



## **SERMON SHOFTIM:<sup>i</sup> TROUBLE IN PARADISE**

**Rabbi Gabriel Kanter-Webber, Saturday 7 September 2024  
Brighton and Hove Progressive Synagogue**

**[1]** In September 2021, a group of persecuted Tamil refugees set sail from Sri Lanka on a crowded fishing boat, hoping to reach Canada and claim asylum there. Then disaster struck: in the middle of the Indian Ocean, their ship started taking on water. Then a worse disaster struck: they were rescued by the Royal Navy.<sup>ii</sup>

**[2]** Their rescue was a disaster because of what happened next. The Royal Navy took them to a tiny island called Diego Garcia – a joint UK-US military base – and left them there. They’re still there now. 60 asylum seekers, including more than 15 children, are being held by the British government in rat-infested tents,<sup>iii</sup> and have been held there since 2021. They are forced to share two toilets and two showers between them.<sup>iv</sup> Britain has, from time to time, cut off their ‘phone lines to the outside world,<sup>v</sup> and limited their access to supplies as a collective punishment for “*wandering outside the camp*”.<sup>vi</sup>

**[3]** Outside the camp, beyond the fencing and the guards, is a vibrant military base on an idyllic tropical island. There’s a beach. There’s a bar. There are even regular flights from the United States bringing cheerleaders, celebrity chefs and bands to entertain the troops.<sup>vii</sup>

<sup>i</sup> Deuteronomy 19:1-10

<sup>ii</sup> Diane Taylor, “Purgatory in paradise: how a shipwreck off Diego Garcia led to three years of hell and horror”, *The Guardian* (8 July 2024): <<https://archive.ph/CrHv2>>

<sup>iii</sup> “Diego Garcia asylum seekers feel unsafe on remote British island territory”, *BBC News* (17 February 2024): <<https://perma.cc/2HA2-PGC5>>

<sup>iv</sup> *BAA v Commissioner of the British Indian Ocean Territory* [2023] EWHC 767 (KB) at [19] and [30]

<sup>v</sup> *BAA* at [33]

<sup>vi</sup> *BAA* at [29]

<sup>vii</sup> “Asylum seekers can leave guarded encampment on Diego Garcia”, Leigh Day (22 April 2024): <<https://perma.cc/7FWA-EBK6>>

**[4]** But the asylum seekers remain confined to their tents, with no end in sight, and, unsurprisingly, their physical and mental health is suffering gravely. There is “*prolific self-harming behaviour*”,<sup>viii</sup> and many suicide attempts.<sup>ix</sup>

**[5]** Now, the British official responsible for administering the island – a Foreign Office civil servant called Paul Candler – insists that “[t]he migrants are not being detained. They are free to leave, if they can make proper arrangements to be collected.”<sup>x</sup> That’s very generous of him. But, of course, Uber doesn’t serve remote military bases in the Indian Ocean. And, given the Foreign Office’s decision that it:<sup>xi</sup>

[Will not] provide fuel ... water or food to a collecting vessel [and will not] arrange for the repair of ... the vessels from which the migrants were rescued

...I think it’s safe to say that these people are being detained, whatever pretence is being made to the contrary.

**[6]** In today’s parashah, we read the law of the Israelite cities of refuge. These were cities set aside as places of sanctuary for ‘unintentional manslaughter’: those who had had the misfortune to have caused another’s death through unavoidable accident, and need a safe place in which to hide from the deceased’s vengeful relatives.

**[7]** Three features of these cities of refuge are particularly worthy of mention.

**[8]** Firstly, unintentional manslaughter had done nothing wrong, and they found themselves in that position through no fault of their own. As such, it would be both unjust and pointless to punish them. The 15th-century commentator Abarbanel explains:<sup>xii</sup>

Punishment exists to warn the sinner not to sin again and to warn others not to act thusly. And no amount of punishment can prevent unavoidable accidents.

<sup>viii</sup> VT v Commissioner for the British Indian Ocean Territory BIOT SC 15 of 2024 at [12] and [25]

<sup>ix</sup> BAA at [9]

<sup>x</sup> British Indian Ocean Territory Gazette 54(2) at p 81

<sup>xi</sup> Ibid.

<sup>xii</sup> Abarbanel to Deuteronomy 19



**[9]** Secondly, because the inhabitants of the city of refuge had done nothing wrong, and because they were not to be subjected to punishment – or to conditions akin to punishment – the cities were to afford access to all creature comforts.<sup>xiii</sup>

**[10]** Thirdly, providing cities of refuge was the responsibility of the state.<sup>xiv</sup> The risk they were intended to guard against was not the state's fault: vengeful relatives are responsible for their own actions. Abarbanel explains:<sup>xv</sup>

A murderer has two enemies, one of which is the court ... and the second is the next-of-kin of their victim ... But the accidental manslayer has no enemy in the form of the court [...and their only enemy] is the relative of the deceased.

Yet even though the risk was not of the state's making, it was the state's responsibility to guard people against it – and to go to quite extraordinary lengths to do so.

**[11]** All of these principles have obvious relevance to the asylum seekers being detained on Diego Garcia. They have done nothing wrong. As Gwen Hines, chief executive of Save the Children, has said: *“we’re talking about are people who, through an accident of birth, were born in places they now want to flee.”*<sup>xvi</sup> The only reason none of us fled persecution in Sri Lanka in a leaky fishing boat is pure chance. As such, there can be absolutely no basis for detaining those who did find themselves in that situation in cruel and inhumane conditions – *kal v’chomer* when it comes to children.

**[12]** And even though it isn't Britain's fault that Tamils in Sri Lanka face persecution, and even though it isn't our fault that the asylum seekers' ship sank, it is nonetheless our duty to do right by these people who, after all, are only in our territory because we dragged them in. There are countless feasible solutions. Mend their ruddy ships! Give them fuel for their onward journey! Put them on an aeroplane (and if money is a problem, hard as that is to believe, then save money by

<sup>xiii</sup> See eg m.Makkot 2:6, b.Makkot 10a.

<sup>xiv</sup> See eg h.Rotzei'ach u-Shmirat Nefesh 8:5-6

<sup>xv</sup> Abarbanel to Deuteronomy 19

<sup>xvi</sup> Gwen Hines, “We can't let political slogans or headlines rob refugees of their humanity”, Save the Children (28 September 2023): <<https://perma.cc/RVF4-LDLF>>



cancelling the next group of cheerleaders scheduled to visit the troops).

**[13]** Better yet, bring them to mainland Britain. The official reason for not doing so is that Diego Garcia is an overseas territory, and Paul Candler – a Foreign Office official – cannot agree to bring them here because immigration into mainland Britain is a Home Office matter.<sup>xvii</sup> But that dissembling is unworthy of a civilised society. I’m sure that the Foreign Secretary and the Home Secretary have each other’s mobile ‘phone numbers. There really is no excuse for them not to be talking to each other.

**[14]** When we look back at the lengths to which ancient Israel went to protect the innocent and vulnerable – literally building multiple new cities, no doubt at vast expense – it seems shocking that our government here and now claims to be unable to remove asylum seekers from rat-infested tents when David Lammy and Yvette Cooper could easily agree to do so with about four WhatsApp messages.

**[15]** Today’s parashah is a salutary reminder about the responsibility that society has to go out of its way to be decent. And at the moment, this reminder should serve to make us angry at just how far we are from that ideal.

<sup>xvii</sup> BAA at [69]–[70]; “UK government exploring options to bring asylum seekers detained in Diego Garcia to the UK”, Duncan Lewis (23 July 2024): <<https://perma.cc/S4KA-R4FQ>>

