

Holiness Beyond the Nation State: Diasporist Halakha



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From the moments when I first began learning Talmud and exploring my personal relationship to *halakha*, I could feel echoes of theologies and ideas that expressed what I later came to understand as radical diasporism. As I learned, I found sources that honored the beauty of diaspora, that uplifted the power of *halakha* as a counter-force to state power. But growing up in my Jewish community I had learned a different story about *halakha* and its relationship to nationalism. I had learned a story about *halakha* that it was a "diminished" enterprise for centuries due to the lack of Jewish sovereignty, and that exile brought about, for Jews, a limited and constrained version of *halakha* because it could not be applied on a state level. Without a state, without a national government, *halakha* could never fully be lived out or realized to its magnificent potential. I was taught that only with a state could halakha thrive as an all-encompassing regulatory system, and that diaspora reflected a weakened state of *halakha* and Jewishness that only sovereignty could revive. [1]



As I began learning and unlearning about the ways in which nationalism had its grips on halakhic storytelling, it became clearer to me that *halakha* is a discourse and a way of being that is naturally at home in a stateless, diasporist context that centers the holiness and sacredness of space not within the boundaries of national borders but within the boundaries of sacred practice.

What follows here is an interpretation of a series of texts that have grounded and nurtured my sense of *halakha* as a diasporist project, which I hope can serve as an offering to those who are seeking to tend to their own questions about what a personal relationship to *halakha* can look like that is root in Torah beyond Zionism. For the sake of shared language in this exploration, we begin with a definition of both “diasporist” and “halakha.”

Halakha, put simply, is Jewish practice and its surrounding discourse. *Halakha* encompasses not only the practical realm of how one does or performs a behavior, but also the exploration of the behavior itself—the theologies, philosophies, and broader conversation which a behavior assumes and gestures toward. *Halakha* is both the answer to “How do I do this thing?” and the study and rigorous examination and storytelling that surrounds the practice itself. As a central language for spiritual action and Jewish behavior, it encodes our values system into a portable, practically applicable, dynamic conversation that has enabled Jewish practices to ebb and flow flexibly for centuries. The recitation of a blessing, for example, serves as an example of such a portable practice: when one encounters any sensory experience, a liturgical pattern—a *berakha*—exists to bring G!d and sacredness into the experience itself. Such a holy, transcendent moment exists beyond space and can take place anywhere; all that’s needed for this practice is an individual’s recitation.

Diasporism is popularly defined by Melanie Kaye/Kantrowitz in the following way:

Diaspora—of Greek origin—has had a Jewish life; *galut* in Hebrew and Ladino, *goles* in Yiddish; both mean exile. But centuries of migration for many mean many live in diaspora, and not always—Jew or not—experiencing diaspora as exile. Ella Shohat, whose family migrated from Iraq to Israel, stands on its head the exilic psalm: ‘By the waters of Zion, we sat and wept, when we remembered Babylon.’ Diaspora, in the early twenty-first century, emerges in postcolonial and postmodern discourse as a dynamic concept to name the experience of many peoples. The African Diaspora; the Chinese Diaspora; the South Asian Diaspora; and of course the Palestinian Diaspora. Diasporism, then, embraces diaspora, offers a place we might join with others who value this history of dispersion; others who stand in opposition to nationalism and the nation state; who choose instead to value border crossing as envisioned by the late Gloria Anzaldúa in her work about mestiza consciousness, or by the founders of the New Association of Sephardi/Mizrahi Artists & Writers, International (Ivri/NASAWI); ‘[I]vri...means border-crosser, predates the word Jew.’... Diasporism joins those who see borders as lines to cross. Who seek the memory or possibility or value of motion, fluidity, and multiple vision. [2]

Diasporism embraces the Jewish—and human—commitment to and capacity to cross borders, and its sensitivity to presence and place, *as opposed to* power. While diaspora is a condition, diasporism is a stance. Kaye/Kantrowitz and others who claim diasporism as an identity and position do so as an explicit stance against nationalism, as Kantrowitz notes, she “name[s] this ideology and practice *diasporism* as a deliberate counter to Zionism. Zionism/Jewish nationalism is one choice Jews make, but not the only choice. It’s time someone named and explored and pressed into existence the choice most Jews are making in practice.” [3]

With these definitions in mind, we will explore the ways in which the Rabbis “pressed” this choice into existence when they created and gave shape to their own diasporist endeavor: *halakha*.

