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A Critic at Large

- Reading Dante's Purgatory While the World Hangs in the Balance

Seven centuries after the poet's death, we may finally be ready for his epic of punishment and penance.

By [Judith Thurman](#)

Fifty years ago, I was a guest at the baptism of a friend's son in the ancient church of a Tuscan hamlet. It was Easter, and lambing season. A Sardinian shepherd who tended the flocks of a local landowner came to pay his respects to the new parents. He was a wild-looking man with matted hair whose harsh dialect was hard to understand. Among our party was a beauty of fifteen, an artist's daughter, and the shepherd took such a fancy to her that he asked for her hand. The girl's father politely declined, and the shepherd, to show that he had no hard feelings, offered us a lamb for our Paschal dinner. My friends were penniless bohemians, so the gift was welcome. It came, however, with a condition: we had to watch the lamb being slaughtered.

The blood sacrifice took place after the baptism. That morning, the baby's godfather, an expatriate writer, had caused a stir in the church, since none of the villagers, most of them farmers, had ever seen a Black man in person. Some tried to touch his hands, to see if the color would rub off; there was a sense of awe among them, as if one of the Magi had come to visit. Toward the end of the ceremony, the moment came for the sponsors to "renounce Satan and . . . all his seductions of sin and evil." The godfather had been raised in a pious community, and he entered into the spirit of this one. His own experience of malevolence had taught him, as he wrote, that life "is not moral." Yet he stood gravely at the font and vowed, "*Rinuncio.*"

I thought of those scenes last spring when I began reading three new translations of Purgatory, being published to coincide with the seven-hundredth anniversary of Dante's death, at fifty-six, in September of 1321. The speech of the hamlet had primed my ear for the poet's tongue. "*Di che potenza vieni?*" an old farmer had asked the godfather: "From what power dost thou come?" Purgatory, like the other two canticles of what Dante called his "sacred" epic, Inferno and Paradise, takes place during Easter week in 1300. In Canto I, the pilgrim and his cicerone, Virgil, emerge from Hell and arrive at the mountain "of that second kingdom where the human spirit purges itself to become worthy of Heaven." Dante's body, still clad in

its flesh, inspires marvel among the shades because it casts a shadow. They mob him with questions: From where has he come?

Dante was a good companion for the pandemic, a dark wood from which the escape route remains uncertain. The plagues he describes are still with us: of sectarian violence, and of the greed for power that corrupts a regime. His medieval theology isn't much consolation to a modern nonbeliever, yet his art and its truths feel more necessary than ever: that greater love for others is an antidote to the world's barbarities, that evil may be understood as a sin against love, and that a soul can't hope to dispel its anguish without first plumbing it.

An underworld where spirits migrate after death has always been part of humankind's imagination. Nearly every culture, including the most ancient, has a name for it: Diyu, Naraka, Sheol, Tartarus, Hades. But there is no Purgatory in the Bible, or in Protestantism, or in Eastern Orthodoxy. In current Catholic dogma, it is a state of being rather than an actual realm between Hell and Heaven: an inner fire in the conscience of sinners that refines their impurities.

The concept of Purgatory was relatively new when Dante was born; it came into currency in the twelfth century, perhaps among French theologians. This invention of a liminal space where sinners who had repented but still had work to do on their souls was a great consolation to the faithful. It was also a boon for the Church. By the late Middle Ages, you could shorten your detention by years, centuries, or even millennia by paying a hefty sum to a "pardon," like Chaucer's pilgrim. A popular ditty captured the cynicism this practice inspired: "As soon as a coin in the coffer rings / The soul from Purgatory springs."

Before Dante, though, the notion of Purgatory was an empty lot waiting for a visionary developer. His blueprint is an invention of exquisite specificity. A ziggurat-like mountain ringed with seven terraces, one for each of the cardinal sins, rises from the sea in the Southern Hemisphere, opposite the globe from Jerusalem, with the Earthly Paradise at its summit. According to Dante, this mountain was formed by the impact of Satan's fall to Earth. His descent brought grief to the children of Eve—those "seductions of sin and

evil” that every godparent must renounce. But it also created a stairway to Heaven.

