it threatens to undermine all the efforts made over a century to turn Britain into a contented multi-ethnic, multi-cultural society. The herculean work performed by so many ethnic and religious groups, including Jews, to draw communities together could gradually be undone and our nation could become fragmented.
>
> My feelings are not influenced because I am opposed to religious and ethnic minority groups being allowed to preserve their special identities. Far from it. I believe that they should not only be allowed, but assisted to maintain their identities.
>
> I support religious education – whether Church of England, Catholic, Jewish or Moslem – within the state system. I believe that Jews and Moslems should have the right to eat their kosher and hallal meat and that Sikhs should not be prevented from wearing their turbans, even in place of motorcycle crash helmets.
>
> […] Minorities, whether religious, ethnic or both, should be part of the wider society, respecting and carrying on their own customs but not shutting

themselves off from that wider society. They should celebrate themselves, where they come from and what they stand for. They should not isolate themselves. For from isolation can come misunderstanding and hostility.

Today it is a group of Orthodox Jews who have decided to build a fence around themselves. Tomorrow it could be another group or sect. Tolerance – on both sides – requires understanding – on both sides. Fences stand in the way of understanding. Yes, of course, the creation of an eruv will remove certain inconveniences for those ultra-Orthodox Jews who will take advantage of it. But religious observance sometimes involves inconveniences, and a test of religious commitment may be whether people are ready to accept those inconveniences.

[…] A multi-ethnic society should be a pattern, not a patchwork. It should not consist of groups separating themselves from each other, but of communities which respect themselves but are part of the wider community, too.

I support maintaining religious and ethnic identity within an integrated multi-ethnic community. But I am dead against racial and religious exclusivity, and I am against using the planning permission laws available to all law-abiding citizens as a way of enshrining that exclusivity.

I am against religious and ethnic minority groups being walled into ghettoes. I am just as much against such groups walling – or fencing – themselves into ghettoes.

That is why I am against the creation of an eruv in North-West London or anywhere else.

This article is replete with confusions which fail to recognise the contradictions of the liberal position and the closely associated multiculturalist position. A major question underlying this thesis is about maintaining difference and identity boundaries in the conditions of contemporary societies such as the United Kingdom. As we shall read below, some respondents argue strongly from their own experience that, no matter what might be desired, the reality is that this society is not a multicultural society. It is predominantly a Western, modern, liberal democratic, capitalist society with a growing consumerist ethos. There is no neutral public sphere in which minority cultures and religions meet on equal terms with the majority. The

power inequality is too great. That is why the continued survival of those who would like to 'celebrate themselves, where they come from and what they stand for', is at constant risk. Kaufman does not seem to understand this at all.

A liberal position has many points of comparison with the reasoning of the multi-culturalist position. The difference is subtle. The liberal position supports the *eruv* because it has in view the promotion of abstract ideals such as equality and freedom. Equality is however, notoriously difficult to judge or to measure in concrete situations. Hence the feelings of many people in the *eruv* dispute that they were being treated less equally than others, e.g. that others were being permitted to do things in the public sphere which were giving them some form of privilege or advantage. As for freedom, many *eruv* opponents felt that their freedom was being eroded as the *eruv* was 'forced' upon them.

A multi-culturalist position seeks to allow others to be different, even if the difference and reasoning behind the difference is not understood. Even more, it may respect the position of the other, even if that position appears 'irrational'. A multiculturalist trusts the members of the other culture to know what makes sense in terms of that culture. There is no seeking for common ground or comprehension. Calvin Trillin's (1994) article in the New Yorker quoted Rabbi Alan Kimche as telling some officials: 'You don't understand it, you won't understand it, and, quite honestly, you don't need to understand it. The point is that we want it, we consider it important, and we ask you to respect that'.

I asked Reform Rabbi Coleman whether he felt that, if one can understand how *halakhah* works can one see the connection between the *eruv* and religion and, particularly, spirituality. In his response, he admitted to problems understanding how some others can hold the beliefs they espouse, but otherwise expressed a typical multi-culturalist attitude:

> Yes... I don't share the premises on which it's [the *eruv*] based and sometimes find difficulty understanding how people could possibly believe that, but people have problems understanding how I could believe what I believe. I do think that there are streams within contemporary right wing orthodoxy who are so excessively particularistic that they betray the universalistic impulse and values of Judaism. There is no reason why one shouldn't celebrate the shabbat, in this traditional manner, and still be a

highly principled, moral person, and deeply concerned about non-Jews as well as Jews.

Rabbi Coleman's remarks also highlight the possibility of conflicting values in a liberal or multiculturalist position: how to reconcile particularistic defence of identity, which is under constant attack, with universalistic ideals. In such vein, there is frequently found the qualification of permissive views by the utilitarian calculus of cost and benefit:

> [...] I do believe in leaning over backwards to allow other people to do their own thing, providing that it doesn't significantly, hurt, harm or detract from the rights of other people.
>
> (Interview: Rabbi Coleman)

As for not being able to understand concepts rooted in other cultural or religious systems, I asked Mr Green in what ways, and to what extent, he considered one should think about explaining the *eruv* to people who may, conceptually, have difficulty with it?

> I don't really know. I think that if you are friendly with people it's helpful. If my neighbour says can I borrow your drill, you don't stand there quizzing him about why, and how he is going to use it and so on, you just give it to him! I think that that is how relationships between neighbours should be. Where that respect doesn't exist, yes, you should stand there and explain it.
>
> (Interview: Mr Green)

Those involved in the *eruv* dispute who took a multi-culturalist position strongly espoused the idea that *other* people – people culturally or religiously different – have rights. Furthermore, multiculturalists exhibited a mutual respect for cultural/religious beliefs which are sincerely held by others:

> The erection of a structure around the community would be of significance to those of us that want it, but it is of no significance to anyone else it has no effect on anyone else, either negative or positive, and the fact there's an *eruv* around the X,Y,Z streets doesn't mean you can't use the streets. It's very fashionable to deride any kind of intricate reason as sophistry or arcane...

When people threw up their hands and said: 'We don't understand what you want, you want to create a legal fiction, why should we help you create a legal fiction?' The answer is the only reason we needed help was because English planning law dictated we needed permission. What I'm articulating now was not some strategy we came up with to deal with the opposition to build an *eruv*, it was a belief that it was essential and fair and obvious that if we were asking people to respect our beliefs we had to respect their beliefs.

(Interview: Mr Da Silva)

6.4 Modernists

'Modernist' is the term which I have given to those whose support makes claims or appeals to 'rationality' or 'reason'. That is to say, in part, their support either looks for 'reason' outside Jewish law and tradition to justify the *eruv* or 'reason' is brought to bear on trying to argue against opponents of the *eruv*. Modernists may count among their number many Anglo-Jews who are members of orthodox synagogues but who are not strictly orthodox in belief or practice. In fact, in terms of belief and practice they are often indistinguishable from members of Masorti, Reform or Liberal synagogues. This category of person is well known in studies of Anglo-Jewry (Schmool and Miller 1994a; Miller 1994). Such moderns are well represented by a respondent whose views we have already heard above as a 'liberal'. Mr Stone is affiliated to a synagogue which is a member of the United Synagogue grouping. His affiliation is to an orthodox institution, but his practice conforms only in part to strict orthodox requirements. As a 'modern', Mr Stone may observe some of the traditions of Judaism, but his attitude to their status, in terms of notions such as 'truth', 'reason' or 'logic' is unequivocal:

> To this day, I don't understand why people should have any concerns...[*about the eruv*] it is an irrational thing to have, it is a strange concept: that within a certain boundary you can carry your handbag or push your wheelchair. but outside that boundary you can't. It's something that grew up thousands of years ago, so why do people still want to emulate those views now? But then you have to say, why do you still observe the sabbath? This is what Judaism is all about... without its irrational traditions I don't think Judaism would have survived.

Mr Stone acknowledges that some elements of irrationality may play a part in the survival of the religion to which he subscribes. And, indeed, Mr Stone chooses to identify with a version of orthodoxy, the tenets of which almost certainly conflict with other areas of Mr Stone's modernist comprehension. Thus, Mr Stone represents an example of what researchers have called the 'affiliational mismatch' among older generations of Anglo-Jews. Mr Stone's affiliational irrationality aside, his modernist view was challenged in searching for rational explanations of the conduct of opponents:

They really felt it was going to be a wall, which it's symbolically meant to represent... I was at the Public Inquiry on the odd day and I heard one woman express very strong views that she felt threatened because her garden wall formed part of the *eruv* and this, she felt, was some mysticism in having her garden wall part of this thing she didn't understand, and she was genuinely very worried. I really don't know what it is that people fear... a combination of anti-Semitism and, amongst the Jews, something that would identify themselves as Jews and they didn't like the idea and all the publicity that went with this *eruv*. I can't imagine intelligent people fearing anything other than attracting Jews into the area. I can't see, again, what there is to fear. It's something I just don't comprehend, the opposition.

This incomprehension of the opposition to the *eruv*, constructed in terms of 'logic' or 'intellectual analysis' frustrated *eruv* supporters, as highlighted in this extract from an interview with a member of the United Synagogue's Eruv Committee:

My analysis of this is an intellectual analysis and the analysis of most of the opponents is an emotional analysis. I think the hardest kind of reaction to explain is a reaction which is an emotional reaction. However, it is clear that from my perspective there wasn't any logical opposition. I don't think anyone ever said: 'I oppose the *eruv* because of A, B, C', where A, B, C were reasons that were entirely unconnected with any kind of emotion. I'm not using that as a criticism, I'm simply saying that because most reactions were emotional reactions, they were absolutely real, and we had to acknowledge that, but it was rather hard to change people's minds.

The way we try to deal with it is as a committee, we tried to acknowledge, that people's feelings were genuine... and we simply tried to persuade people to give the *eruv* some time, to see that the *eruv* would not realise all their fears. We showed the examples of Washington, that the White House and the United States Congress and the Supreme Court were inside the *eruv* and given the emphasis in the United States on the separation of Church and State, if there really was any religious, mystical significance to an *eruv* do you think that the American community would not have successfully challenged the *eruv* in Washington... The problem is that most of the

opposition believe that there is something genuinely sinister about the *eruv*, and I cannot really understand that.

(Mr Da Silva)

Another respondent, however, was quite clear why he thought the majority of the readers of the newspaper he worked for, the *Hampstead and Highgate Express*, opposed the *eruv*:

> People instinctively knew that the eruv would attract orthodox Jews, but I also think there has always been a degree of anti-semitism amongst the Jewish community. But I think it also goes deeper than that. If you ask people to tell you, deep down, what it was they most objected to, I think it would be that we are much too modern to have this kind of mumbo jumbo imposed upon us, in a sense, it takes us back centuries, back to a sort of fundamenatlism that we are trying to get away from. I don't know if I've expressed that too well, but it seems the most obvious explanation to me.

(Interview: Mr Fisher)

There was opposition to the *eruv* by those whose modernist, rationalist views gave them had a strong disinclination towards religion, even a radically secular opposition to it. Mr and Mrs Taylor are Jewish, in their late middle age, and were brought up in families who belonged to the United Synagogue. They changed their stance during the period of the dispute. They were at one point rather peripheral to the dispute. They knew of it, because they lived within the area of the *eruv* and had a United Synagogue congregation near their home. It was their neighbours' insistent and, in their view, insensitive campaigning which drove them to take more interest and eventually to become active in opposition groups:

> One of the people who support the eruv came round to us, and said would you sign a petition, and I'd never heard about it... I didn't know what she was talking about, and as she explained it to me, it struck me as a worse and worse idea, and I declined.
>
> Nine months earlier, I'd seen – and I'm not going to disguise my opinions – people who I regarded as little better than lunatics, with notices in the back of their car that had 'WE WANT THE ERUV' on them.

> The question is really if those of us who oppose the eruv are also irrational in our position. I think...I would say that I don't think that's the case because it's part of a general rule, of objection to religion in the public sphere.
>
> I asked somebody about it [the *eruv*], and he explained to me what the concept was. I was horrified on many grounds; having had a semi-Orthodox upbringing, I was horrified of the idea of people going back into the ghetto. So, I thought this was a lunatic fringe. But, very slowly, it dawned on me that the lunatics had invaded the central body. It was only when I realised it was the United Synagogue that had been contacted, that I thought that it might be quite serious.

The Taylors, as former members of the United Synagogue, were typical of many who harbour a strong disdain for its tolerant attitude towards non-observance while upholding a claim to be an orthodox institution. This regularly finds expression in the allegation of hypocrisy. The example of parking outside the Taylors' house on *Yom Kippur* (the Jewish Day of Atonement when, as on *shabbat*, driving would be forbidden) is typical:

> It puzzled me at first because I would have thought they were cheating, and this is something they would have recognised. But with the United Synagogue, my attitude was that they were such hypocrites, they wouldn't need an eruv. One of the letters I have written was to suggest a compromise with the United Synagogue – if they had the eruv, would they mind not parking outside my house on Yom Kippur? My attitude to the United Synagogue was always that they were nominal, in the same way as the Church of England is to many people; people marry, have children christened but nothing more. So that's why I was surprised; what were they doing?

Many respondents in interviews, and many writers of letters, claimed that *eruv* supporters had displayed a lack of sensitivity. This they attributed to the 'nature' of the support, i.e. that it arose among religious 'fanatics', 'lunatics' or 'zealots':

> There was a certain lack of sensitivity, but then that was not that surprising, because if you believe that this is right and you've got to have it, come what may, and you're a religious zealot, you're not going to ask other people's

opinion as to whether they agree or disagree, are you? I think there's a sort of inevitability about that.

And it hasn't done the orthodox brigade much good, because of this sort of righteous 'We need this, and the rest of you are going to have to put up with it,' sort of attitude hasn't done them that much good either.

(Interview: Mrs Black)

It was thrust upon us in the most unpleasant, melodramatic and distressing way.

(Eva Jacobs: *Omnibus*)

When I asked the Taylors what they considered the *eruv* poles were 'really' about, Mr Taylor replied:

Well, I think this is adding superstition. Its like somebody giving official blessing to horoscopes. Its bad enough picking up the *Sunday Times*, and finding out this once serious journal has horoscopes in it. Our daughter's letter to the *Times* asked why they couldn't just designate the whole of Great Britain as an *eruv*… [Halakhic objection explained by RA] Where did they get 600,000 from? How did they count that? You can't say that's true, though. It's all fiction.

At one point in an interview, the case put forward by one pair of respondents made a concession to the Established Church and called for a distinction between the Christian Churches and other religions. While, on the one hand there was an expression of liberal sentiments, on the other hand there was little or no concession to multi-culturalism:[166]

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[166] Further, just as in Calvin Trillin's New Yorker article, a link was established between low church attendances and local parking problems. It may be that parking problems in suburban areas play a greater role in the *eruv* dispute than is obvious at first sight. Parking was never cited by any respondent whom I interviewed, nor by any correspondent whom I read, as an example of environmental degradation of the scenic beauty of the Hampstead Garden Suburb. Opposition to the large number of car owners whose vehicles clog and pollute the Suburb would not get very far. Perhaps some of the anger is channeled elsewhere: against the *eruv* as against drawing pins left in trees (*Omnibus*).