Babylonian Talmud: Berakhot 8a

The Talmud—the foundational text of *halakhic* discourse that was assembled through the first six centuries of the common era in Bavel under the Sassanian Empire—contains countless texts that express the rabbinic project’s commitment to decentralized diaspora, and demonstrate *halakha*’s role as the mechanism through which the early sages create these new religious conditions. [4] A famous example of this is found in Masechet Berakhot, the volume of Talmud that explores the practice of reciting and creating blessings. [5]

הכי אמר רב הסדא: מאי דכתיב,
 "אהב ה' שערי ציון מכל משכנות
 יעקב?"
 אוהב ה' שערים המצויינים בהלכה,
 יותר מבתי כנסיות ומבתי מדרשות.

Rav Hisda taught the following: What is the meaning of the verse: "G!d loves the gates of Zion [*tziyon*] more than all the dwellings of Jacob" (Psalms 87:2)?

This means that G!d loves the gates distinguished [*metzuyan*] in & through halakha, more than the synagogues and study halls.

This *sugya*—this literary unit of Talmudic text—begins with a creative re-reading of a Psalm from Rav Hisda, a Babylonian sage. On the surface, a clear reading of Psalm 87:2 tells us that G!d loves Jerusalem more than any other place Jews dwell: "G!d loves the gates of Zion" supremely. The text is unambiguous in its preferential treatment of Jerusalem as a superior place of G!d's love. [6]

In his Talmudic teaching, Rav Hisda flips this simple meaning to its opposite conclusion. By applying creative wordplay, he offers a new reading: G!d loves the gates not merely of *tzion*, but the gates that are *metzuyan*, which means "distinguished," or "pointed out," in their exploration of *halakha*. It's not that G!d loves Jerusalem, as the verse seems to imply; Rav Hisda has taken the text and read it upside-down, reading the word "Zion," which previously indicated a place-based superiority of Jerusalem, as a representative for excellent, distinguished *halakha*. G!d loves the the excellence of *halakha*, fundamentally mobile and transportable, available wherever those who learn and practice it might find themselves, more than the fixed locale of Jerusalem, but *also* more than the fixed spaces of the *beit keneset* and the *beit midrash*—synagogues and study halls.

In Psalms 87:2, G!d loves Jerusalem—here called "the gates of Zion (*tziyon*)"—the most. The gate to Zion is the best place; G!d loves it more than any place that Jews live. In Rav Hisda's interpretation of the verse, G!d loves *all places* that are distinguished through the learning and living of *halakha*. G!d loves the rabbinic enterprise, the contours of Judaism as it comes alive in our study and practice.. According to Rav Hisda, *halakha* is the mechanism that makes mobile Judaism not just possible, but beloved and preferable by the Source of Sacredness.

The narrators of the Talmud connect Rav Hisda's statement to a teaching from the sage Ulla:

והיינו דאמר רבי חייה בר אמי משמיה
 דעולא: מיום שחרב בית המקדש אין לו
 להקדוש ברוך הוא בעולמו אלא ארבע
 אמות של הלכה בלבד.

And this concept is expressed in that which Rabbi Hiya bar Ami said in the name of Ulla: Since the day the Temple was destroyed, the Holy One, Blessed be G!d, has only one place in G!d's world, only the four cubits of halakha alone.

Ulla's teaching claims that once the Temple was destroyed, G!d had one thing in the world: the four *amot*, four cubits, of *halakha*. To paint a more embodied image of this statement, one might imagine standing or sitting in a space, and taking one step to the left, right, front, and back—that would approximate the space delineated here by "four cubits." (Think: doing the "box step!") This is not a large physical space, and is most similar to what we might call one's "personal space." This text marks the shift from the space-based, centralized Temple practice to the mobile, decentralized diasporic halakhic system. Ulla is clear: G!d has one thing and that thing is *halakha*.