Dante’s conception of Purgatory is remarkably like a wilderness boot camp. Its terrain is forbidding—more like an alp than like a Tuscan hillside. Each of the rugged terraces is a setting for group therapy, where supernatural counsellors dispense tough love. Their charges are sinners, yet not incorrigibles: they all embraced Jesus as their savior. But, before dying, they harmed others and themselves, so their spirits need reeducation. They will graduate to the Earthly Paradise, and eventually to Heaven, after however much time it takes them to transcend their mortal failings by owning them.

For many students of Dante, Purgatory is the Divine Comedy’s central canticle poetically, philosophically, and psychologically. It is, as one of its best translators, the poet W. S. Merwin, noted, the only one that “happens *on* the earth, as our lives do. . . . Here the times of day recur with all the sensations and associations that the hours bring with them, the hours of the world we are living as we read.” And here, too, he reflects, there is “hope, as it is experienced nowhere else in the poem, for there is none in Hell, and Paradise is fulfillment itself.”

The Dante we meet in the first lines of Inferno is a middle-aged man who wakes after a night of terrors to find himself in the wilderness. How did he get there? The Republic of Florence was his crucible. He was born in 1265, under the sign of Gemini. According to a recent biographer, the Italian scholar Marco Santagata, he believed that his natal horoscope had destined him for glory as both a poet and a messiah who would save the world. There was little in his background to justify such grandiosity. Santagata calls Dante’s father, Alighiero, “a small-time moneylender.” His mother, Bella, came from a wealthier family. Both parents were respectable citizens, though not members of the élite. Their son’s pretensions to nobility weren’t warranted by his birth.

Dante was the youngest of his parents’ children, and he was possibly just a toddler when his mother died. His father died when Dante was about ten. The boy suffered from poor health and bad eyesight. The fits and visions that his works allude to may have been caused by epilepsy. Yet his intellect seems always to have been exceptional. However Dante was educated

(likely in a plebeian public school, according to Santagata), he mastered Latin and became “a great epistolographer”—a composer of artful letters, official and private. When he waded into his city’s roiling politics, that talent anchored his career.

Florence was a hub of banking and the wool trade. By the late twelve-hundreds, two rival parties, the Guelfs and the Ghibellines, had been fighting for nearly a century to dominate its government. The Guelfs were allied with the Pope, the Ghibellines with the Holy Roman Emperor. In 1289, the Ghibellines were defeated in a decisive battle at Campaldino. But the victors then splintered into two factions—the White Guelfs, with whom Dante sided, and the Black Guelfs, his sworn enemies.

Dante fought in the cavalry at Campaldino, and war must have given him a foretaste of Hell. But then he went back to civilian life, becoming a nova in Florence’s literary firmament. He made princely friends who admired his poetry. Among them was another of Italy’s greatest poets, Guido Cavalcanti, although Dante wouldn’t spare his father from damnation for heresy.

By 1295, Dante had finished “Vita Nuova,” a stylized autobiography. Its author is a self-absorbed youth with the leisure to moon after an aloof woman. He knows he’s a genius and can’t help showing off. Passages of prose alternate with sonnets and canzoni on the theme of love, but the author doesn’t trust us to understand them. His didactic self-commentary has been hailed as the birth of metatextuality, though it also seems to mark the advent of mansplaining. The “Vita,” Dante tells us, in the penultimate chapter, is addressed to a female readership (one presumably unversed in poetics). “It is to the ladies that I speak,” he writes.

Several ladies elicit Dante’s gallantry in the “Vita,” but only one, Beatrice, inspires his adoration. Her probable model was Beatrice di Folco Portinari. Her father and husband were rich Florentine bankers; she died in her early twenties. Details of her life are scarce, and Dante doesn’t supply many. Their families may have been neighbors. Her father’s testament left her fifty florins. Dante claims that he was first smitten with Beatrice as a nine-year-old; she was a few months younger and dressed fetchingly in crimson. At that moment, he “began to tremble so violently that even the least pulses of my body were strangely affected.” He next catches sight of her at eighteen,

now “dressed in pure white,” and when she greets him he feels he is experiencing “the very summit of bliss.” That night, he dreams of her asleep, “naked except for a crimson cloth,” in the arms of a “lordly man.” The man wakes her, holding a blazing heart—Dante’s—and compels her to eat it, which she does “unsurely.”

There are, regrettably, no more naked bodies or scenes of erotic cannibalism in the “Vita”—it’s all courtly love from here on. Dante chronicles his brief encounters with Beatrice on the street or in church (today, one might say that he stalked her), fainting with joy if she acknowledges him and plunging into depression after a snub. He mourns her untimely death abjectly. But not long afterward his head is turned by another lady, “gracious, beautiful, young, and wise.” Why not console himself, he reasons, “after so much tribulation”?



