



SERMON NASO: IRRATIONAL DOUBTS

Student Rabbi Gabriel Kanter-Webber, Friday 21 May 2021
York Liberal Jewish Community

- 1 Postman Pat doesn't work for Royal Mail any more. He joined the gravy train in 2008, and now works for a private courier company in the current series, *Postman Pat: Special Delivery Service*.¹ Given what we now know about what went on in the Post Office since 2008, it's hard to blame him for jumping ship. I can only hope that Mrs Goggins, the faithful postmistress of Pencaster, did the same.
- 2 Last month, 39 former sub-postmasters and mistresses had their convictions for theft, fraud and false accounting overturned, when senior judges were horrified to discover that the Post Office's accounting software, Horizon, was so riddled with errors that none of them had actually stolen a penny.² The prosecutions, said Lord Justice Holroyde, were an "affront to the public conscience".³
- 3 Why so stern? Well, it's not only that the Post Office's software was dodgy – after all, anyone can make a mistake, even if that was a particularly big mistake. The real problem was the Post Office's stubborn persistence in believing their software over common sense and the evidence of their own eyes, and attempting to cover up or stifle evidence to the contrary.⁴ "By representing the Horizon system as reliable," said the court, "and refusing to countenance any suggestion to the contrary,



the Post Office effectively sought to reverse the burden of proof: it treated what was no more than a shortfall shown by an unreliable accounting system as an incontrovertible loss, and proceeded as if it were for the accused to prove that no such loss had occurred.”⁵

4 In other words, managers at the Post Office would see that the system recorded a branch as having, say, £20,000 in cash, while the actual amount of cash in the branch may only have been £15,000 (because errors in Horizon invented £5,000-worth of transactions), and they would, accordingly, treat the sub-postmaster or mistress as a thief, demanding that they settle the so-called balance out of their own funds, and, if they couldn't or wouldn't pay up, prosecuting them. Amongst the 39 wrongfully convicted postal workers who were exonerated last month, one had been sent to prison while pregnant, three died without seeing their names cleared, many were forced into bankruptcy, and all of them suffered the indignity of a miscarriage of justice. All because the Post Office had a suspicion and acted on it with a single-minded blindness to any possible alternatives.

5 This week's parashah also deals with suspicion. In a passage unusually nasty even for the Torah, we read about 'the ordeal of the bitter waters', a trial which a suspicious husband could force upon his wife.⁶ Any time a husband thought that his wife had, maybe, been secluded with another man, "and the spirit of jealousy came upon him",⁷ he would take her to the Temple, where the priests would try to terrify her into a confession and into accepting a divorce – Maimonides describes the coercive tactics they would use⁸ – and, if that didn't work, do their best to humiliate her and break her spirit in public,⁹ and then administer her a vile concoction which



would, we are told, cause her a painful death if she was indeed guilty of adultery. (There was, of course, no equivalent ritual for men suspected of adultery.)

- 6 The commentator Sforno confirms that there was no threshold for invoking this ritual. Any doubt on the part of a husband, even a **רוח שטות** **בלתי סיבה**, an irrational doubt lacking any factual basis, sufficed to have a wife fed the bitter waters.¹⁰
- 7 Now, while the world would no doubt be a better place if there were no irrational doubts, that's not possible. It's inevitable that there are going to be people with a suspicious turn of mind. It's inevitable that some men will have doubts, however unjustified, about their spouse, and it's inevitable that the Post Office will be worried that some of its thousands of staff are pocketing its money. This isn't a great situation, but there's no point trying to ban irrational doubts because that would be impossible.
- 8 What, then, is the lesson? Well, the Post Office went in all guns blazing. With no hint of an open mind, they treated the fact of their doubt as conclusive, and put sub-postmasters and mistresses through a horrible ordeal, insisting that they either prove their own innocence or buy their way out of trouble. The jealous husband, likewise, didn't stop to weigh up how plausible his suspicion was, but instead marched his wife down to the Temple to force her to prove her innocence by endangering her own body (or else avoid the ordeal by accepting a punitive divorce settlement).
- 9 We accept that employers, husbands and others will always have irrational suspicions – but this is a concession to a weakness of human



nature. The flipside of that concession is that those holding the irrational doubts have to swallow them, somewhat. This doesn't mean forgetting all about them. Sometimes, a conversation is needed. Sometimes, an investigation is needed. The real harm, though, comes about when one with a suspicious mind takes the nuclear option. That is when we see women being forced to justify their movements or else forced to drink poisoned water. That is when we see hardworking, professional postal staff jailed following unfair trials based on flimsy evidence.

- 10 Doubt is inescapable, confrontation is optional. The priests tried to scare women out of undergoing the ritual of the bitter water. Let us, instead, be scared that this abomination appears in our tradition at all, and resolve to treat all our doubts with suspicion, never treat them as if they are conclusively true, and keep the open mind that helps to avoid injustice. Kein y'hi ratzon, may this be God's will.

GKW 21.05.21

¹ Richard Wray. "Postman Pat to get helicopter", *The Guardian* (10 April 2008): <<https://www.theguardian.com/media/2008/apr/10/television.post>>

² *Hamilton and others v Post Office* [2021] EWCA Crim 577

³ *Hamilton* at [59]

⁴ *Bates and others v Post Office (no 3)* [2019] EWHC 606 (QB) at [10]

⁵ *Hamilton* at [137]

⁶ Numbers 5:11-31

⁷ Numbers 5:14

⁸ Hilchot Sotah 3:2

⁹ Hilchot Sotah 3:5-6

¹⁰ Sforno to Numbers 5:14