Well I think a lot of people are thinking that although they may not approve of the eruv, one has to tolerate it. There is always the view that 'I may not like what you say, but I'll fight to the death to let you say it.' My view is that I accept your rights and your own views, but don't expect me to respect them with deference. My objection is that they are thrusting this unnecessary device upon us.

I think that if they [the *eruv* poles] were specifically Christian symbols, we would have to recognise that this is a majority Christian country, and they have certain historic rights, which are differently inclined from the newcomers.[167] I don't think one ought to increase public displays of religion. I think one should make the distinction between the Church of England, and other religions though...

Christianity is still a majority religion, and one shouldn't set out to do things contrary to this majority. We had a Methodist church on the corner of this road, and nobody went. They sold it to a Hindu sect, and now three or four times a week, we find we can't park in the road. It another interesting example of the failure of planning law... The result of all this is that we are now having parking restrictions, which we have never had before, because the parking situation has got out of hand.

(Interview: Mr and Mrs Taylor)

When pressed further on the question of diversity and tolerance, the Taylors were quite adamant that, in their view, this country is not a multi-cultural society:

It doesn't celebrate diversity. There was a fair amount of anti-Semitism in the East End, in our childhood, but on the whole except for the Mosleyites, there wasn't that much violence, and the community as a whole was accepted. I don't think society is becoming more tolerant, I think there is increasing intolerance, and an eruv is one of the ways of increasing racial intolerance. When that mob stormed McGregor's meeting [Hampstead Garden Suburb Trust A.G.M. 1992], they showed no sign of tolerance or understanding whatsoever, saying 'We bloody well want the *eruv*, and no-one had better stand in our way' so it's triumphalism, with a total disregard for everyone

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167 Given the long Jewish history in this country, when does a group cease to be 'newcomers'?

else. This *eruv* is not intended to create harmony… because it symbolises, to me, going backwards, growing fractions and fragmentation, I think its very dangerous.

An officer of the Hampstead Garden Suburb Residents' Association became very active in opposition to the *eruv*. She told me of her first impressions on hearing of the *eruv*:

> Well, as I'm really rather an atheist, I found it very hard to understand any religion that puts on its members such restrictions. I mean, it seems to me absolutely illogical to worship God, when you can't go to his synagogue or church, on Sunday, or Sabbath, without special rules and regulations. It seems to me a nonsense, but that's just my personal view...nonsense...man-made, so I don't understand it at all, and I'm afraid I haven't very much sympathy for it.
>
> (Interview: Mrs Lyons)

In the view of this secularist respondent, increasing Jewish religious orthodoxy was creating problems, even for Jewish residents, many of whom she implied were not orthodox and who feared the arrival of observant Jews in the Suburb. Her remarks clearly describe her belief that the Hampstead Garden Suburb is a community, and a special community at that. This community is threatened by orthodox Jews. The issue of community is dealt with at greater length in the next chapter:

> […] a lot of Jewish friends were telling me that they were against it, but that they didn't have the courage to speak out against it, because almost immediately, if you spoke out against it, you were considered anti-Semitic. It's very difficult these days, especially in a community like this, and if one opposed it they were immediately called anti-Semitic.
>
> I think a lot of the reaction came also from people, especially in the Jewish community, who felt that a lot of the races [*sic*] live together in harmony in the Garden Suburb and I think they felt that an influx of very Orthodox people would change it, because the eruv was there, and it would just destroy this harmony.

I think the fear is that very Orthodox Jewish people do not mix in the community, and keep themselves very much to themselves. You have Asians, and Chinese or Indians or Japanese people, and they do actually mix much more. […] and that has been one of the problems about the sense of the community – that young people don't mix. There was a time when sticking to Jewish rules here became very, very strict, and people became very Orthodox.

Even among those who were actively religious, there was sympathy for the idea of a separation of 'Church' and State, a secular public sphere, with religion relegated to the private sphere. Thus, a person who generally supported the *eruv* proposal from liberal motives, felt constrained to temper support with a plea for a non-confessional public sphere.

If I ran the country, I wouldn't have the Established Church, and I wouldn't have church schools. I would like to see in that sense, the public domain, essentially secular … I have no particular desire to be anti-faith, to be completely secular, I'm not. One of my great senses of pride and joy, has been the success of the [name omitted to retain respondent anonymity] Hospice, which is genuinely inter-faith, and where we would have managed to reconcile the symbols of all faiths … that's the sort of society I would wish to live in. I have no particular objection to the eruv as long as it is part of lots of different communities … it's only when it's one, and not others, that I object to it.

(Interview: Rabbi Isaacs)

CHAPTER 7

The Eruv and 'Community'

'Here is no continuity, here is no abiding state'.

> (T.S. Eliot, from *Murder in the Cathedral*, used in *Omnibus*)

7.1 Introduction

The British philosopher J.L. Austin in his book *How To Do Things With Words*, described how words, if viewed pragmatically, can be understood to comprise two kinds of action. A writer or speaker can be writing or saying something, i.e. what is important is some content being conveyed in the words. That is to say, words can be understood on the basis of their 'dictionary definition' meaning, or their 'propositional' force. However, there are cases where a speaker or writer uses words to achieve something. This Austin called the 'illocutionary force' of a linguistic utterance. To understand such words it is necessary only to recognise the kind of act they set out to be. The listener or reader reacts on the basis of attitudes, intentions and associations evoked by the use of the words. The words are 'performative'. 'In general a ritual is an act involving performative uses of language (for example, in blessing, praising, cursing, consecrating, purifying) (Smart, 1996: 72; Jones, 1997: 146–7). Some words can bring forth from a hearer a negative response; others can evoke in the hearer a positive response. I would suggest that 'community' qualifies as one of those words which evokes positive responses in a hearer or reader. After all, who could not wish to support and promote community?

Community is seen as desirable. Urban planners have long cherished the goal of creating planned communities. As has been noted, in the early twentieth century the ideas of the Garden City movement influenced the development of the Hampstead Garden Suburb, and in post-war Britain the development of the New Towns from the 1940s onwards was a bid to create communities. Against such utopian planning, there is of course a strong current of thought which conceives of community as something which develops in some way that is 'natural' as opposed to planned.

In fact, 'community' is a vague and contested term. It is this very vagueness which allowed it to be invoked so frequently in the *eruv* dispute. Its positive

associations enabled it to function as a powerful polemic term. In the fieldwork interviews for this thesis the notion of *community* figured prominently in the discourses surrounding the *eruv*. Much of this discourse *closely* associated the *eruv* with community and, in particular, with the creation and maintenance of community and of family life and neighbourliness, while opposing discourse saw the *eruv* as destructive of community.

In this chapter section **7.2** examines a fundamental problem: the recognition that modern life puts strains upon 'community'. The following section, **7.3**, reviews the ways in which community was conceived in the *eruv* debate. When someone said or wrote 'community', what did they seem to mean? Section **7.4** explores the claim and counter claim that the *eruv* was supportive of, or divisive of, community.

7.2 Modernity, community, identity: the transition from fate to choice

In political systems which are genuine monarchies and aristocracies, the majority/minority dichotomy was not significant; numerical superiority or inferiority counted for little. In such a society, a society of established Estates, inequality was the norm. Each distinct Estate had its rights, duties and priviliges. Status was assigned, inequality was the norm and there diversity of corporate bodies, including professional groups, the guilds, and the Jews who formed a religious corporate body with restricted professional possibilities. This situation continued for the Jews longer in some countries than others, depending upon the pace of political modernisation. With the onset of modernity was this political landscape changed. Only when equality of citizenship and social uniformity grew could the Jews be recognised as a 'minority' in the sense in which we now use the term. The majority in a modern nation state offers equality to minorities, usually only at the price of giving up their distinctiveness. While the Jews do not yet constitute a minority community in the spatial sense, i.e. that they are all concentrated in one geographical area, many claim them as a community of affinity or interest. '… the politics of identity, unlike that of nationalist movements, gathers together those who are geographically scattered into an imagined unity of identification: a placeless community of interests is to be imagined' (Billig 1995:146).

Another feature of the pre-modern world, which distinguishes it from the contemporary world is scale. In traditional societies such as the Europe of the Middle Ages, the small scale of social groups would have been an important factor in giving people a clear sense of their connections to one another, their commitments and loyalties, in short, their identity. Membership of family/kin networks, often (though not always) concentrated in geographically small areas, and stable social structures of status, custom, religion and belief meant that personal identity was rarely problematic. Community was seen as 'natural'.

The 'classical' social theorists, particularly Marx, Weber and Durkheim, saw in their studies of modern civilisation the costs which accrued with 'progress' as well as the benefits. In particular modernity was seen, in various ways, to be corrosive of traditional social ties and to undermine belonging and the sense of community. Aspects of this situation may be referred to as *alienation* (Marx) or *anomie* (Durkheim). There have been signs of countermovements aimed at a 'search for

community'. Community is seen as the cure for atomised, alienated individualism in contemporary society. Communitarianism grew up as a response to the perceived spread of cultural and social decline, and a sense of disempowerment of individuals in consumer societies. The emergence of new local politics through voluntary and neighbourhood associations, the political exploitation of 'family values', and the rise of conservative religious groups and cults, are indicative of the multiple responses to the search for community (Dunn 1998: 156). The *eruv* may well represent a specific group response to this social need.

Whenever community is seen as 'natural', the ties which are understood to exist seem all the stronger. It is when, as Bauman has put it, 'we have not chosen it on purpose, have done nothing to make it exist and can do nothing to undo it.' It is when the idea of community is scrutinised or debated that it may be seen as less than natural. This is an aspect of Bauman's 'reflexive ambivalence' referred to above in chapter 3. Insulation from contact with other lifestyles can reinforce the notion of belonging to a natural community, which partly explains the phenomenon described above of some groups of Jews' isolating themselves from the rest of society. Cohen (1985) argued that communities are best understood as 'communities of meaning' . Community plays a symbolic role in generating and sustaining the feeling of belonging. 'The reality of community lies in its members' perception of the vitality of its culture. People construct community symbolically, making it a resource and a repository of meaning, and a referent of their identity' (Cohen 1985: 118). Communities define themselves internally by reference to their members (insiders) and externally by those who do not belong (outsiders). The boundaries of who counts as an insider or an outsider are, in modern societies, increasingly marked by processes which are symbolic, even ritual. It is clear that the *eruv* could play a role as just such a symbol.

The other side of the coin from the *eruv* as part of a community promoting response is the claim that it has undermined community. It has to be recognised that not all attempts to build community find acceptance; structures of meaning and association are too complex for this to happen.

> As a manifestation of racial (sic), ethnic, gender and sexual pluralism,
> identity politics reveals the powerful subjective and political dimensions of
> the particularistic identifications with group and community prevalent in

society in general. In a curious twist, however, by disrupting existing attitudes and social relations, identity politics has itself bred feelings of rootlessness and displacement, feeding on itself in contradictory and unexpected ways.

(Dunn 1998: 157)

Assertions of white hegemony in the Hampstead Garden Suburb would constitute one relevant example of Dunn's point.

A concern for community is implicit in the following interview extract which focuses upon feelings of isolation in the individualist, unstructured nature of contemporary society. The respondent is a Liberal Rabbi.

[...] modern orthodoxy I can understand, it wouldn't be my bag, but people are looking for certainty... to ritualize their lives to a very large extent, people who are facing the modern world and finding it very unstructured, uncertain, too individualistic, and there are two ways of looking at that. You can take the approach of saying there's the old tradition from which I come, which has a structure I can impose upon all this, and I think that's modern orthodoxy's line. You know about modernity, you live in the modern world, but you impose this type of thinking on the rest of your life… you do it because of its discipline and because you believe that it is God-given. There's something about the organisation and ritualizing of your life which is very important, and I think that's one way you can approach this sense of uncertainty and individualism.

(Interview: Rabbi Isaacs)

In this extract, Rabbi Isaacs recognises that constructing an identity in a highly individualised society brings about the need to *do* something, as we have already noted: 'For post-modernists, its not a matter of belief, it's a matter of doing – you must do Jewish things, you must act in Jewish ways. You must live out the identity. To be Jewish, to have the Jewish identity, then means to practice, and to do things in a Jewish way. If we don't do the things that make us Jewish, then that identity will slip away'. (Billig 1997).

The tone of the quote from Billig echoes Orthodox Rabbi Alter's words in the next extract: 'especially in the social climate of today': Rabbi Alter makes it

clear that 'especially in the social climate of today' it is necessary to be active in order to 'define yourself as a community'. The 'social upkeep of the community' means, *inter alia*, building *eruvin*.

> The fact [is] if you are a Jewish community, and you're defining yourself as a Jewish community you need a school, synagogue and therefore an *eruv* would be part of that, especially in the social climate of today. Some of the youngsters, some of these young women have to stay home because they can't get out, and therefore anything which is necessary for the social upkeep of the religious Jewish community should be seen to... making sure everybody's got what they need and that *shabbat* is spent in the right and proper manner etc.
>
> (Interview: Rabbi Alter)

Another respondent, Mr Neville, was very peripheral to the *eruv* dispute: he knew of it, because he was knowledgeable about the Anglo-Jewish community in general, but took no part in the debate. His view, when I asked him to give it, was to be against the proposal. Mr Neville grew up in the late 1920s and 1930s. He is very typical of those who have been categorised as older, very anglicised Jews, for whom the proposal represented a very *un*English, but also – in terms of their experience of pre-war English Judaism – very *un*Jewish way to conduct oneself. For this generation, England was multi-cultural in a very particular sense. One could be English, yet different, in a bounded way. The differences were deliberately muted. Given that the respondent is highly articulate, and particularly representative of his generation, I will let him speak at some length. I began by asking Mr Neville if he would tell me something about his childhood.

I remember being English, not Jewish in the sense that we see it so much now. I remember the first time hearing that there were Jews who thought we should all go back to Israel, or Palestine as it was, and I thought – and I was about eight at the time – I thought this was a very strange idea. It never occurred to me at that point that I was an alien seed. It was later when my father died and my mother remarried and my step-father was Zionist and also rather more ... in those days we called it orthodox, United Synagogue orthodox, which today would be considered irreligious practically. He observed the sabbath, I don't think he carried things on the sabbath, and he went to pray religiously and the house was kosher. But on the other hand they would eat out anything as long as it wasn't meat, but would go into any restaurant and have a vegetarian or fish meal. It was a way of handling kosher eating as it was thought of in those days which fitted into the Anglo-Jewish social network, which went on without being a ghetto. You actually could go out and meet the world, be part of the world, without losing sight of your religious principles.

Mr Neville's understanding of what it meant to be an Anglo-Jew in the 1930s describes a significantly acculturated community which made accommodations to non-Jewish society which were felt to be appropriate and did not transgress religious principles. Such Jews felt very English. I pressed Mr Neville further concerning what he remembered of the character of the Jewish community overall, as he saw it in those days, especially with regard to how well Jews 'fitted in' with English society generally.

It didn't *fit*, it was *part of* ... it just didn't think of itself as a separate entity, if it thought of itself at all. I think, as far as I could tell we were non-conformist, in other words we were not Church of England, nor were we Christian, but we were part of England or Britain.

