



SERMON ROSH HASHANAH MORNING: IT'S JUST A FACT

**Rabbi Gabriel Kanter-Webber, Saturday 16 September 2023
Brighton and Hove Progressive Synagogue**

1 When I was in my final year of rabbinic training, a *Daily Mail* journalist made a formal complaint to Leo Baeck College that I'd tweeted in support of trans rights. They claimed that, by expressing an opinion with which they disagreed, I'd "*failed to respect the rights of others to freedom of belief and freedom of speech*".ⁱ

2 Frankly, though, far from being a potential breach of the rules, I think that support for trans rights should be a requirement of the rabbinic code of conduct. Anti-trans hate crime increased by 56% last year,ⁱⁱ and individuals from that community are actively fearful of violent attack.ⁱⁱⁱ Dr Gina Gwenffrewi, an academic at Edinburgh University, says that the current trend "*correlates to increased misinformation in the media*".^{iv}

3 Some of that misinformation relates to false claims of victimhood. My *Daily Mail* journalist was one example. A higher profile one is Joanna Cherry: when her invitation to speak at a particular event was withdrawn after staff at the venue expressed discomfort with her views on trans people, she claimed that she'd been "*prevented*

ⁱ Unfortunately, this complaint was taken far more seriously than it should have been: Leo Baeck summoned me to an investigative meeting and convened its senior management team to adjudicate on whether or not my expression of support for trans rights breached the student code of conduct. The complaint was ultimately dismissed, although it should of course have been thrown out straight away as manifestly ridiculous.

ⁱⁱ HC Deb, 8 March 2023, cc 288-289 (astonishingly, Sarah Dines MP, a Home Office minister, said that "*the increase to 56% ... is a good thing because it means that people have more confidence in the police*").

ⁱⁱⁱ "BU hosted the British Society of Criminology Hate Crime Network's annual conference", Bournemouth University (24 July 2023): <<https://www.bournemouth.ac.uk/news/2023-07-24/bu-hosted-british-society-criminology-hate-crime-networks-annual-conference>>

^{iv} Ibid.

from talking”. In fact, she claimed this in print media,^v on the radio,^{vi} and in Parliament,^{vii} where her electoral majority of 12,000^{viii} gives her a uniquely privileged position from which to talk, unprevented.

4 So often, the most horrendous sentiments and arguments in the assault on trans rights – as in every other form of bigotry, from antisemitism to Islamophobia to misogyny – are defended as being ‘just the truth’, or ‘just stating facts’.

5 On alternate Rosh Hashanahs, we read the horrendous facts of the relationship triangle between Abraham, Sarah and Hagar.^{ix} Noteworthy in the narrative is Abraham’s silence: although “distressed”^x to be casting his concubine and infant son out into the uncertain wilderness, he did not raise a smidgeon of protest, and simply did as he was told. The midrash imagines him telling Sarah that Hagar was her handmaid and she, Sarah, could do as she pleased with her.^{xi} Perhaps this all made him a bit uncomfortable. But it can’t have made him that uncomfortable otherwise he wouldn’t have done it, or at the very least he would have kicked up more of a fuss.

6 The Polish writer Leszek Kolakowski^{xii} concludes that the moral of the story is: “*Let us not delude ourselves that we are making no decisions when we merely note facts.*”^{xiii} In other words, Abraham’s simple concession that Hagar was a piece of property rather than a human being with rights, needs, fears and dreams, was not, in reality, a simple concession. It was complicity. Maybe it was ‘just a fact’ – and in the legal system of antiquity, no doubt it was just a fact – but when he decided to recite that particular fact, at that particular moment, in that particular peak of dramatic tension: that was not a neutral

^v “SNP MP Joanna Cherry says she has been ‘cancelled’ over gender views”, *BBC News* (2 May 2023): <<https://www.bbc.co.uk/news/uk-scotland-edinburgh-east-fife-65451979>>

^{vi} Ibid.

^{vii} HC Deb, 27 April 2023, c 961

^{viii} House of Commons Library briefing paper CBP 8749 (28 January 2020): 96.

^{ix} Genesis 21:1-21

^x Genesis 21:11

^{xi} Genesis Rabbah 45:7

^{xii} If an understudy ends up reading this sermon for me, apologies in advance.