In the previous statement attributed to Rav Hisda, we are taught that G!d loves *halakha*. G!d is in love with the contours, the boundaries, the ways halakha moves in the world with

precision and distinction. Now, Ulla teaches us that G!d *lives in* halakha, that G!d is to be found within the practicing and exploring of *halakha*. G!d's presence is experienced in and through halakha. As this text builds, so does G!d's capacity to be in connection *through the mechanism of halakha*, across time and space. This movement is not about all space generally, as this is not a text about G!d's omnipresence. Instead, G!d is in all of the unique spaces in which we are practicing *halakha*, and G!d's presence is magnified through our halakhic engagement.

Mei HaShiloach, Volume II. Matot 4

This *sugya* takes on new life and meaning when read by the 19th century Hassidic teacher Rav Mordechai Yosef Leiner of Izbica, Poland, referred to by the title of his most well-known text, the *Mei HaShiloach*. The Mei HaShiloach elaborates on this *sugya* by bringing it into conversation with an earlier moment in Torah as the tribes of Reuven and Gad, in a departure with the biblical plan and their entire community, request to stay across the Jordan River.

As the Israelites stand on the precipice of Eretz Yisrael at the Jordan River, and are about to cross the river to conquer the land, Reuven and Gad express their desire to stay on the *other* side of the river, opting out of conquering and settling in Eretz Yisrael. As a result, their inheritance, their *nachalah*, ends up being on the other side of the river. The Mei HaShiloach directly names the implication of this choice, which is that, in contrast to the entire message of the Torah until that point, Reuven and Gad inherit land that is outside of Eretz Yisrael as their sacred portion of land. Reading Numbers 32:5, he says the following:

בזה הענין נרמז שאם האדם יקדיש מקומו בד' אמות של הלכה חל קדושת ארץ ישראל על זה המקום, כמו שאמרו בני גד ובני ראובן ואתנו אחזת נחלתינו מעבר לירדן, שאף שאינו נכלל בגבולי ארץ ישראל מכל מקום הסכים השי"ת שיחול קדושת ארץ ישראל שם...

This verse hints at the idea that if a person sanctifies their place (i.e., the place where they are), through the four cubits of halakha, the *kedusha*/holiness of the Land of Israel is activated in that place. This is just like the tribe of Gad and Reuven said when they requested to remain on the other side of the Jordan river (i.e. not entering the Land of Israel), for even though they were not gathered within the biblical border of Eretz Yisrael, regardless HaShem, may the holy name be blessed, agreed that the *kedusha* of Eretz Yisrael would be there...

When a person causes sanctification in their place (*mekomo*), the place where they are—wherever that may be—the *kedusha* (holiness) that is associated with Eretz Yisrael comes to the person, is brought to and through them through their practice of *halakha*. The language for the term “is activated” (חל) connotes a sense of “falling” or “occurring,” as though the sacredness of the land immediately moves toward an individual engaging in halakhic practice. The *kedusha* that we might imagine to be deeply based in the specific place of the Land of Israel can fall upon a person and be activated wherever they are, whenever they participate in a sacred act.

According to the biblical tale, Reuven and Gad were granted access to the *kedusha* of Eretz Yisrael, despite not settling within the confined territorial borders. The expanded sacred presence follows Reuven and Gad, setting a precedent for the way it follows all of us. For the Mei HaShiloach, this instance becomes an opportunity to claim that what we call *kedushat eretz yisrael*, the unique the fundamental holiness of the land of Israel, actually has no real borders; despite being identified by space, it is the *mitzvot* that make space holy, not national borders or territory. The Mei HaShiloach rhetorically offers a response to those who might claim that *kedushat eretz yisrael* is about the *eretz*, the land specifically. The story of Reuven and Gad is evidence for the Mei HaShiloach that G!d is found in the four amot of *halakha* not *only* after the destruction of the Temple, but always. The *kedusha* of land was never truly located in the land, and as such, the spiritual power of *halakha* as G!d's home and as a conduit for *kedusha* is not a

concession to a post-Temple world, but is encoded into Torah itself. For the Mei HaShiloach, *halakha* has *always* given us the power to create Eretz Yisrael wherever we are.

He continues:

וכן בכל מקום שיקדיש האדם מקומו
לשם ה' הוא קדוש בקדושת ארץ
ישראל ששם ישכון השי"ת בקבועות
והוא דורש אותה תמיד,

And so it is in every place where a person sanctifies their place for the sake of HaShem, may holy name be blessed—it is sanctified with the *kedusha* of Eretz Yisrael, for there (wherever a person is) HaShem will dwell in or through the fixtures, and G!d seeks this always.