Most of my contemporaries, middle class, went to various public schools or grammar schools and universities in some cases. They knew their religion, they had learnt to read Hebrew; they could take Hebrew as a classic language like Greek or Latin for entry into university. I knew most of the festivals and I don't suppose I knew about things like *Tu bi-shvat,* the festival of trees. I understood the principals of the major feasts and things albeit also that one

would refer to Passover, Pentecost, the Day of Atonement. One would rarely use the actual Hebrew even though you thought of yourself as quite orthodox, you nevertheless kept a very English language for it all.

Once more, the detail of what Mr Neville remembered is revealing. By the 1930s the growing Jewish middle class were educating their children in non-Jewish public and grammar schools. They were aware of their religion, but even the key element of it, Hebrew, was giving way to an Anglicised way of talking about it. A development of that nature is significant. Language plays a major part in determining how one understands and formulates concepts about the world. I wondered if Mr Neville's recollections would be congruent with research into the Anglicisation of institutional Judaism, i.e. Judaism in the synagogue, which had found extensive Anglicisation. I asked Mr Neville what he remembered abour Rabbis, synagogues and public Jewish observances in the years before World War II.

> These were the days when ministers, Rabbis, wore 'dog collars' and I can remember, in Brighton, we would go to a synagogue there, I think it [the Minister] was Mr. Fabricant, and he sounded just the same as any vicar or Church of England priest ... so that the Hebrew, I mean it had the same rhythms, same intonations tone for tone as the English church of that time. I remember going to France and we went to the Rue des Victoires which had just been reopened [post 1945], and I was amazed because there they had Napoleonic costumes for the Beadles, and it was a whole French thing, and it was the first time it occurred to me that Judaism was not a unitary religion, I mean there were many aspects to it. But that again is English class thing because all these other things were looked down upon, you know, 'We don't go *there*!'.

[Question by RA to Mr Neville: 'When you say other things, you mean other small synagogues?']

> Yes, other small synagogues would be very orthodox, but I never remember as a boy ever seeing anybody walk around with ear-locks or any of those Polish eighteenth century costumes we see nowadays.

In these last remarks, Mr Neville corroborates other respondents' statements regarding the way in which contemporary young British Jews are more prepared to mark difference through dress and bodily appearance than was the case one or two generations earlier. Mr Neville had experience of other Diaspora Jewish communities. As a young man, Mr Neville emigrated to Canada where he lived for over twenty years. When he was in Canada he cut myself off completely from the Jewish community because he didn't 'fit in' at all. His experience of Jews and Jewish communities there demonstrated to him how very different Jewish communities across the world can be. It drove home to him the very Englishness of the Anglo-Jewry in which he had been raised.

> I think of myself as an English Jew. If you take any one of those things away from me I'm incomplete. I can't be a Jew without being English, and I'm not English without being a Jew. It's part of my make-up and I must accept and be happy with it. In Canada they couldn't cope with this idea because it was an Eastern Europe *shtetl* [168] community that had settled there – and it was mainly a society which, where Judaism was identified by… not really religion, but folk attitudes ... folk food ... what would be called *ethnic*.

> [In Canada] the Jews had not assimilated and when I said that my mother had been a member of the Women's Institute in England, they told me I was lying (!) because in Canada no Jew could become a member of the Women's Institute, and the clubs were closed still to the Jews in Canada, whereas in England, there may have been a *numerus clausus*. But if you had the right accent and the right friends, there was hardly a club in England that you couldn't get into on account of being Jewish.

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[168] Yiddish, literally 'small town'.

I can remember my step-father being delighted that [Sir] Robert Waley-Cohen had blackballed somebody who'd applied to join one of his clubs because he changed his name from Cohen to something else. I just remember feeling that I was part of a society and that I identified with a religion, but that my whole feeling and destiny was tied down with something called England and I find it sad and now a certain tribalism has set in.

Given that throughout all that Mr Neville had said already, he was indicating that a great deal had changed in Anglo-Jewish life, I asked him if he could focus on what the nature of the changes were. I put a question to him to try to elicit his perspective on change: 'You gained an impression of the place of a certain kind of Judaism in English society when you were younger, and then you left England for many years. In the years since you've been back, what impressions have you formed about the community in general now, that would suggest to you that it has changed, in what directions do you think it has changed?'

Well, I think it's changed to the extent that it's become un-English. It's much less tolerant, much more divided and divisive, but then you could say that of the country as a whole. The United synagogue no longer is the broad church which more or less covered everybody and everyone fitted in under one umbrella.

When I was a boy we were proud that there was no Jewish lobby, as such. There was a Jewish lobby in the Board of Deputies that would, as you say, with a nudge and a wink, make sure that divorce laws and laws that affected Jewish religious practice were recognised. But politically we had no lobby as in the United States ... nor did you lobby as a ... Jewish thing other than for really religious purposes. I suppose basically, from Mrs. Campbell's famous phrase: 'One didn't frighten the horses' ... and I think it was a good thing.

I think that Mr Neville's interview conveys sufficiently the sense of quite significant change felt by older generations of Jews who had been the product of their parents' and grandparents' project of achieving social and material integration in English society. The 'turn' towards an identity politics which demanded a degree of deacculturation from English norms and the deployment of public symbols of difference, e.g. in dress and appearance, is painful for these Jews. It is not a

surprising finding, then, that opposition to the *eruv* among Jews was substantially based in the older age cohorts.

Regarding the younger Jews who are becoming more observant, there remain some questions to which, as we have noted, Rabbi Alter, an orthodox leader seemed indifferent. Is the behaviour of the younger generation in some sense a 'return to tradition'? I think that what historical and social research has shown about the Anglo-Jews of the past is sufficient to cast doubt on that assessment. Rather, this phenomenon is new. We might then enquire what has brought this change about. Again, looking to research into religion in modern societies, one cannot overlook the rapid decline in the population in this country choosing to identify as Jewish as an important element of the context of change. The institutions of the Jewish community have, as noted above, invested heavily in resources, e.g. in education, in attempts to combat the, as yet, unreversed decline in Jewish numbers.

If we are indeed entering a new phase of society, post-modernism, then the social context in which identities will develop would be expected to favour certain directions. A return to tradition, as a general abstract idea, would be unlikely if the tenor of society were against grand narratives and overarching frameworks of belief. The possibility, as Giddens mooted, that post-modern societies could accommodate religious belief and practice remains open. Theoretical consistency would seem to me to demand that we predict that the religion which survives, or even flourishes, in a post-modern social milieu be novel. To apply an established sociological paradigm to our contemporary scene, in the future, as at present, the 'church' type of religion would be likely to decline, while the 'denomination', and perhaps even more the 'sect' would fit better. However, I suspect that this useful paradigm would need to be revised. Steve Bruce's recent work on liberal religion (Bruce 1999: chapter 7) does not forsee a secure future for contemporary denominational religion.

7.3 Conceiving community

In the answers given by respondents in interviews, and in written documents such as letters sent to Barnet council, what conception of 'community' was to be found? Supporters of the *eruv* who came from traditionalist Jewish backgrounds focussed their ideas of community heavily upon the family and the synagogue. This is not surprising, given that historically these have been the twin loci of Judaism. In the following extract from fieldwork interviews, a religiously observant lay member of an orthodox synagogoue explained how his own family would benefit directly from the establishment of an *eruv*. He emphasises how the present situation, without the *eruv*, means that both the nuclear family and the wider network of extended family (and friends) is perceived as hindered by the restrictions which the *eruv* seeks to overcome.

> Now, among the people who observe the *shabbat*, *shabbat* lunch is the social high point of the week, spent with other families and their children, and that is how they form their deepest friendships and relationships. Lunch begins when we come home from *shul* at half past twelve and goes on until five or six in the afternoon. It means that for about a year, until we can drag our baby to the nearest house, we have to do all that entertaining at home. It's a big burden on whoever has to do all the cooking... It does detract from our enjoyment of our *shabbat* and it puts extra pressure on family life, but we don't have to do it, there should be an *eruv*.
>
> (Interview: Mr Green)

Others emphasised the way in which the *eruv* would enhance community, as it were, 'vertically' maintaining and strengthening ties in families not only where there are young children but also where there are elderly family members:

> There are benefits [*from the eruv*] in terms of enhanced enjoyment of family life particularly across the generations.
>
> (Interview: Mr Da Silva)

I am well aware that there are many Orthodox Jews in north west London who are profoundly affected by the absence of an *eruv*. From my perception, many people – particularly young women with babies – can become virtual prisoners in their own homes over the long summer Saturdays. [...] An *eruv* will ease a significant number of problems and not only allow people to enjoy the Sabbath more fully but engage in the kind of beneficial social interaction which arises when parents can take their young children to visit elderly relatives and so forth.

(Letter: [Reform] Rabbi Tony Bayfield)[169]

The United Synagogue's Eruv Committee published a number of briefing documents aimed at various public bodies, the press and the general public. The influence of their arguments is most clearly seen in the letters written to Barnet Council. These often contained virtually identical phrasing. The representation of 'community' is consistent: family, synagogue, friends. The beneficiaries of the *eruv* are likewise consistently identified as families with children and the disabled. The following representative extracts illustrate this point:

I am writing to you to state that I very much want the proposed Eruv to go ahead. I would then be able to go to Synagogue on Saturday with my children and also visit my friends and family.

(G. Kaye, letter 248)

...the advantages to the Jewish community are immeasurable. It will enable families with small children and the elderly to move around on the Sabbath, whereas at the moment they are confined to their homes.

(A. Ohrenstein, letter 249)

[…] Not only will the Eruv allow my wife to accompany me to the synagogue with our baby, but, more importantly, it will enable our neighbour who is wheelchair bound to attend both the synagogue and mix socially with other people on the Sabbath which is the highlight of our week.

(Dr L. Lovat, letter 457)

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[169] Rabbi Tony Bayfield in his capacity of Director of the Sternberg Centre to councillors of the London Borough of Barnet (undated) (appendix C – 1)

I have two young children, & would love to go to the synagogue on the Saturday. I am unable to because it is too far for the children to walk. They would need to be pushed in a pushchair which without an Eruv I am unable to do. I am also unable to visit my parents on Saturday for the same reason. There are many Jewish families in the area who would benefit from the Eruv, not just young families like mine but also the disabled who need to be pushed in a wheelchair.

(signature illegible, letter 436)

[…] This amenity will cause no inconvenience whatsoever to the general public… but will ease the lives of observant Jews…my husband and I will be able to go to synagogue on the Sabbath as a family, together with our three month old daughter.

(M. and D. Prins, letter 85)

Although traditionalist leaders of the ultra-orthodox right wing opposed the *eruv*, it was claimed that many of their members supported the proposal. It may be that members of those communities recognise the intra-communal politics which is played out among leadership élites, but disregards them on a mundane level. While this is thought unlikely to create any significant schism in their communities, the rejection of the *eruv* proposal by the right wing leadership only threw into focus divisions which exist among the different orthodox groups over a number of issues:

It's true to say, that even among the *Adath* – I know a lot of people who live in that community – even amongst the right-wing community, that whilst the rabbis themselves said they didn't want the *eruv*, their communities definitely did, and there will be a big problem inside that community, because the women will push prams – there's no question about that... probably they will not push prams to *shul*, but they will push them to each others' houses for lunch on *shabbat*. I honestly think that's going to happen... because there is no doubt whatsoever that the halakhic basis for having an *eruv* is absolutely rock solid, it is a very established, old religious orthodox tradition.

(Interview: Mr Green)

It is clear that many of the *eruv* supporters had a consistent idea of what they meant by 'community' when they dealt with the issue of those who would benefit from the *eruv*. They used the term 'community' largely to describe their fellow (mainly orthodox) Jews. Individuals and families benefit from the *eruv* and this benefit extends into the wider community. Yet 'community' is most commonly used to describe social relations extending beyond family. There were other aspects of the understanding of 'community' raised by the dispute. What was the effect of the eruv proposal upon the relationships of Jews to the non-Jewish community? The *eruv* raised questions beyond the boundaries of the community, or communities, of Jews to highlight areas of relations between Jews and non-Jews in the context of the widest community, the entire population of an area. One traditionalist supporter was greatly vexed by these questions:

> A community *eruv* requires the consent of everybody who is inside it, right? In the old days, you would have to go round, house to house, and get them to sign up, and the modern equivalent of that is going to the local authority to get permission. That's my understanding.
>
> Why is the *halakhah* surrounding the *eruv* so demanding in that you must get the permission, not just of all the Jews in the area, but the permission of all the non-Jews as well? What does this teach us, on a philosophical level about the meaning of the community? The whole point about the *eruv* is that […] it does define the community, just as the erection of a *shul*, or a *mikveh*, or the opening of a kosher butcher. The establishment of an *eruv* defined that this community has arrived, but *unlike* all those other things, you have to go through the non-Jewish community to ask their permission.
>
> (Interview: Mr Green)

Some among the observant orthodox realised that there was a very important inter-communal dimension involved in the creation of an *eruv*. For while most of the *eruv* supporters focussed upon the argument that the *eruv* removed disabilities which hindered family life, community on the smallest scale, in particular, almost none articulated any recognition of the claims by opponents that the *eruv* created division in communities.

7.4 The eruv: dividing community?

> The whole outcry and controversy was because the Jewish community in this area failed in what we might now term 'politics'. It failed to be talking to the community amongst which it lived. And that to me points to a failure of the Jewish community to conduct itself in such a way that it has achieved the respect of other people in this country... the *eruv* is not just about not carrying things, it's about living in a community, and it's about living not just in a Jewish community, but in a wider community. It says something about our behaviour as a community, that there was able to be that much opposition to something that we wanted.
>
> (Interview: Mr Green)

Although the *eruv* was to encompass a territory much greater than just the Hampstead Garden Suburb, and the Suburb was not the only place from which opposition arose, it was in the Suburb that opposition was most bitter. Yet the Suburb had a high proportion of Jewish residents. What sort of factor might this have been in generating such hostility? I asked a Liberal Jewish respondent, a sociology graduate, who had been born and raised in the Suburb, and who has family resident there, what sort of Jews were living in the Suburb.

> Traditionally... the Suburb, yes, there has always been Jewish people there. The numbers over the years have increased post-war but I would say the people that were settling in the Suburb in the 1940s, 1950s and even 1960s, even if they belonged to the one orthodox synagogue at Norrice Lea, were not really orthodox in the real sense of the word, added to which there has always been a lot of Jews in the Suburb who weren't orthodox at all. I mean you've got 'Alyth Gardens' [North Western Reform Synagogue] on the perimeter. Traditionally, the Jewish population was formed of Liberal and Reform, and what my sister-in-law called 'failed orthodox' who might belong to Norrice Lea. [It's been] relatively recently, historically speaking that you've had an influx of very orthodox people.
>
> (Interview: Mrs Black)

A number of respondents commented on the fact that the Suburb was an area with a significant Jewish population. In fact, so large was the proportion of Jews that the Suburb felt comfortable for Jews:

> Also, it's a very largely Jewish populated area, and most our friends are indeed Jewish, and we are able to observe what Jewish practices we wish to do, without feeling we are in a minority. When you've got the candles lit on Friday night, you don't, as one might say, have to draw the curtains (laughs) as if someone might say: 'What's all that about?
>
> (Interview: Mr Stone)

However, there are clearly many Jews who felt most uncomfortable about the *eruv*. This aspect of disharmony between different parts of the Jewish community came over very effectively from the participation of a Jewish Suburb resident, Douglas Blausten in the BBC's Omnibus programme. Douglas Blausten represents very much the acculturated Jew:

> I'm Jewish, my family is Jewish, but I have very little affinity with the extreme orthodox who want to impose upon me something that I don't want. The minority orthodox community is splitting the Jewish community in a tragic way and the wider community don't understand the attitude of Jew against Jew.
>
> (Douglas Blausten: Omnibus)

Community was failing to be maintained for another group. These were those who had come into the Hampstead Garden Suburb many years earlier and felt very much at home, but who can not accept that some change is inevitable in any community. The *eruv* appeared to be, at times, like the proverbial straw which broke the camel's back. The camel in this case being (in)tolerance of change. The Suburb had, at least in some way significant to them, undergone a change:

Our objection to the whole thing was that we felt... we've lived in the Suburb 45 years, and without any changes whatsoever...