^{xiii} Leszek Kolakowski, *Tales from the Kingdom of Lailonia and The Key to Heaven*, trans Salvator Attanasio (Chicago: University of Chicago Press, 1972, repr 1989): 115.



decision. There's a reason he chose that fact to itemise, rather than, say, that two twos are four. Both are equally factual. Both are equally true. But he chose one over the other. Why? It's obvious. He made an active choice to allow, and justify, the ill-treatment of Hagar.

7 'It's just a fact' is not a get-out-of-jail-free card valid for every situation in life. It might be true that the perpetrators of 9/11 and 7/7 saw themselves as acting in the name of Islam, but handing out leaflets to that effect outside a mosque is not just a faithful history lesson; it is an inflammatory and intentional act. It might be a 'fact' that a total stranger on the bus is overweight, yet walking up to them and blurting out this 'fact' cannot be defended with a cry of 'but it's the truth!'

8 Still less when that truth is contested. Anti-trans voices often claim that "*sex is immutable and binary*" and that this is an "*immutable biological truth[]*".^{xiv} Anyone expressing a contrary view is therefore made to look like a flat-earthier, a science-denier, a person blind to reality. Such claims are unfair and, indeed, mendacious. In fact, the science is – as so often – more complex than a glib tweet. Many pages of ink have been spilled explaining just how convoluted the real 'biology' of sex is.^{xv} Explaining and debating. It is far from the simple heads-or-tails binary that anti-trans campaigners trumpet. When a layperson smugly states what they claim to be 'the biological facts' in a single sentence, they are simply trying to shame their opponents into silence.

9 As we celebrate the anniversary of the world's dawn, let us remember in any event that, once upon a time, humanity was not divided into categories. There were no races, sexes, genders, disabilities. Rather, according to midrash, the whole of humanity was victimised by hate speech from, of all things, a clique of anti-creation angels. Towards the end of the fifth day, the angels of Justice and Kindness were on our side, but the angels of Peace and Truth fiercely lobbied God against forming us. We'd just be disruptive! they argued.

^{xiv} See eg *Forstater v CGD Europe* [2022] ICR 1 (EAT) at [9(c)] and [114]

^{xv} See eg Anne Fausto-Sterling, "Why sex is not binary", *New York Times* (25 October 2018): <<https://www.nytimes.com/2018/10/25/opinion/sex-biology-binary.html>>



Humankind is trouble with a capital T! What did God do to resolve the dispute? *“The Holy One took Truth, and threw it to the ground.”*^{xvi}

10 That is an incredibly powerful image. God did not deny the reality of the arguments presented by the Angel of Truth. Indeed, it’s hard to quibble with the proposition that humans are troublesome. But, compellingly, God didn’t care. Truth was not the be-all and end-all. It was certainly no excuse for the angels to try, selfishly, to obstruct the pinnacle of the Divine plan for the universe.

11 Facts are not neutral. They’re deployed tactically. Sometimes justly, sometimes misleadingly, but always tactically. Their use can be brave, bold and creative. Or it can be offensive, bigoted and contentious. The mere existence of facts should never be used as a shield for the conscience that underlies their recitation.

12 Here, however, is a fact. Humanity is troublesome, yet life would be nothing without us. All of us. Whatever groups are vulnerable to hatred and oppression in this particular country and in this particular decade, they, too, are part of the whole that God created. That act of creation took place despite the Angel of Truth’s bellyaching. Truth was thrown to the ground, thenceforth never to be used again to underpin incitement against humanity or any section of it.

13 As we progress through our Rosh Hashanah service this morning, we will come to the words of Maimonides:^{xvii} *“Awake, you sleepers, from your sleep! Rouse yourselves, you slumberers,”*^{xviii} *out of your slumber! Examine your deeds.”* It is easy to sleepwalk through life, fondly imagining that our apathy is a form of neutrality. It is not. May the coming year be a year in which we celebrate the whole of humanity, and take a lead from the Eternal by having no patience with those who seek to undermine the Divine spark within each and every one of us. כן יהי רצון, may this be God’s will.

^{xvi} Genesis Rabbah 8:5

^{xvii} Hilchot Teshuvah 3:4 (translation from *Machzor Ruach Chadashah* p 139)

^{xviii} My autocorrect option suggested ‘slobberers’ here.