כדמצינו בגמ' (ברכות ה'). אוהב ה'
שערים המצוינים בהלכה וכו' והיינו
דאמר ר' חייא בר אמי משמיה דעולא
מיום שחרב ביהמ"ק אין לו להקב"ה
בעולמו אלא ארבע אמות של הלכה
בלבד.

This is like what we find in the Talmud: "G!d loves the gates distinguished [*metzuyanim*] in/through *halakha* [more than the synagogues and study halls]. And this what Rabbi Hiya bar Ami said in the name of Ulla: "Since the day the Temple was destroyed, the Holy One, Blessed be G!d, has only one place in G!d's world, only the four cubits of *halakha* alone."

The *kedusha* of Eretz Yisrael is in *every place*, wherever we are engaged in the world of *halakha*. G!d dwells in the fixtures, in *halakha*'s fixed practices and sacred containers, and this is what G!d is seeking from us. G!d is seeking ways to get into our halakhic routines so that the transcendent holiness of Eretz Yisrael can be unleashed, not in the articulated borders of any nation-state or geographic territory, but in every space where *we are*.

And *this*, he argues, is what Rav Hisda's original teaching was intended to convey when he taught that G!d loves the distinguished gates of *halakha* and G!d has the four cubits of *halakha* alone. For the Mei HaShiloach, *kedushat eretz yisrael*, the holiness of the Land of Israel, is translated not as a land-based enterprise, but as a form of holiness that is brought to life in geographically unbounded and unbordered ways that come into being when we are *mekomo*, in our *specific spaces*. Here again, as with our texts from the gemara, G!d's sanctifying presence is not omnipresent, but is highly specific: it is located wherever we are, and brought into the world into our specific places and spaces, through our specific behaviors. The specificity of Eretz Yisrael is preserved, but is relocated to practice rather than geography, and the borders that G!d loves are the distinguished gates of *halakha*, not the territorial borders of nation-states.

This is a radical departure from what *kedushat eretz yisrael* means in a most literal or conventional understanding, just as Rav Hisda's interpretation of Psalm 87:2 is a radical departure from the Jerusalem-centered verse. Both the Mei HaShiloach and Rav Hisda—along with the other quoted sages—transform the spiritual supremacy of space into a form of holiness and access to the divine that follows us wherever we are.

These texts together offer us an invitation to consider the power of *halakha*—in practice and discourse—to help us spiritually elevate space-time beyond nation-states. Each time we make a blessing, each time we learn *halakha*, each time we participate in the centuries-old portable practices of the halakhic enterprise, we are participating in the reaffirmation that *kedusha* is present not in the borders of political territories, but in the borders that we create through the contours of our spiritual practice.

Footnotes:

[1] For one such example, see Rav Abraham Issac Kook's *Orat HaTorah*.

[2] Melanie Kaye/Kantrowitz, *The Colors of Jews: Racial Politics and Radical Diasporism* (Indiana University Press, 2007), xi-xii.

[3] Kaye/Kantrowitz, *The Colors of Jews*, xii.

[4] See Christine Hayes, “Law in Classical Rabbinic Judaism,” in *The Cambridge Companion to Judaism and Law* (Cambridge University Press, 2017), 76. For more on the decentralized ethos of rabbinic Judaism specifically, see Catherine Hezser, “Mobility, Flexibility, and the Diasporization of Palestinian Judaism after 70 C.E.,” “Let the Wise Listen and Add to Their Learning” (Prov 1:5), 2016, 197–216.

[5] With gratitude to community members at Tzedek Chicago, with whom I had the opportunity to teach/learn these texts through this particular lens, and whose insights shaped my understanding of this Torah tremendously.

[6] See v. 8: אֲזַכִּיר רַהַב וּבָבֶל לַיְדָעִי הִנֵּה פְלִשֶׁת וְצָר עִם־כּוּשׁ זֶה יֵלֵד־שָׂם: / “I will make mention of Rahav and Bavel to those who know me: behold Peleshet, and Žor, with Kush, saying, Such a man was born there” (trans. Koren).

ART BY LYA FINSTON