[yet, apparently contradicting themselves]

the Suburb is not like it used to be; very friendly and open, a lot of people of all kinds. Even now, if you go now within the last couple of weeks, the pillar box down Wilford Road, there is graffiti appearing, as it is on Hampstead nameplates. We never, never used to have that. We've had car windows smashed... The nature of the whole area has changed. When we first came here, we were out all day, and we left the front and back door open all day. Our kids could go and sleep on the Heath in the summer. Everybody used to walk across to other people's houses, and you could walk home at night. You wouldn't dare to do that now.

(Interview: Mr and Mrs Young)

Well represented among the residents of the Hampstead Garden Suburb. were those whose resistance to the *eruv* arose chiefly from their desire to 'defend their turf', to prevent change to the physical environment, but also with an eye to the social make up of the community. A member of the Residents' Association's governing body was unsympathetic to the idea that people should be able to move into the Suburb and bring their own ideas and behaviours with them. On the contrary, this should be opposed:

I'm very much for vigilence. People who come to live here ought to realise that they are coming to a very special area.

(Leonie Stephen: *Omnibus*)

Another resident felt seriously aggrieved that the character of the Suburb was being allowed to change and was not being sufficiently 'policed'. Typically of many of his generation, he felt that his views deserved some special respect over and above others on account of his service during the Second World War. His use of the word 'freedom' is rather choice, given that it seems to equate to dictate to other households how they should conduct themselves:

I thought I was fighting for freedom, and one of the freedoms I thought I was fighting for was the freedom not to live next door to a guest house or a child-minding agency if I didn't want to.

(Lionel Kochane: *Omnibus*)

However, not everyone with a good knowledge of the Suburb thought that the social make up of the community was quite what some members of the Residents' Association seemed to believe:

I think it's actually a much more mixed neighbourhood than many people would credit. There are still the upper-middle class, genteel families; quite upper-class; [most Suburb Jews are] not terribly Jewish in terms of observance and practice; there are traditional United Synagogue observant orthodox families; there are arty-farty families who can just about afford the cost of one of the cottages, and come there because it's so pretty etc. I do think that you find a lot of humankind packed in there.

(Interview: Mrs Healey)

For those who opposed the *eruv*, there was not only a problem being created which was seen to be dividing the Jewish community along pro and anti *eruv* lines, but relations between Jews and non-Jews were being affected.

[…] the proposal for the eruv has cut us right down the middle. We're now in a situation where, as far as I can make out, the Jewish community keep themselves to themselves.

(Interview: Mr and Mrs Young)

Although there were many clearly identified non-Jewish *eruv* opponents, there were others who felt the effects of the dispute even 'from the sidelines' Here, repondents relate an anecdote from the early part of the *eruv* campaign:

I think it puts non-Jews, the ones who are most sympathetic to the eruv, in a very ambiguous position. There was this meeting, which was a public meeting, run by the eruv group to try to explain the eruv to the rest of the community, and coming out of this meeting, I met a women who said 'Oh it's very embarrassing being there, because we've lived next door to our Jewish

neighbour for the last twenty five years, and I didn't want her to know I'd come to this meeting, in case she thought it was a rather unfriendly thing to do, to make objections.' And I thought how divisive the whole thing was, not just within the Jewish community, but also between communities as well.

[Question by R.A.: Among those who took part in objections at this meeting, what sort of objections did they have?]

Well, the trouble is that you had to only have planning objections, because those were the only objections that would be valid to Planning Inspectors. The real objections – the social ones – could only be made very indirectly. What was interesting, I'm told, about this change of plan, is that the other side, having said that there is no question of social disharmony, that this doesn't exist, have altered the eruv plan to take account of the Church of England school, thereby admitting that it would cause a great deal of social disharmony.

(Interview: Mr and Mrs Taylor)

Opponents of the *eruv* were keen to stress the community spirit of the Suburb, which in their eyes would be destroyed by the *eruv*. There was one clearly visible, high profile strain of opposition to the *eruv*. This came from the supporters of the Garden City ideal. The *Omnibus* programme broadcast on 7 July 1997, which opened with the strains of Beethoven's *Pastoral* Symphony in the background, let us hear the Suburb described as 'very special', 'unique', having 'community spirit'. Lord Soper, a former prominent leader of the Methodist Church waxed lyrical about the Suburb: 'an attempt to reach up to the heights of community living'. As if this were not praise enough, he added: 'I cherish the view that places like the Suburb have redeemed societies' (*Omnibus*). This feeling about the Suburb, though rarely expressed in such a full-blown manner as by Lord Soper, was widely shared, including by those who supported the *eruv*:

Dame Henrietta would be appalled… We had a wonderfully relaxed community here before and it's all been broken up by these eruv people.

(Unidentified Suburb resident: *Omnibus*)

It is a unique environment from the point of view of the pleasantness of the area... the town planning is unique, it's a very pleasant area, there is a large cross-section of people from different countries, different creeds, and so on. I suppose, in a way, it's almost like living in a big village... people do get to know each other, they do socialise with each other, and it's very friendly. So, a) it feels pleasant, with its trees, and the architecturally designed houses and b) it's a community, and you can identify with a lot of the people who live here.

(Interview: Mr Stone)

Others with long experience of the Suburb were sensitive to the changes which had taken place and the consequences of the change, including social separation, which militated against the alleged community feeling of the Suburb. When asked about the type of people who live in the Suburb, Mr Wood characterised them in the following manner:

I think they have a tendency to be middle-class literary people, who appreciate the surroundings, and the idea of different levels of housing, living together, but that's all been eroded rather anyway, by the price of property, and with the small houses, it's young yuppies that move in.

Another resident was even more explicit about the community spirit of the Suburb:

The Suburb has a kind of a special significance... it was born in a sort of blaze of social experimenting, where the original idea of the Suburb was for everyone, from the millionaires to artisans, would live together in harmony... but the prices of the houses and cottages just kept rising and it became a very exclusive area. Having said that I don't think that there is a tremendous community spirit in the Suburb... everyone lives behind high walls. But there are some residents' associations.

(Interview: Mr Fisher)

A member of the committee of the H.G.S. Residents' Association was quite unequivocal in his assessment. In his view, as a long-term Suburb resident, the *eruv* proposal had not divided the community, because those who supported the *eruv* proposal were not part of the Suburb community:.

There is a Suburb community, and I don't think the issue has divided it. People who are very pro-eruv, I don't think were really much in the community. They keep themselves separate... and I think that is a very deliberate thing. I remember once, at the Residents' Association when we were talking about the Community Centre, and trying to get everyone involved, and Rabbi Jackson told the chairman of the Residents' Association at the time... Jackson told him that they really weren't interested in the Community Centre, because they didn't want their young people mixing with outside faiths, something which they anti-eruv people would be furious with.

(Interview: Mr Wood)

I asked [Liberal] Rabbi Hirsch, who was critical of aspects of the handling of the *eruv*, but not in principle opposed to it, to draw on his experience of the U.K. and the U.S.A. to comment on the some relevant differences. 'Do you think that there is something about the nature of the public sphere and the private sphere relationship, which the Americans and the English view differently'?

I think the way that Americans view ethnic groups within their midst, America's the melting pot, everybody is an ethnic group in America... in this country, particularly recently, there is a fear of being overwhelmed by customs of other ethnic minorities. So I think there was this sense of, when it [the *eruv*] became a public matter: 'What's happening, what are they going to do next?' The attempt should have been made to persuade everyone that there is nothing wrong with it, it won't do any harm... and also have the grace to say this only affects a small minority of Jews – because most Jews don't give a damn about this – and we're asking for your tolerance because for a few individuals it makes a difference.

Rabbi Alter, in his defence against criticism of the *eruv* by Liberal Rabbis, voiced a multi-culturalist position, which called for sensitivity in cases where one does not share the opinion of others, combined with an appeal to long standing traditions. Thus he did not see it as inevitable that the *eruv* should cause divisions if people are prepared to be tolerant of difference:

What is sad is that if you don't want to accept this, it's your business, but you have to be sensitive to the feelings of others, and especially a tradition which

goes back to pre-Talmudic times, even before that to the Bible, have respect for it, for what was and is the tradition of the mainstream [170] Jewish community the world over.

Eve Jacobs, a resident of the Hampstead Garden Suburb, featured in the *Omnibus* broadcast of 07 July 1997, wrote to American Rabbi Dr Walter Jacob with a question about the Barnet *eruv*. Walter Jacob is a Reform Rabbi who heads the Solomon B. Freehof Institute of Progressive Halakhah. Rabbi Jacob wrote a Responsum to Eva Jacob's question, which was published.[171] In his responsum, Rabbi Jacob wrote:

> We must also look into our relationship with the remainder of the community. In other words, how far shall we proceed with the special wishes of the Orthodox community in face of the hostility and opposition of the remainder of the community, both Jewish and non-Jewish. Here we are not dealing with an essential component of Jewish religious life, but a convenience for a segment of the Orthodox group. The Orthodox community should not separate itself from the remainder of the Jewish community (M. Pirqei Avot 2:5), but be sensitive to the needs of the entire community. This is a matter of *halakhah*, common sense and a feeling for the broader community. Certainly any behaviour which endangers the larger Jewish community would be considered wrong. Jewish communities have frequently sought to protect themselves from individuals and minorities who endanger them (I. Abrams, *Jewish Life in the Middle Ages*, Y. Baer, *The Jews in Christian Spain*, etc.). This was done through ordinances or through the ban (*herem*) as in the case of Uriel da Costa, Spinoza, and others.
>
> Comon sense would indicate that an eruv put into place against the will of the majority of the community would not be usable most of the time. Such a wire arrangement can readily be cut and the moment this occurs the *Shabbat* restrictions apply. If this happens regularly, then the strictly Orthodox who observe the restrictions would unwittingly transgress the *Shabbat*. They would refrain from using the *eruv* for this reason. The effort would therefore, not accomplish its goal of helping the elderly etc.

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[170] In view of the minority status of orthodoxy among Jews world-wide, it is not clear what this respondent means by 'mainstream'.
[171] Jacob (1998).

For us as Reform/liberal/progressive Jews the emphasis must be placed on the underlying thoughts of *Shabbat* without any legal fiction. We would reject such a legal fiction and certainly feel under no obligation to support it. Under other circumstances when the general community is neutral we would support it. Here, *mipnei darkei shalom*, for the peace of the entire community, we should oppose it.

(Jacobs 1998: 6–7)

CHAPTER EIGHT

Discussion

Introduction

In this chapter I try to tease out and explore some of the issues raised by the background material of part one of the thesis, and the presentation of findings in part two. In this chapter each of the three axes of debate, Englishness/otherness (Jewishness), modern/postmodern, and sacred/secular comes into focus. Section **8.1** looks at what the *eruv* dispute may tell us about religion, secularization and religious identities in contemporary Britain at a time when fundamentalism appears to be on the increase. Section **8.2** examines the types of support and opposition expressed in interviews and documents and collates the 'pro' and 'anti' against respondents whom I categorised as 'central' and 'peripheral'. In section **8.3** I examine and how the interplay of space and identities, particularly social space, brought 'Jewishness' and 'Englishness' into conflict in the Suburb.

8.1 The Eruv and the State of Contemporary Religion in Britain

Jewish issues in the public sphere

The *eruv* is not the first instance of *halakhah* becoming the subject of public debate in one way or another. There have been a number of occasions on which the regulations concerning *shechita* (Jewish ritual slaughter) have become an issue in public debate, generally over animal welfare.[172] The Jewish dietary laws loom large in Jewish life, even amongst those who maintain little of the rest of tradition. Explanations of their meaning – such as that they exist to promote health or hygiene – have been advanced over the centuries.[173] Only one explanation is really convincing and survives critical scrutiny. That is to accept that these dietary behaviours are a religious discipline connected with ideas of holiness. In the same way that hosting a dinner party is understood as a social act rather than 'merely' a response to the need for food, ritualised food observances, such as the Passover *Seder*, are understood as religious acts, as a part of worship. The public debate has generally revolved around the issue of whether the methods of *shechita* are humane or not. The nature of Jewish law (or the comparable Muslim law) has not, in my reading of the debates, been brought into the issue.

However, that is not so in another example of the incursion of *halakhah* into the non-Jewish public arena: the issue of the *agunah.* [174] In this case, the nature of the laws themselves has been part of the public debate, though less so of the specifically legal debate. This issue has only arisen as a matter for non-Jewish legal authorities with the advent of civil divorce. Various attempts have been made to resolve the problem of the *agunah* – a problem existing only in Jewish religious divorce – by recourse to seeking the promulgation of clauses in civil divorce legislation which would make the granting of a civil divorce conditional upon the resolution of any problem relating to the religious divorce (which usually means obliging the recalcitrant husband to grant a *get*).[175] Many Jews and non-Jews have been unhappy at attempts to use civil, secular legislation to resolve issues for minority religious

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[172] For a description of *shechita* and a review of objections to it, see Klein (1992) pp. 307 ff.

[173] Maimonides (1963: III, 48) seems to have been the earliest authority to have argued for the 'medical' rationale of *kashrut*, yet even he advanced this notion along with other explanations, e.g. the promotion of temperance and of holiness.

[174] See above, n. 114.

[175] See Hamilton (1995), especially chapter 3 'Divorce'.

groups where the 'problems' needing resolution are seen as entirely of the groups' own making.

Many Jews, particularly women, argued that the attempt to use civil legislation to resolve the problem of the *agunah* was wrong on at least two grounds. First of all, the possibility of finding a solution within *halakhah* had not been pursued far enough. A halakhic solution would obviate the need to pursue alternative civil legislative remedy in different jurisdictions. What women seemed to perceive was a reluctance on the part of halakhic authorities to find a solution, part of the paralysis of decision making in *halakhah* alluded to by Rabbi Hirsch in section 5.3 above. Secondly, it was seen as demeaning for respected Jewish figures, such as Dayanim or Chief Rabbis, to be going 'cap in hand' to non-Jewish legislators to solve a problem of *halakhah* which, it seemed, was too difficult for them to resolve. There has been an attempt to allieviate similar situations in future:

> In October 1993 the Chief Rabbi introduced mandatory pre-nuptial contracts for orthodox Jewish marriages. Such contracts or agreements will commit the husband to support his wife, even after civil divorce, until such time as he grants his wife a *get*… However it is unclear to what extent any such agreement would be enforced by the English courts.[176]

(Hamilton 1995: 136–7)

Is the case of the *agunah* comparable to the *eruv*, in that the Jewish community is asking gentile authorities to intervene to solve a Jewish problem? I would argue that while, superficially, the two cases appear comparable, they are not. There is no halakhic solution to the problem of the *agunah*. There is a genuine failure of the halakhic imagination, and probably the will, to solve the problem. The problem remains for Orthodox and Conservative Jews. Most Reform and Liberal Jewish authorities take the same view as some Protestant Churches and accept civil divorce as valid and sufficient in and of itself.[177] In contrast to the unsolved problem of the *agunah*, the *eruv* is a halakhic solution to a problem. 'Not much of a solution' some have argued, but a solution nonetheless. It requires no gentile intervention to make it

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[176] The Labour government has published proposals to make such agreements enforcable: 'Pre-nuptial agreements are to be made legally binding', *The Times* 05 November 1998, p.1.

