

# Was God homeless and whose fault was that?

## Study sheet for Parashat Nitzavim

### VERSE

*Deuteronomy 30:3*

Then the Eternal One your God will reverse your captivity and have compassion on you. And you will be gathered in from all the nations to which the Eternal One your God has dispersed you.

וְשָׁב יְהוָה אֱלֹהֶיךָ אֶת שְׁבוּתְךָ  
וְרַחֲמֶךָ וְשָׁב וְקִבְּצֶךָ מִכָּל הָעַמִּים  
אֲשֶׁר הִפִּיצֶךָ יְהוָה אֱלֹהֶיךָ שָׁמָּה:

### ANALYSIS

*b. Megillah 29b*

Rabbi Shimon says: "Come and see how beloved the Israelites are before the Holy One. In every place where they have been exiled, the Divine Presence went with them. And likewise in their future, when they are redeemed, the Divine Presence will be with them. As it is written: *Then the Eternal One your God will return from your captivity*. It does not say 'will cause you to return', but rather 'will return'. This teaches that the Holy One, ever to be blessed, will return with them from their exile."

רבי שמעון בן יוחי אומר: בוא וראה כמה  
חביבין ישראל לפני הקדוש ברוך הוא.  
שבכל מקום שגלו - שכינה עמהן... ואף  
כשהן עתידין ליגאל שכינה עמהן, שנאמר:  
ושב ה' אלהיך את שבותך, והשיב לא  
נאמר אלא ושב, מלמד שהקדוש ברוך הוא  
שב עמהן מבין הגליות.

### THEN

*2 Samuel 7:6-7*

From the day I brought the Israelites out of Egypt, until today, I have never dwelt in a house. Rather, I travelled around living out of a tent. And, as I moved about with the Israelites, did I ever ask any of the tribes why they had not built Me a house of cedar?!

כי לא יִשְׁבְּתִי בְּבֵית לְמִיּוֹם הָעֲלִיתִי אֶת בְּנֵי יִשְׂרָאֵל  
מִמִּצְרַיִם וְעַד הַיּוֹם הַזֶּה וְאֵהְיָה מְתֹהֵל בְּאַהֶל וּבְמִשְׁכָּן:  
בְּכָל אֲשֶׁר הִתְהַלַּכְתִּי בְּכָל בְּנֵי יִשְׂרָאֵל הִדְבַּר דְּבַרְתִּי אֶת  
אֶחָד שְׁבִטֵי יִשְׂרָאֵל... לֵאמֹר לָמָּה לֹא בָנִיתֶם לִי בֵּית  
אֲרָזִים:

*Lamentations Rabbah, proem 24*

As the Israelites' enemies entered the Temple and burned it, the Holy One said: "Now I have no home on earth!" And, at that moment, God wept.

באותה שעה נכנסו אויבים להיכל ושרפוהו... אמר הקב"ה  
שוב אין לי מושב בארץ... באותה שעה היה הקב"ה בוכה.

## NOW

### *Housing Act 1996, s 191(1)*

A person becomes homeless intentionally if he deliberately does or fails to do anything in consequence of which he ceases to occupy accommodation which is available for his occupation and which it would have been reasonable for him to continue to occupy.

### *Lord Woolf (1983)<sup>a</sup>*

The applicant argues that she is not to be regarded as intentionally homeless because it is for a wife and not a local council to decide whether or not she can go on living with her husband. I do not accept this. There are all sorts of protection that a woman can get if her husband misbehaves. The council should say: "If you are having trouble with your husband, go to the appropriate authority and get protection against him." If the woman does not take that path, and chooses to leave, she can be regarded as intentionally homeless.

### *Lady Hale (2001)<sup>b</sup>*

To hold that Miss Bond made herself intentionally homeless by leaving her home out of fear of domestic violence is to fail to take account of some of its well-known features. Once begun it is likely to be repeated, often with escalating severity. It induces a sense of shame and of powerlessness in its victims, who often blame themselves. There are remedies available, but it is by no means easy for many victims to invoke these, and they are often ineffective. Escape may well be the only practicable answer. The victim is the one who knows the perpetrator best and is best able to judge this. The council argues that a woman who knows what can be done and deliberately fails to do it may be said to have caused the domestic violence herself. I do not accept this.

## CONCLUSION

### *Kli Yakar to Exodus 22:22*

Since the Holy One is the Parent of orphans, it is certain that, when they are tormented, it torments God: if you oppress an orphan, you oppress God as well! And the two of them cry out together.

מאחר שהקב"ה אבי יתומים... ודאי בכל צרתם  
לו צר כביכול לכך אמר אם ענה אז תענה גם  
אותו שהוא אבי יתומים והנה שניהם צועקים.

<sup>a</sup> Judgment of Woolf J in *R v Wandsworth LBC ex p Nimako-Boateng* (1984) 11 HLR 95 (QB), pp 102-103

<sup>b</sup> Judgment of Hale LJ in *Bond v Leicester City Council* [2002] HLR 6 (CA) at [29], [32] and [33]