[177] Though, of course, Jews had always recognised religious divorce, whereas the majority of churches had not until relatively recently.

work. The only reason for the involvement of gentile authorities in the Barnet case has been the requirement to obtain planning permission to erect poles and wires on public land. The poles and wires are not the *eruv*, but are artefacts needing local authority approval.

Attitudes to halakhah

We have already encountered a variety of attitudes expressed specifically to the *eruv*, but from which it is possible to abstract attiudes to the *halakhah*. Cooper describes these attitudes very succinctly:

> Opponents' conceptualization of Jewish law produced two main responses…
> First the reduction of *halakhah* to voluntary belief and closed principles meant one either believed in the singular, underlying purpose identified – not carrying on the sabbath – (and complied) or one did not.[178]
> They rejected the possibility of equally valid competing interpretations, [179] a recognition that would undermine law's hierarchy – internal and external.
> …the perception of Jewish law as technically obscure and disputed (as well as voluntary) meant eruv requirements were deemed entirely plastic. In other words, an eruv could be constructed according to any measurement that suited both users and the wider community. For instance, several [of Cooper's] interviewees suggested an eruv might be more acceptable if it embraced the entire British mainland. When I [Cooper] replied that an eruv could only be of a limited size, enclosing a limited population, I was met with a shrug and rejoinder that since the whole thing was ridiculous, it was pointless to look for 'rational' rules.[180]

> (Cooper 1996: 540–1)

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[178] C.f. Gerald Kaufman's remarks: 'True religion is not a game, in which you bend the rules to suit your convenience. It is a belief-system, in which you abide by all the rules – or else , like me, you abide by some rules and disregard others, knowing that you are accordingly an incomplete and unsatisfactory communicant of your faith.' *Daily Mail* 24 September 1994.

[179] An important principle of *halakhah*. See Babylonian Talmud, Eruvin 13b: 'For three years the House of Shammai and the House of Hillel debated with each other. These said that the *halakhah* follows their view, and these said that the *halakhah* follows their view. A heavenly voice went forth and declared: These and those [i.e. both views] are the words of the living God, but the *halakhah* [in practice] follows the House of Hillel'.

[180] C.f. Alan Halibard's letter in section 5.3 and interview with the Taylors in section 6.4.

One of the most significant instances of a problem in representing *halakhah* to non-Jews and also to some Jews was the issue of apparent rabbinic disagreement over whether the *eruv* was valid or not. This was not a question of whether, within the halakhic system, the idea of an *eruv* is valid. As a matter of *halakhah*, the *eruv* is perfectly valid. Even so, contrary to what one might have expected, religiously conservative ultra-Orthodox Jews, including the rabbis of the *Adath*, have been among the most vociferous objectors to the proposal for an *eruv*. Among their reasons for opposing the *eruv* are:

1. some Jews could unknowingly break sabbath rules by misunderstanding what relaxations of Jewish law an *eruv* actually permits.
2. a Jewish person might accidentally stray across the *eruv* boundary while carrying.
3. if one gets used to carrying on the sabbath in an *eruv*, one might accidentally carry in other places, e.g. when on holiday, not realising there was no *eruv* in that location.

A fourth reason for the opposition of the *Adath* Rabbis is almost certainly to do with internal communal politics among the orthodox. They lead a Jewish life far more stringent than mainstream orthodox Jews and, consequently, see an *eruv* as a relaxing of strictures on the sabbath. They have also been in conflict for some years with the United Synagogue and the Chief Rabbi and some among them would not have wanted to support an initiative coming from that section of the orthodox community. This division in orthodox ranks, however, does not render the *eruv* invalid in any way, there is room for disagreement in *halakhah* without bringing down the system.

While in many instances of opposition, *halakhah* was seen as a purely voluntary set of rules to be set aside, ignored, or changed to resolve the issue, there was an aspect of *halakhah* about which there was unease across most of the spectrum of supporters and opponents: the idea of the 'loophole'.

> Halakhah is an expression of God's Divine will and God's will should not be circumvented by means of subterfuge. This is how orthodox Judaism views the dilemma. Non-orthodox Jews have expressed themselves in far more intemperate language '…the debilitating effect of utilizing a method which gives primacy to and encourages external form at the cost of substance… What are the psychological effects of [such] charade[s] to the non-Jew? Would one suggest that a religious programme which relies on such methods – empty meaningless forms which distort and evade the true intent – could address the spiritual yearnings of the contemporary Jew?'
>
> (Schimmel 1998: 20)

We have heard a number of times above precisely the 'psychological effects' of the perception of the *eruv* as charade. 'Get-out', 'loophole' 'evasion' 'trick': all these terms have been used of the *eruv*. A number of figures from the Anglican Church of St Jude in the Hampstead Garden Suburb voiced their opinions on the *eruv* in the *Omnibus* programme. After remarking that the extraordinary thing about the Hampstead Garden Suburb was that the Established Church was a minority religion, the majority religion being Jewish, [181] the Vicar, Rev. Alan Walker, expressed broadly sympathetic sentiments towards the *eruv*:

> I remember Rogation Sunday as a child. It was then that the boundaries of the parish were beaten. [The *eruv*] appears rather less extraordinary when you realise that the only way we would have of marking our spiritual territory is to beat an invisible line with willow twigs.
>
> (Rev. Alan Walker: *Omnibus*)

Although these sentiments were addressed directly to his congregation in his sermon, their spirit seemed lost on the Rev. Walker's flock. The Church Warden, Raymond Lowe, described the *eruv* as a 'poor idea… a poor understanding of God and I think a dangerous thing' (*Omnibus*).[182]

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[181] I believe that this is a purely anecdotal statement. There are no recent figures available on the religious composition of the Suburb.

[182] Churchwarden Lowe also remarked that the *eruv* 'will be divisive. What worries me is that it would attract the wrong type of individual'. At that very point, the editors of the Omnibus programme cut immediately to a scene from the play Murder in the Cathedral, to shouts of 'bar the door!, bar the door!'. This was one of a number of clever, though transparently contrived, pieces of editing between *eruv* dispute and the play.

It certainly seemed that the suggestion emanating from non-orthodox Jewish circles, quoted above by Schimmel, that legal fictions could be seen by non-Jews as a charade was a view shared by many opponents of the *eruv*. They argued that if the 'spirit' of the *halakhah* is that the sabbath be a day of rest, and not carrying enhances this day of rest – thereby fulfilling the Divine will – why should anyone go to great lengths to evade this? In particular, why should non-Jews make any concession, no matter how trivial, to enable Jews to evade rules of their own making?

Legal fictions

No-one questions that the *eruv* is a 'legal fiction' designed by the rabbis to overcome a rule made by the rabbis. On the question of legal fictions or devices, Schimmel (1998: 22) cites the example of the *heter iska*, a device intended to overcome the prohibition against usury by structuring the transaction to avoid infringing the letter of the law. The original prohibition is found in the *Torah* (Leviticus 25: 36): 'do not extract from him [your kinsman] advance or accrued interest...' Schimmel quotes from a sixteenth century commentary which denounces the device as a 'mockery of the law' (p. 22). According to Schimmel (p. 23), the *Chatam Sofer*, [183] commented: 'In our time, when so many people infringe the prohibition against usury, this device will save many from transgressing'. This would seem to be an admission that the device is contrary to the spirit of the law, but saves people from wilful transgression of the letter of the law, even if the spirit is sacrificed. Schimmel concludes that there are cases where legal devices which conflict with the spirit of the law are tolerated to preserve the letter of the law, rather than lose the law entirely (*ibid*.).

I do not intend to suggest that the *eruv* has ever been conceived in Jewish practice as presenting the serious dilemma which, for example, the *heter iska* has presented for some. However, the *eruv* shares with that other legal fiction the characteristic, noted by the *Chatam Sofer*, that it saves people from wilful transgression. Many people already carry and push prams to synagogue when they should not do so. Miller (1994: 203) refers to his own anecdotal observation of 'the frequency with which regular attenders now openly bring babies' strollers into some United Synagogue premises on the sabbath...' The *eruv*, brings such people within

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[183] Moses Sofer (1762–1839) Hungarian Rabbi, halakhic authority and champion of Orthodoxy against reform, known as the *Chatam Sofer* after the title of a volume of influential responsa published by him.

the ambit of proper observance, albeit by – to use a felicitously appropriate contemporary metaphor – 'moving the goalposts'. The argument that the *eruv* will, when built, legitimise rule breaking which is taking place at present, contributes to the negative impression of *halakhah* as narrow Jewish 'legalism', whereby hair-splitting halakhic decision making is compared unfavourably to the spirit of religion, particularly in ethical matters. This has been an issue of intra-communal debate among Jews and has also been an element of Jewish-Christian ploemic since the earliest days. This mutual historical antagonism between Jews and Christians has not been absent from the *eruv* controversy.

Religion, secularization and the rise of fundamentalism

As we have already noted, the characteristics of modernity, of post-Enlightenment thinking are 'a belief in science and in the powers of rationality' and, as a consequence, 'for religion, this meant a smaller place in the world' (Billig 1997: 1). The long history of sociological research into the 'social significance' of religion and secularization has been unable to give adequate shape or meaning to this complex social phenomenon. Both religion and the secularization thesis remain contentious areas of debate in sociology, lacking consensus over both theory and evidence.

The *eruv* case study shows us how, as Rippin (1993:12) put it, 'once tradition – the past – has been questioned and examined, there is no going back. The ideas of the past... can never have the same weight again, even if the challenge of modernity is ultimately rejected'. Billig (1997), attributes secularization primarily to the rise of science and its effects upon our understandings of the world: a world of rationality is less conducive to religion than is a traditional society.

The key points of Wilson's (1966) secuaization thesis seem, in the light of the *eruv* research findings to hold good for the case of Anglo-Jewry:

1. Jews' attendance at synagogues and identification as Jews by affiliation to synagogues, has been in decline for several decades and continues to decline.

2. In this country synagogues have suffered as a result of prolonged episodes of public hostility between the 'denominations' which has alienated many in Anglo-Jewry.

3. Judaism has seen an increase in denominational fragmentation. This form of 'pluralism' is often presented in a positive light, but may well be a result of the erosion of religion for the whole of society. Berger (1973). sees no positive evidence of religiosity in the proliferation of choice in contemporary religion, and Bruce (1999) sees choice as the enemy of traditional religion.

Despite the reservations over most theories of secularization, all empirical evidence shows that quantitatively speaking, Jews are a declining group. I noted in chapter 2, that 'a satisfactory analysis of the *eruv* and of Jewish communities demands that we combine a more subtle appreciation of the secularizing forces of modernity with the dynamic contours of identities'. If the *eruv* is part of a 'traditional', pre-modern cultural system and is today an anachronism, yet the supporters of the *eruv* are still part of the modern world, what is going on? We have also noted that the Jewish community is *divided* over the *eruv* and many in the Jewish community see no religious or spiritual meanings in the *eruv*.

8.2 Support and Opposition: old enmities

In chapter 2 above, I attempted to trace the historical experience of Jews in England with the intention of understanding their relationship with those around them who saw themselves as English. There is no doubt that at all times there has been an ambivalence in the relationship. One important aspect of the historical analysis in chapter 2 was to establish the contested and racialised nature of Englishness long before the present day. With this intention in mind, the work on the early history of Anglo-Jewry most relevant to the question is Richmond (1992 and 1994). I am open to being persuaded by Richmond's arguments. However, I have reservations. [184] I believe that in his attempt to bring about a re-asessment of the period, he may have pushed his argument for the role of the Jews in the definition of Englishness too far. But my reservation only extends to the matter of degree, I do not dispute that Richmond's basic premise merits serious consideration. I have the same kind of reservation towards much of the new historiography of Anglo-Jewry. While it has established new perspectives in historical accounts – which is to be welcomed where it redresses biases in earlier accounts – we should be wary of anachronism. In particular we should not read back to earlier periods, without proper qualification, the concepts and relationships used to understand contemporary societies.

The historical survey of chapter 2 establishes beyond argument that the relationship between the Jews and the English has been immensely complex and frequently contradictory. It has also frequently involved conflict, particularly in the area of identity. On the Jewish side, the question has been one of a threat to survival in an English society. The Middle Ages was a period in which the Jews of England experienced prosperity and persecution, including some of the worst persecution in Europe. Blood libel and expulsion came on the scene as two novel [185] English contributions to the range of anti-Jewish measures in vogue at that period. After the 1650s, English society slowly, but increasingly, opened up avenues for assimilation to those choosing to leave Jewish society. The social costs for assimilating Jews have diminished as time has passed.

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[184] Both Professor Aubrey Newman and Dr Alexander Keller, historians who read and commented on chapter 2, expressed reservations about Richmond's claims.

[185] Earlier expulsions from towns or territories were generally small scale. 1290 saw the first expulsion from an entire kingdom.

For many English, the Jews have represented a threat in the form of an 'other'; frequently stereotyped, sometimes fascinating, often demonised. Even allowing for a degree of exaggeration and of anachronism in seeing the Jewish 'other' as a critical component in the definition of 'Englishness', the presence of the Jews in English society through so many centuries has been significant in the imagination of the English. Can Shakespeare's character Shylock, and the stereotyped Jew/Other he represented, have been far from the mind of T.S. Eliot – well-known for his anti-semitic sentiments, – when he wrote *Murder in the Cathedral*, the play performed by the Hampstead Garden Suburb Theatre Group which figured prominently in the *Omnibus* film? As the play's director, explained:

> The play poses various questions about Englishness in the face of crisis, about English values, about the English sense of fair play… basically it is about tolerance on all sides.
>
> (Fred Griessen: *Omnibus*)

A character in the play says: 'You are Englishmen and therefore will not judge anybody without hearing both sides of the argument'. This reference to Englishmen in the time of Archbishop Thomas à Becket is surely an anachronism on the part of Eliot; Englishness at the time would have been nascent at best. And the values attributed to the 'English' are therefore equally anachronistic.

There were complex, even improbable, intellectual and religious currents flowing through English life in the seventeenth century and these, as Katz and Samuel showed, touched upon the question of the Jews and the part they could play in English destiny. Despite the long-standing negative stereotypes available, the Jews came to be looked upon favourably by some influential parties. Work needs to be undertaken to establish more clearly what happened. As Christopher Hill's question, quoted by Samuel, put it, 'the belief that the Jews were destined to play a major role in English life and history is one of the few interpretations of the Civil War that has not yet been taken up by a modern historian'.

After the seventeenth century, with its peculiar religious imaginations, the Jews became part of the spectrum of non-conformity in England. Increasingly through the eighteenth and nineteenth centuries, they were accepted, in terms of their legal status along with other non-conformists, but their continued social exclusion

was managed in the informal, implicit and ambiguous manner which came to characterise the English attitude to the 'other'. The Jews showed themselves adept at playing the game according to the rules set by the English. Adopting English ways, creating even religious institutions and offices consciously modelled on English patterns – with appropriate dress and manners – they conformed as much as possible, short of radical assimilation.

As Benedict Anderson has pointed out (1991: 25), two important cultural artifacts, the novel and the newspaper, were elemental in the creation of a new imaginary of the modern 'nation'. Brian Cheyette (1993) showed how ambivalent and contradictory were the representations of Jews in English literature, mainly novels, around the period of mass Jewish immigration. The flood of immigrants from Eastern Europe heightened English awareness of the presence of Jews who were visibly and audibly 'foreign'. Native Jewish reaction eventually produced a network of powerful institutionalised responses aimed at Anglicisation of the Jewish newcomers. This was a policy ultimately doomed to failure: the anglicised, as Homi Bhabha pointed out, is *emphatically* not English. Furthermore, 'the Great Tradition' as Homi Bhabha has rightly maintained, is 'thrown into disarray' *only* when it is reconstructed from the margins and shown to contain at its core 'questions of cultural difference and racial discrimination.' [186]

As for the culture of the Jews in England, the proportion of *observant* orthodox among synagogue members has never been more than single figures in percentage terms (Board of Deputies Annual Reports). The effects of this paucity of observant Jews are still seen today and play a part in the circumstances surrounding the *eruv* dispute. Large parts of acculturated, Anglicised Jewry, even those sections which remain affiliated to orthodox synagogues, feel challenged by the 'otherness' of the *eruv*, which threatens to call attention to aspects of Jewish life which are alien to Englishness and modernity.

Given the complex and coded historical relationships between Anglo-Jews and the English, the degree of hostility provoked by the *eruv* proposal should have been no surprise, there is voluminous precedent for it in the Jewish-English relations of the past.

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[186] Both references to Bhabha are from Cheyette 1993: 3.

Typologies: supporters and opponents

As we have noted, the social actors involved in the *eruv* dispute were purposively engaged in support or opposition to the project. In many cases, the reasons which they put forward for their actions referred explicitily to self-conceptions as 'types'. Supporters and opponents differed in one important respect. They imagined space differently. Broadly speaking, supporters of the *eruv* adopted an attitude towards space which was different from that of opponents. Supporters could conceive of multiple designations of spaces. Thus, as was explicitly argued by many supporters of the *eruv*, the same area could be at one and the same time, a postcode district, a telephone number district, a parish, an electoral ward, and a conservation area, to specify but a few possibilities.

I disagree with Cooper's assertion that *eruv* supporters 'did not locate the eruv within post-modern or premodern beliefs' (Cooper 1996: 530). While the arguments put forward in public debates may have adopted 'late modernist ideas of cultural pluralism, equality of opportunity, and public minority rights' (*ibid*.), this ignores the attitudes and beliefs which gave rise to the application to construct an *eruv* in the first place. Orthodox supporters may have rarely gone into halakhic detail when explaining why they needed an *eruv*, but the sole need for an *eruv* arises out of *halakhah* and tradition which sees the *eruv* as a 'religious imperative'. It is not utilitarian. Attitudes such as those expressed by Rabbi Alter in defending the *eruv* and its context of traditional law against criticism by Liberal rabbis were firmly located in premodern beliefs:

> Neither of them, I suspect, adheres to, nor believes in, the importance of Jewish *halakhah* as the major... as the life of a Jew, and therefore, anything which seems not to fit a certain picture of one's lifestyle can be dismissed... So therefore, another concept [the *eruv*] which, when you think about it... there are a lot of concepts which don't really fit into the logic of the twentieth century, so why shouldn't you dismiss this?

Had the premodern, *halakhic* requirement not existed, the *eruv* application would never have seen the light of day.

Traditionalists represent a growing trend and power in orthodox Jewry in this country. This is not an isolated phenomenon. In countries like England, Australia

and South Africa orthodox institutions have long been a majority, with an affiliated membership displaying widely varying degrees of observance. In these countries there has been a steady decline in the overall numbers and the proportion of orthodox affiliations, together with a proportional growth of non-orthodox affiliations. Affiliational mismatches, a disparity between membership of an institution, and personal beliefs and practices, are becoming fewer. There has also been an absolute [187] and proportional growth in the numbers becoming members of institutions, such as the Union of Orthodox Hebrew Congregations, which are orthodox and require high levels of observance from their membership. This growth is part of a pattern of 'deacculturation', a reaction to assimilationist trends, which has been steadily increasing for around five decades. Traditionalists were the instigators of the *eruv*, but the leadership of the right wing of orthodoxy opposed the *eruv* for reasons outlined elsewhere.

Supporters and opponents alike styled themselves as 'liberals'. The fact that liberals were able to use their outlook both to accept and to deny the *eruv*, demonstrates how democratic, liberal thinking is unable to resolve minority/majority issues, especially on a local level. The main thrust of liberal support took the line that even if not personally benefitting from the *eruv*, it was proper to support it as a right for those who needed it. On the other side, liberals were seen also to be intolerant, and this may stem in part from the ethnocentrism of liberal ideas stemming from European Enlightenment origins. Those who oppose liberal views are often deemed to be 'irrational'. The *eruv* was attacked 'for undermining universalism, evolutionism, the public-private divide, secularism, and Enlightenment rationality (Cooper 1996: 530). For the Jews who opposed the *eruv*, their commitment to liberal values reflected, their personal circumstances: they had benefited in terms of integration in modern society which liberal democracy had facilitated. [188]

Among those 'moderns' who supported the *eruv*, many found it challenging to be positive. Those moderns who supported, as for those who opposed the *eruv*, frequently employed modernist imaginaries to express their understandings of space.

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[187] Though, as noted earlier, from a low absolute number.

[188] Cooper identified *eruv* opponents as 'over forty-five, European and middle-class' (Cooper 1996: 530). My own experience of meeting individuals and observing public meetings of *eruv* opponents would support Cooper's contention, at least as regards age and class.

Ambivalence or resistance would be clothed in the garb of rationality, as in the interview with Mr Stone:

> [The *eruv*] is an irrational thing to have, it is a strange concept: that within a certain boundary you can carry your handbag or carry your contact lenses or push your wheelchair, but outside that boundary you can't. It's something that grew up thousands of years ago, so why do people still want to emulate those views now? But then you have to say, why do you still observe the sabbath? This is what Judaism is all about... without its irrational traditions I don't think Judaism would have survived.

The modernist position, arguing from a basis of putative rationality, was deployed, e.g. by the United Synagogue's Eruv Committee,[189] to try to combat opposition to the *eruv* arising from lack of 'logic', from 'emotion', and 'fear':

> It is clear that from my perspective there wasn't any logical opposition… it was rather hard to change people's minds. Its like a couple getting divorced, and the wife says to the husband that she can't stand him anymore, and he says, 'Well, why can't you stand me any more? Why can't you give me any reasons?' And she can't ... we simply tried to persuade people to give the *eruv* some time, to see that the *eruv* would not realise all their fears. Given the incredible focus emphasis in the United States on the the separation of Church and State, if there really was any kind of religious, mystical significance to an *eruv* do you think that the American community would not have successfully challenged the *eruv* in Washington.

The Hampstead Garden Suburb was a rationally planned space. It had been intended to secure by planning a certain balance of classes of resident. Although this had failed in respect of socio-economic classes, it was widely perceived that there was some sort of desirable balance in the population of residents which was worthy of preservation. The *eruv* would upset this stability and harmony. The fears expressed regarding the 'wrong types of individuals', i.e. visibly orthodox Jews, who would be attracted to the *eruv* area, particularly to the Hampstead Garden Suburb, contained a strong, though unarticulated, modernist message. Jews of the observant orthodox

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[189] See also 'Eruv Briefings' by the Committee in Appendix D.

type refuse to privatise their religion, to relegate it to the private sphere, a key element of modernity.

Secularists were found to be very active in opposition to the *eruv*. Although supporters of the *eruv* and the Planning Inspector argued that the *eruv* poles and wire were not religious symbols, secularist opponents did not accept this. It was the secularists, particularly the Segalls, who attempted to use the law to block the *eruv*. Whereas the majority of opponents resorted to planning law to block the *eruv*, the ideological commitment shown by the Segalls, expressed in their legal moves, was strongly secularist.

Various notions of freedom were pursued in these arguments. In particular, the idea of a religion-free public sphere was clearly articulated in their legal arguments. Through recourse to argument from various international instruments of human rights, and appeal to European legislation, the Segalls sought to have recognised what they interpreted as their right to be free from having religious symbols imposed on them. There had been much debate over the place of *eruvin* in the public arena in the USA where state-church separation is law. The Segalls did not appeal to cases or precedents arising there, as *eruvin* had avoided being recognised as religious symbols in US courts. Ironically, the Segalls live in a state which has an Established Church and whose territory is divided universally into parishes and dioceses.

Multiculturalist attitudes were an important part both of the support and opposition to the *eruv*. Supporters such as Rabbi Kimche, had asked for difference to be respected to the point of accepting the word of supporters that the *eruv* was needed, with little or no explanation or justification. Similarly, [reform] Rabbi Coleman:

> I don't share the premises on which it's [the *eruv*] based and sometimes find difficulty understanding how people could possibly believe that, but there you go, people have problems understanding how I could believe what I believe.

Mr Da Silva's reading of public attitudes today compared to even the recent past suggested a societal context more open to such arguments:

I think there has been a change, but it isn't just a change from a Jewish perspective. I think you have a situation in England, in 1996, where the socio-religious make-up of society is much broader than it was in 1946, and inevitably, there is an unwillingness… to take the path that nineteenth century Jews did, and be quiet about everything. On shabbat now, because they can't carry things, you see people wearing a *tallit* ['prayer shawl'] in the street. There has been a great move towards ethnic and religious diversity now... and there is also a greater acceptance of different customs, and increased liberalism... basically, an increasing acceptance of a religious pluralism and a weakening of the 'Anglican' norm.

People such as Mrs Black and Mr Neville, who opposed the *eruv*, thought that the very difference highlighted in such requests as the *eruv* was inimical to a multi-cultural society. They perceived no conflict in feeling both English and Jewish. As Mr Neville put it, he could not feel 'complete' in either element of his identity without the complementary presence of the other element. In this case, identity is not viewed as a 'zero-sum game'.[190]

Mrs Black, who esposed a similar version of multi-culturalist attitude to Mr Neville, felt threatened by exclusivity, even from fellow Jews:

[…] there had always been very orthodox communities living in Temple Fortune which is just outside the Suburb and they always had a reputation of only mixing with themselves and not even wanting to mix with other Jews, and I know that because a friend of mine had an experience ... they married, brought a house there and produced children and then discovered that their completely and utterly 100% Jewish children were not allowed to play with the orthodox children living in the same row, so they moved out because they found this unacceptable ... this social exclusion.

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[190] This is the exact opposite attitude to that taken by most opponents to the *eruv* with regard to space and place. In those cases, no multiple readings of place are tolerated: a place is regarded in either/or terms.

American parallels and influences

There is a small, but significant American dimension operating directly in relation to the Barnet *eruv* events, which is worthy of note, though cannot be pursued at length here. [191] It has been noted already that the immigrant experience in the United States was quite different from that of England. Across the Atlantic, Jewish acculturation proceeded at a much slower pace, as was shown in the survival of Yiddish in America for a full generation after its virtual demise in this country. Sociological studies of Jewish life in the United States have shown that the experience of Jewish orthodoxy in that country, while becoming a minority affiliation during the nineteenth century, in many areas underwent less acculturation. This was due, in part, to the comparative absence of pressure from a dominant homogenous majority culture. Already by the 1920s, pressures for Americanization had begun to give way, and the 'melting pot' of assimilation gradually became the 'salad bowl' of cultural pluralism (Eisen 1983: 28). The orthodox minority had begun to grow numerically and to strengthen itself institutionally as long ago as the 1930s. Bolstered by an influx of orthodox refugees from Nazism, it has since grown to number almost ten per cent of American Jews.[192] High birth rates, high retention rates, and increasing institutional strength have contributed to a growing confidence and visibility of orthodox Jews in America (Heilman and Cohen 1989, chapters 1 and 6). One of the results of this has been the growth in the number of *eruvin* built in American urban areas. Today, few major areas of Jewish settlement in America are without an *eruv*. The observant orthodox Jewish community in this country is in close contact today with its substantially larger counterparts in America and in Israel, as well as with influential though smaller orthodox communities such as that in Antwerp. These contacts, often of an intense nature, act as a counter-influence to local social pressures. The orthodox community at the end of the twentieth century is thoroughly international.[193]

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[191] The role of American Jews in the growth of contemporary ultra-orthodox Jewry worldwide has been noted in this thesis because it is significant, but an in-depth study of the situation in the U.S.A. is beyond the scope of this thesis.

[192] Which means that orthodox Jews in America, although a minority there, still number more than the entire Anglo-Jewish population.

[193] One respondent claimed to have noticed at the disrupted AGM of the Hampstead Garden Suburb Trust in 1992, 'a posse, of young Americans, sitting in the very front, who simply stood out because they wore flat caps, working men's caps, who didn't take part, and who sat throughout... There were

'Pro' and 'anti'; 'central' and 'peripheral'

In producing a diagramatic representation of 'locations' of respondents based upon two axes which intersect at right angles, the resulting diagram has four quadrants. One quadrant represents those who are pro-*eruv*, but peripheral to the dispute; a second represents those who are pro-*eruv*, but central to the dispute; the third represents those who are anti-*eruv* and central to the dispute; the fourth represents those who are anti-*eruv* and peripheral to the dispute. For perfectly good reasons, it was more difficult to find 'peripheral' respondents who took any strong stance or involved themselves beyond the margins of the dispute.

Obviously, with regard to the 'recruitment' of respondents in this research, there was no research interest in those who themselves had no interest in, played no part in, or had no knowledge of the *eruv* dispute. I would therefore be able to predict that, when producing the diagramatic representation of 'locations' of respondents, the quadrants representing those who were 'peripheral' to the dispute would have the fewest respondents. This turned out to be the case. These quadrants were less populated. Only five respondents were to be entirely located there, with two others who increased their involvement in the dispute over time and who 'moved' to other quadrants.

In the quadrant 'more peripheral/pro-*eruv*' Mr Stone describes himself as a 'traditional' United Synagogue member. By this he means that he is low to moderate in his Jewish observance, but affiliates to a 'traditional' type of synagogue. He was not, at first, in favour of the *eruv*. Only when he encountered what he took to be anti-Semitic opposition, did he support the proposal; hence he is shown as moving from one quadrant to another. He will continue to regard the presence or absence of the *eruv* with indifference if it is built. Rabbi Coleman is a Reform Rabbi, whose religious position does not compel him to need an *eruv* for himself, but his liberal sentiments draw him to support the needs of his co-religionists. He is the only other occupant of the 'peripheral/pro' quadrant.

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younger elements who wanted the *eruv*, and who introduced the idea, and that there was an American influence in it (Interview: Mr and Mrs Young).

The pro-*eruv* and more centrally involved quadrant includes three respondents who were unequivocally pro-*eruv*. Mr Da Silva was a member of the United Synagogue's Eruv Committee: his presence there is not a surprise. Nor is that of Mr Green, a young, married, observant orthodox man whose family will benefit directly from the scheme. As a Jewish journalist he involved himself very actively in the campaign. The Masorti respondent, Mrs Healey, was an *eruv* supporter, though less strongly than Mr Da Silva or Mr Green, and was involved to a small degree in the dispute through her membership of cross-community women's organisations. That is to say she was asked by others to voice her support. Two respondents who were pro-*eruv* and centrally involved in the dispute were (Orthodox) Rabbi Alter and (Liberal) Rabbi Isaacs. Both were equivocal in support. Rabbi Alter had a congregation geographically situated on the fringes of the *eruv* area. His congregants wanted their synagogue included in the *eruv*. Rabbi Alter had personal affiliations which pulled him in the direction of opposing the *eruv*. Liberal Rabbi Isaacs published material which included extensive reference to the *eruv*. Although the Rabbi was not personally affected by the presence or absence of the *eruv*, the issue of allowing orthodox Jews to decide their religious needs for themselves was at the forefront of her support. There were reservations, which also drew her also to question support for the *eruv*, but these were minor compared to the degree of support expressed, centred upon the question of whether the *eruv* had caused any real harm. Rabbi Isaacs did not go into a lengthy debate over that equation.

In the anti-*eruv* and more centrally involved quadrant, as would be expected, are the leading activist opponents of the *eruv*. These include Mrs Lyons and Mr Stein whose opposition stems from their close involvement with bodies charged with the preservation of the Hampstead Garden Suburb. Rabbi Hirsch is a Liberal Rabbi who wrote a number of pieces critical of the *eruv*. His opposition was purely on rational grounds, but not tempered by a liberal or multi-culturalist allowance for difference. In this respect he was a very wedded to modernist views, without ambivalence. Another occupant of this quadrant was Mr Fisher, whose involvement arose from his position on the staff of the Hampstead and Highgate Express. He was moderately anti-*eruv*, regarding it as nonesensical in the present day. In contrast to his personal view, many people perceived the *Ham & High* to be strongly opposed to the scheme. Mr Fisher was also only moderately involved in the dispute, to the extent that he took little interest in the issue outside the requirements of his work. These

respondents were joined by two pairs of respondents who had become more involved in the anti-*eruv* campaign as the dispute wore on. The Taylors were secularists whose tolerance of the religious declined the more they were personally canvassed for support and as they found out more about the nature of the proposal. Mr and Mrs Young increased their involvement in opposition when they learned that a number of *eruv* poles would be placed on the edge of Hampstead Heath extension, close to their home.

In the fourth quadrant of the diagram we find those who oppose the *eruv*, or perhaps it would be more accurate to say can find no reason to support it, and who are not involved, or barely involved, in the dispute. Mr Wood was a member of the Hampstead Garden Suburb Residents' Association Committee during the peak time of the planning application. He neither saw a reason to have an *eruv*. However, he also disputed the claims that the issue had divided a Suburb community. He did not believe that any substantial community existed in the Suburb. Mr Neville and Mrs Black were both knowledgeable observers of the dispute from outside the geographical area of the *eruv*. Both regarded the proposal as nonesense. Neither became involved in the dispute.

What this analysis shows is that there is a degree of predictability in some positions of respondents, but positions taken were liable to be subject to many factors. This is indicative of the multiple influences operating upon contemporary identities.

- Those respondents who stood to benefit personally from the *eruv* were also found to be highly active supporters of the *eruv*.

- *All* Jewish respondents who saw themselves as living a halakhic life supported the *eruv*. [194]

- Those for whom the *eruv* dispute was a peripheral matter took little or no part in the dispute.

- But where peripherally involved people found the dispute encroaching in some way on their lives, they readily became much more deeply involved. [195]

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[194] The opposition of ultra-orthodox Rabbis is as much to do with communal politics as any halakhic problem.

- The combination of peripheral and support was rare. [196]

- Ambivalence, or even stronger conflicting feelings, was a widespread reaction to the dispute.

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[195] Both the Taylors and the Youngs found that the presence of their homes by the *eruv* boundaries led to their becoming more involved.

[196] Rabbi Coleman was lobbied to become involved by orthodox supporters, Mr Stone became a supporter to stand against anti-Semitic opponents.

8.3 Identities, space and place

As we have noted, there is a substantial literature on space in the disciplines of sociology and geography. Much of the discussion and analysis of space remains hampered by problems of terminology and overabstaction. I shall try therefore (a) to avoid obfuscation by using plain English and (b) to differentiate a number of conceptual types of space: it is my intention that by not allowing the language to present any greater obstacle than is unavoidable, and by clarifying concepts and their referents, we may better understand why the *eruv* was so controversial.

Types of space

Among classical sociologists, Georg Simmel (1858–1918) made one of the most important contributions to understanding the social nature of space:

> He analysed five basic qualities of spatial forms that are found in those social interactions which turn an empty space into something meaningful. These qualities are the exclusive or unique character of a space; the ways in which a space may be divided into pieces and activities spatially 'framed'; the degree to which social interactions may be localized in space; the degree of proximity/distance especially in the city and the role of the sense of sight; and the possibility of changing locations and the consequences especially of the arrival of the 'stranger'.
>
> (Urry 1996: 374)

All of these 'qualities' of space can be seen to figure in the *eruv* conflict.

As we noted in chapter 3, spaces can be reduced to mere 'physical' or 'technical' spaces, especially in the concrete, measurable, built environment which is the object of architectural and engineering concerns and, of relevance to this study, of planning regulations. For Harvey, space is 'empty' in the sense that it is devoid of explanatory power in the absence of consideration of the involvement of human practice. As Ley (1980) has cogently argued, to treat space as purely 'technical' glosses over the subjectivity of the observer and devalues the powers of human consciousness and agency. Other terms used to describe such spaces include 'absolute' and 'objective', serve to only to distinguish such spaces from 'relative' or 'social' spaces. The *eruv* provides a good example of Harvey's critique of 'absolute'

space. The concern with shape, size, geometry of those who framed the rules of making an *eruv* is intense. The detail into which the discussions go is so great as to render practical *eruv* making a job only for the experts. In the case of the Barnet *eruv*, an American expert, Rabbi Shimon Eider of Lakewood, New Jersey, who has published several works on the subject, was brought to England to advise on the proposed construction. There are immensely complex rules governing, for example, the size of a breach in a partition between domains; the degree of 'sag' of a wire or rope suspended between the poles of a symbolic gateway, the distance between poles, the height of a cross-beam or wire. This concern with the concrete detail, the 'geometry' of the *eruv*, however, is a minor matter, it merely hints at the real significance of the *eruv*: the transformation of the urban landscape by a reconceptualisation of its spaces: a human social practice.

> The definition of spaces in the Talmud is bound to their morphology. The shapes and sizes of elements of the city determine the status of the spaces they enclose, without reference to the functions they perform. The recreation of an abstract entity in the city depends on the availability of props. If space is subject to law, the definition of a space can be changed temporarily in order to change the laws that govern it. Such a change is implemented through the introduction of signifying elements and the designation of existing physical elements as signifiers. This creates an apparently absurd situation: the city as a private space, with urban features representing walls and doors, and a cord serving as the entrance… Paradoxically, the very precision of the laws, and their rigorous application, are the source of their flexibility.
>
> The *eruv* symbollically changes the nature of urban space. As the definition of space transforms and mutuates, so too do the laws bound to it. The *eruv* therefore demonstrates the direct relation between law and space: it is the point in space and time where the law is transgressed by an urban intervention and the city is revalued by the law.

> (Weizman and Herz 1997: 73)

Social space and identity: Jewishness and Englishness in the Suburb

In contrast to 'technical' spaces, 'social' spaces are those in which situated social activity takes place, in which, as Simmel put it, activities are spatially 'framed'. Social spaces include hospitals, universities, factories, prisons, synagogues, and housing estates like the Hampstead Garden Suburb.

As for Simmel's exclusive or unique spaces which have special character, the Hampstead Garden Suburb was claimed by some to represent such a unique place. In fact, some of the claims made for the HGS were excessive: 'an attempt to reach up to the heights of community living. I cherish the view that places like the Suburb have redeemed societies' (Lord Soper: *Omnibus*).

> 'The town planning is unique, it's a very pleasant area, there is a large cross-section of people from different countries, different creeds, and so on. I suppose, in a way, it's almost like living in a big village... people do get to know each other, they do socialise with each other, and it's very friendly. So, a) it feels pleasant, with its trees, and the architecturally designed houses and b) it's a community, and you can identify with a lot of the people who live here'.

> (Interview: Mr Stone)

Yet these claims are very subjective. Other residents of the Suburb saw things differently, e.g. 'I don't think that there is a tremendous community spirit in the Suburb... everyone lives behind high walls' (Interview: Mr Fisher). The only attempt to obtain harder data on the Suburb was Shankland Cox (1971). The survey's findings contradicted the anecdotal references regarding the strong community spirit of the Suburb. It was reported as an area where the level of social interaction was low, a pattern typical of prosperous suburbs in London and elsewhere. The survey found that the number of residents active in associations, institutions and clubs in the Suburb was even less than anticipated. A small majority of survey respondents were not members of any association at all.

The role of the sense of sight figures in the issue of the *eruv*, particularly in relation to the Hampstead Garden Suburb. The Suburb is a space in which the physical appearance is controlled and visually policed. Closely associated with that is the 'imaginary' space or 'representational' space of the Suburb. Such spaces must

actively be constituted by social actors. 'Social groups can conceive of the same geographical space in highly divergent ways… and these impressions can be related to the spatial structure of social relations in that area' (Jackson 1980: 5). The imagination plays relatively little role in determining that the space known as the Hampstead Garden Suburb will be a residential area with no businesses or public houses in it. However, as noted by Max Farrar, imagination is what turns a housing estate into a neighbourhood. The existence of a nuclear-free zone, such as cited in chapter 3, may be contested and can be challenged by a refusal to recognise it as such. It is a characteristic of imagined spaces that they are frequently contested, as in instances of territoriality and hegemony, and 'especially of the arrival of the "stranger"' (Simmel *ibid.*).

The *eruv* violates a number of types or qualities of space.

1. It violates even 'technical' or 'empty' space by (in some views) offending against the sense of sight by being unsightly; it is also claimed to be hazardous, unnecessary, and irrational. The case of the nuclear-free zone is similar.

2. The *eruv* could alter demographic patterns. It could, for example, 'attract the wrong sort of individual', Simmel's 'stanger'. In which case, social relations will be altered. An aspect of the uniqueness of a place could be threatened. Established community could be imagined to be under threat.

3. 'We don't live in the *eruv*, we live in the Suburb!' Even seemingly innocuous, let alone justifiable and necessary, changes such as the introduction of new telephone codes have created adverse reactions. Postcodes, parishes, electoral wards and such areas can be invested with significant meanings, touching upon status and identity. The *eruv* is imagined as labelling non-Jews' territory as Jewish.

It is this third type of symbolic spatial dimension which is important to the *eruv* dispute. As explored in chapter 3, identities are partly – though crucially in many cases – constituted through concrete spaces or places. The connections of identity and place involve relations of power through, for example, ownership, territoriality and naming. Spaces come to have multiple representations through spatial practices, such as the planning regulations in the case of the *eruv*.

It was no accident that one of the centres of resistance to the *eruv* was the Hampstead Garden Suburb. These can be understood if one considers the peculiar qualities of the area. The Suburb was created by a woman who was actively evangelical and who insisted that the centre of the the Suburb be dominated by two churches. The twin ideas on which the Suburb are based are Christian and pastoral (semi-rural). There was an intention from the beginning to create 'community'. Conservative and supposedly English values – neatness, orderliness, good-neighbourliness – are embodied in the Suburb like a theological text. For some of the Jews the *eruv* embodied community, for some of the Suburb residents the *eruv* was the very antithesis of community.

CHAPTER NINE

Conclusions

9.1 Introduction

The aim of thesis has been to answer the question posed at the beginning: why did the *eruv* planning application move from being a routine matter within the purview of Barnet's Planning Officers, to became an issue of heated public controversy, engaging the attention of the national and international media? Why was the *eruv* resisted so fiercely and bitterly? As I wrote in chapter 2: 'the key argument put forward in this thesis is that the conflict over the proposed Barnet *eruv* reached the level of intensity it did because the *eruv* was seen as *threatening'*. Was it something to do with the strangeness or otherness of *halakhah*? In short, the answer is probably not, at least not directly. There have been other intrusions of *halakhah* into the arena of public debate. Disputes over animal rights and welfare have been heated, even violent on some occasions, yet *shechita* has not aroused the controversy which was engendered by the *eruv*.

It remains my contention that Wasserstein's assessment (1996: 278) that: 'It might be argued that this faintly absurd controversy represented in symbolic form the basic dilemma of Jewish life in liberal societies in the late twentieth century', is basically correct. Similarly, the *eruv* controversy is encapsulated in Cooper's statement that 'at the heart of the eruv struggle are fundamentally different conceptions of the relationship between space, symbols, and cultural meanings' (Cooper 1996: 534). In short, the *eruv* created such a controversy because it was seen as threatening to space/place imaginaries which link closely into identities. Identities were threatened by the *eruv*. How this is so will be made clearer below.

At the outset of this project, I imagined that I would find clearly drawn lines of support or opposition to the *eruv*. As has been shown, this expectation was wide of the mark. It seemed, also at the outset, that it would help the research process to develop an action typology of support and opposition. In the event, the research findings showed support and opposition to be more complex and nuanced than I expected. The typologies barely survived the difficulties and fell somewhat short (at least, without unwarranted manipulation of the data) of offering a sound framework

for grasping the complexity encountered in the interviews and documents. The two most striking features of the findings were that:

1. several of the different 'types' of support/opposition were found on both sides of the argument;

2. little of the support or opposition was unequivocal; in many cases individuals were pulled in more than one direction, sometimes to the point where decision making was impossible, owing to the confusion of attitudes and feelings.

In this final chapter, I have sought to draw together the themes which featured in the findings and discussion of the *eruv* issue. Given what has already been said concerning the connections between, for example, space/place and identities, some of this material will overlap. Section **9.2** focuses upon traditional and modern societies, including relations between the Anglo-Jewish population and the English, and upon religion and secularization. Section **9.3** looks at identities, including national identities, hegemony and governance and the part played in identity formation by space and place. It is in this latter area that the *eruv* was perceived as threatening.

9.2 Modern societies; religion and secularization

Modern societies exist on a scale dwarfing the greatest population centres of the ancient or medieval worlds. The modern consciousness is based upon a set of ideas arising out of the phenomenon known as the Enlightenment. At the forefront is reason and rationality as arbiters of knowledge. As part of this understanding of knowledge, science – with its stress upon empirical observation, measurement and experiment and the universal extrapolation of findings – became the archetypal form of modern knowledge. With new discovery came a notion of progress, not only in the empirical sciences, but in politics, society and religion. Fixed social relations of status have given way to more flexible relations of contract. Individual political rights and freedoms, social toleration and secularism are the hallmarks of modern social order.

The twentieth century saw widespread disenchantment with modernity. War, especially mechanised widespread war, coupled with genocide, undermined faith in political and social progress. The shining image of science was tarnished by the technologies of death and by environmental pollution. Secularization purported to free people from the illusion of religion, only to offer a sense of emptiness and loss to many.

In this situation, some theorists argue, we are in a condition of post-modernity. I would suggest that few of the voices heard in this thesis exhibit conscious signs of reflexive recognition of the condition, [197] though many exhibit confusion and bewilderment bordering on fear. This bewilderment is a recognition of change. Yet, as Cooper noted, almost all those bewildered voices are of older generations: there was an almost total absence of opponents to the *eruv* under the age of forty five. The silence of the younger generations may be telling. I do not wish here to draw hard and fast conclusions from that silence. However, based upon my extensive insider knowledge of the Jewish community and my experience in this field of research, I would suggest that in our society (Jewish and others), the younger the generation, the greater is their familiarity with diversity and change, and therefore the lesser their apprehension of novel phenomena.

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[197] Nor should we expect sociological analysis from the respondents any more than from other members of the public.

As Billig outlined above, according to theorists of society, fragmentation, eclecticism, lack of overarching theories which attract the allegiance of all, are signs of post-modernity. A deep awareness of the degree to which culture and social customs influence the way we see the world and the way we behave points away from any concept of rationality (especially a universal rationality) being the purposive motivation behind our actions.

Religion and secularization

The Jewish population among whom are the proponents of the construction of an *eruv*, inevitably reflects the wider social changes affecting all sections of society in this country. Regardless of the particular theory of secularization which one adopts, commitment to Jewish identities, and particularly to religiously observant Jewish identities, has been in decline for a long time. The 1990s saw increased efforts by the institutions of various sections of the organised Jewish communities to counter this trend. Results will take some time to manifest themselves. In the meantime, despite Jewish identity having non-religious dimensions to it, I would suggest that the Anglo-Jewish population continues at present to suffer erosion caused by secularising influences in society. The decision to construct an *eruv* must be understood in the context of this decline and reactions to it.

The *eruv* must also be placed in a context of 'identity politics'. Social identity is no longer a simple issue. Identities are not assigned. They are no longer singular. Individual choice in an open, pluralistic and increasingly secular society plays a key role in identity. Jews are now Jews because they choose to continue to identify as such. In such a society, it is necessary to be an active 'chooser'. In this sense, individuals behave towards identities as consumers. One may change one's appearance by means of dress, hairstyle, and build of the body. This is partly the way in which, for example, a male Hasidic Jew signals his identity: dress will be distinctive black hat and coat, hair will be shaven except for 'peyot' dangling by his ears, his bodily build will not generally be muscular or athletic but reflect the effects of sedentary study. By choosing to construct an *eruv*, Jews send out a public signal of their presence and commitment to certain values. In chapter 3 I noted the interesting fact that the '*eruv* is part of a "traditional", pre-modern cultural system and is today an anachronism'. Yet, 'the supporters of the *eruv* are not, like some

sects, "world-rejecting" but, on the contrary, in present terms of education, professions and religious institutional affiliation, they are very much part of the contemporary world'. This may seem somewhat paradoxical. A paradox may be seen as an acceptable assessment of a situation in religion, but it is not a helpful notion in sociological analysis. I would suggest that in the acceptance of the *eruv*, its Jewish supporters are using it as part of a strategy of managing cultural transition (Bruce 1996). Cultural behaviour is not, in principle, amenable to reason. For example, Jews often wear head coverings which are distinctive in nature from the headgear of others in the same society. These head coverings are worn in a different context from the majority of, say, hats. They are not worn for protection from the elements, nor usually for decoration. There are even 'codes' determining the choice of headgear, by means of which one's alliegence to a particular Jewish sub-group can be identified. Likewise, to support the *eruv* is to join in a community act which is seen as contributing to the necessary making of distinctions or boundaries between social groups as part of the maintenance of separate identities.

The role of space and place in identity formation

The *eruv* flies in the face of so many aspects of modernity, stretching the tolerance even of 'liberals' and 'multiculturalists'. Yet even a person thoroughly imbued with the canons of modernity could conceivably dismiss the *eruv* as harmless nonesense, as many supporters hoped they would. Yet, strong resistance emerged, not based upon rational argument. Clear strategies of territorial defence were deployed in reaction to a perceived threat. Space is conceptualised in psychological, cultural and religious terms. Physical alterations to that space, such as *eruv* poles, can impinge upon the symbolic worlds of the inhabitants of a place. To the Local Authority Planning Officer, or the Government Inspector, who decide questions in terms of physical structure and amenity, the *eruv* is a problem examined and resolved. To others, however, unarticulated feelings – often seemingly irrational in nature – contribute to destabilising community and identity. Symbolic worlds can be strongly anchored to *particular* places, leading to strong resistance to certain types of physical change.

I have discussed in the previous chapter how certain spaces are contested and how the 'stranger' can be perceived as a threat. Among other effects, the proposal for

an *eruv* brought into conflict competing territorialities. The acceptance of classifications of space, each owned by a particular party ('it's the Suburb, not the *eruv*'), imbued places with a strong sense of 'ours' in contrast to 'theirs'. The 'sense of place', such as that exhibited towards the Hampstead Garden Suburb by *eruv* supporters and opponents alike, in which markers and boundaries are vitally important was a key factor in deepening the conflict. Hegemonic interests, in particular 'white governmentality' (see below) sought to defend themselves from the threat by resorting to coercion: political pressure on local Councillors and organisations, and through policing by appeal to conservation laws, planning laws and the like.

The physical elements of the *eruv*, the posts and wires were not able, in the view of many opponents, to be limited to being seen as an issue of planning law, health and safety or visual amenity. It is as though they 'broke out' of such mundane limits, their symbolism unable to be bounded. Everyone's space was invaded by them. No single understanding of the landscape was available to satisfy all parties. Their meaning could not be restricted only to the orthodox Jewish community which 'owned' them. The possible meanings of the *eruv* poles could not be allowed to exist only in the minds of those for whom *halakhah* had meaning. This is the zero-sum understanding of space. It is 'owned' by one party. No part-control can be ceded to any other. It is all or nothing. To have the *eruv* 'imposed' on one or more groups who did not want it was taken to entail a loss to that group or those groups. The halakhic notion of 'privatising' domains – with its concomitant notions of ownership – only enhanced this feeling that territory had been claimed as Jewish. The Segalls who fought the *eruv* on numerous legal points were unwilling to see their ownership of their house frontage (part of the *eruv* boundary) 'diluted' or 'sequestered' for anyone else's purposes.

The *eruv* undermined a putative public 'equality' guaranteed by notions of a common national citizenship in which difference or 'otherness' is kept bounded in the private sphere. By marking the landscape as it did, it interrupted the uniform and universal public sphere in which, opponents argued, all were equal; a notion which ignored entirely the majority hegemony. To the majority whose values it represents, public space may appear neutral, 'natural' and empty or featureless; not so for minorities. The other 'offence' perpetrated by the *eruv* supporters was to threaten to

turn the proposed *eruv* area into (potential) 'ghetto', 'Jewish Quarter', 'shtetl', 'concentration camp' or other negative spatial images.

Features of the struggle over space suggest the analogy of space, or place, as text. Recent decades have seen extensive work in hermeneutics and literary criticism which has broadened the notion of text to include other forms of cultural production such as landscape. In a given space, repeated social encountered and reproduced social relationships become 'inscribed' on the space. When this happens, it opens up the possibility of divergent 'readings' of the landscape and the relationships. That there were divergent readings in the case of the Barnet *eruv* is indisputable. Some saw the *eruv* as supportive of community and family. Others saw it as undermining and threatening community. Certainly some supporters of the *eruv* were able to accept a plurality of readings of space, as were fewer of the opponents, though I would hesitate to see in this, as Cooper saw (1996: 534), sufficient to justify calling it a post-modern stance. Examples of such multiple readings have been around a long time.

Just as text becomes interpreted differently as time passes, particularly over generations of readers, so spaces and places become revisioned. Among Jews, an older generation, identified by Cooper as opposed to the *eruv*, confronted a younger generation of *eruv* supporters. Some of these were English Jews, such as the young orthodox of the Ner Yisrael Synagogue, 'birthplace' of the *eruv*; others were identified as e.g. American. The older generation, many of whom were refugees, had come decades before to settle in the Hampstead Garden Suburb and its environs, appreciating the tolerant mix of people from different backgrounds with whom they were content to associate and to imitate. Moderate acculturation to radical assimilation represented the ends of the spectrum of experience for most of that generation. They 'fitted in' with the genteel, bourgeioise, Englishness of the Hampstead Garden Suburb. The social practices inscribed on the space reinforce the hegemony of a certain kind of Englishness there: the piano circle, the architecture and heritage walks, the Suburb Weekend. The younger generation is less content to play at being English in public, while restricting outward signs of its Judaism to the private spheres of home and synagogue. It does not subscribe to the rules of the Suburb, being publicly English, privately something else.

9.3 Identities

In what follows, I want to argue that the opposition to the *eruv* by an older generation of Anglicised Jews and English non-Jews reflects a modernist *Weltanschaung*. The near-total absence of opposition from younger people should be noted, but one can only speculate on its significance. My speculation is that the younger generations are more aware of, and more accepting of, the consequences of contemporary developments such as globalisation. In a globalising society 'There are things that do not seem to belong together, except that it is part of the metropolitan experience that such things do not belong together and do live side by side – that you can live upstairs from Khomeini'. [198]

The modern mind set is nationalist and is obsessed with space and boundaries, concrete and abstract. It is no accident that Robert Gildea's important book on the history of Europe from 1800 to 1914 is called *Barricades and Borders*. Along with the strong sense of territoriality in which one form of government prevailed, increasingly we have come to witness pressures for states to contain only one cultural population. Differences of language (Belgium), religion (Ireland; Bosnia), and 'culture' (India) constantly threaten the ability of states to maintain the integrity though, ironically, the very pressure nation states exert on populations for uniformity works to generate opposition to their territorial integrity.

We tend to think of nationalism as something which only operates at a nation-state or international level. It is not generally conceived of as concerning small localities. The concept of 'banal nationalism' (Billig 1995) addresses this overlooked aspect of social life. Nationalism, like identity, is to be found in the 'embodied habits of social life'. It is something one is constantly reminded of, though usually in unnoticed, 'natural' ways. Billig employs the image of the flag, not the flag 'being consciously waved with fervent passion; it is the flag hanging unnoticed on the public building' (p. 8).

Is the modern nationalist consciousness perhaps the origin of the 'zero game' attitude to struggles over space? Have we seen in the struggles over *eruv*/Suburb a version of nationalism on a small scale? If there is banal nationalism operating among, let us say, some opponents of the *eruv*, how is it operating? What is being flagged, and where? In answer to these questions, I would suggest that the

Hampstead Garden Suburb 'flags' a particular kind of white, English, Christian culture. The physical design of the Suburb, its architecture [199] – dominated by two colossal churches at the highest point – the green spaces, the hedges, gardens and 'twittens' embody Englishness of a certain type. The public face of the buildings here need no adornment of a flag, they flag themselves.

This white, Christian hegemony was never explicitly mentioned in the dispute, although negatively, the attempt to compare the *eruv* to a parish was explicitly rejected. As noted above, in the Hampstead Garden Suburb, the unconscious sense of national identity –'this country has been around for so long that the British simply *feel* rather than think British' (Lowenthal 1994: 20) – governs the reactions of the residents to the *eruv* question. Hesse (1997) argued that the historically contested nature of whiteness (equated with national identity i.e. Englishness) is forgotten. A phenomenon which he termed 'white governmentality' operates in situations of conflict in which white communities […] regard themselves in racial or cultural terms to be defending their space against change or transformation' (p. 98). It operates as the 'disciplinary logic of 'whiteness' which emerges in resolute form whenever the cultural formation of the British nation is called into question by the racialisation of spatial dynamics...' It seeks to directed the conduct of individuals or groups (p. 99).

Objectors to the *eruv* said that in the Suburb people from many backgrounds had always got along together by treating religion as a private matter. This is a modernist view, which demands a secularised public sphere. By proposing the *eruv* a minority was trying to foist its religious symbols on everyone else. However, one need only look at (a) the dominant architecture and physical fabric of the Suburb or (b) the cultural activities promoted on the Suburb: pageant, piano circle, Suburb Weekend, heritage and architecture walks, theatre group and H.G.S. Institute art classes, to see the irony in the suggestion that prior to the *eruv*, no religion or culture was being 'foisted' on anyone. The hegemony of white, Christian, middle class England lies heavy in the air like the scent of flowers. There was an 'unwritten rule … about being different': the *eruv* broke this (Trillin 1994). The order of garden and

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[198] Salman Rushdie, quoted in Bayer, 1994: 1.
[199] Despite the irony that much of the housing design is German vernacular, I hold to my position that the Suburb flags Englishness.

topiary is almost a form of religion, a worship of the artificial English landscape; the *eruv* threatened this order.

By showing how national identities are 'embodied in the routine habits of social life, including thinking and using language' Michael Billig (1995: 8), had shown how this governmentality is able to operate so seemingly 'naturally' as to remain, for the most part, hidden, even from the gaze of social scientists. 'Thus, the mundane ways of thinking, which routinely lead 'us' to think that 'others', but not 'ourselves' are nationalist, are paralled by habits of intellectual thinking'. In my view, there is compelling evidence that the phenomenon which Billig calls 'banal nationalism' played a major role, if not the major role, in producing the concerted opposition to the *eruv*. In a nutshell, the *modern* banal nationalism of older generations of non-Jewish English people and acculturated Anglo-Jews caused a defensive reaction to a perceived threat in the form of the *eruv*, itself a product of the *post-modern* identity politics of Jews resisting religious and cultural assimilation.

Key to Interviewees (Anonymous)

Rabbi Alter	The Rabbi of an orthodox synagogue which is a part of the United Synagogue.
Mrs Black	A Jewish woman, born and grew up in Hampstead Garden Suburb, married, now lives outside London. Family still live in H.G.S.
Rabbi Coleman	A British-born Reform Rabbi, trained in the UK.
Mr Fisher	A member of the editorial staff of the Hampstead and Highgate Express.
Mr Green	A young, married orthodox Jewish man employed as a journalist.
Mrs Healey	A young, married woman with children, member of a Masorti synagogue, active in cross-community women's organisations.
Rabbi Hirsch	A prominent Liberal Rabbi, born and trained as a Rabbi outside the UK.
Rabbi Isaacs	A leading Liberal Rabbi, trained in the UK.
Mrs Lyons	A committee member of the H.G.S. Residents' Association.
Mr Neville	A Jewish artist, grew up in pre-war Jewish middle class community, lived abroad for about twenty years. Now lives outside London.
Mr Da Silva	A member of the Eruv Committee of the United Synagogue.
Mr Stein	A representative of the Hampstead Garden Suburb Trust.
Mr Stone	A long-time Suburb resident, Jewish, at one time very active in the Residents' Association.
Mr and Mrs Taylor	Active Jewish supporters of the Barnet Anti-Eruv Campaign, secularists.
Mr Wood	A committee member of the Hampstead Garden Suburb Residents' Association.
Mr and Mrs Young	Mr Young was an active member of the Hampstead Garden Suburb Trust and a staunch opponent of the *eruv*.

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