Cartoon by Kate Curtis

This “other woman” of the “Vita” was not the girl to whom Dante had been betrothed when he was not quite twelve, and whom he had married as a young man. His lawful wife was Gemma Donati. Her family was nobler and richer than the Alighieris, and they led the Black Guelfs. He mentions several of his wife’s relatives in the Comedy. (One, the virtuous Piccarda, whose odious brother tore her from a convent and forced her to marry, greets him in Paradise; another, Forese, a friend of his youth, is a glutton in

Purgatory.) But he never acknowledged Gemma's existence in any of his works. One would like to think that Dante ghosted her out of discretion—she was beholden to his persecutors. Perhaps, though, the rueful shade of Ulysses hits upon the real reason in Inferno:

Neither tenderness for my son,
Nor duty to my old father,
Nor the debt of love I owed Penelope,
To make her happy, could compete
With my ardor to know the world,
And all things human, base and noble.

If Gemma was Dante's Penelope, Beatrice was his Athena—the divine protectress of his odyssey. And the final chapter of the "Vita" announces a future joint enterprise. The guilty swain vows to atone for his betrayal by writing of Beatrice "what has never been said of another woman."

In 1301, the White Guelfs sent Dante to Rome on a mission to secure the Pope's support for their cause. But while he was away from Florence the Black Guelfs seized power. They banished Dante in absentia and confiscated his property; he would burn at the stake should he ever return. He never did, even in 1315, when the city offered to commute his sentence if he repented publicly. Exile was preferable to abasement for a man of his temperament, which was reported to be vain and contentious. After leaving Purgatory's terrace of pride, he worries that he'll be remanded there after death.

Dante spent the last nineteen years of his working life as an itinerant diplomat and secretary for the lords of northern Italy. The poem that he called, simply, the "Comedy" (a Venetian edition of 1555 added the adjective "Divine," and it stuck) is the work of an embittered asylum seeker. Its profoundest lesson may be that love's wellspring is forgiveness. Yet Dante never forgave Florence. Even in Paradise, he can't resist a swipe at his fellow-citizens. They are "little brats who swat away their nurse's breast though they're dying of hunger."

The Comedy is both an epic road trip indebted to Homer and a medieval pilgrimage, though it is also a landmark in Western literature: one of its first masterpieces in a Romance vernacular. Dante's art heralds the beginning of

the Renaissance for the same reason that Giotto's does. The two great Florentines were contemporaries, and they may have been friends, despite a disparity of class. According to legend, the painter spent his boyhood as a shepherd. (He would have known how to butcher a lamb.) They both inherited an allegorical tradition, and their themes are faithful to its doctrine, yet their protagonists are radically human. A fresco on the walls of Florence's Podestà Chapel, attributed to Giotto, represents the saved in Paradise. Among them is a young man presumed to be Dante, holding a book. He is dressed sumptuously in red, with an aquiline profile and a steely gaze. Dante celebrates Giotto's fame, somewhat sarcastically, in the eleventh canto of Purgatory. A lust for fame was one of his own failings.

As the narrator of the Comedy and its central persona, Dante wrestles with his fellow-feeling for sinners condemned to torments that he has invented. Nowhere is the tension between his orthodoxy and his nascent humanism more acute than in Canto XV of Inferno, when a shade with features scorched by the flames clutches at the poet's hem. "Brunetto, master, you are here?" Dante cries out, palpably shocked.

Brunetto Latini, a Florentine poet and statesman, had been Dante's mentor after his parents' deaths. He has been condemned to the Seventh Circle for practicing the vice of sodomy, about which, apparently, he was unrepentant. But the tenderness both men express, and their mourning for what they have lost in each other—a father and a son—is in its way a heretical rebuke to the implacable order that forbids their reunion in Heaven. "If all that I ask were fulfilled," Dante says, "you wouldn't be an outcast from human nature."

Virgil, who died two decades before Christ's coming, is also excluded from Heaven, yet he bears that sorrow stoically. He tells Dante that it's a presumption to question divine justice, even when it seems unfair, and to confuse "piety" with "pity" (the same word in Italian, *pietà*). Salvation, Dante will discover, requires the surrender of precisely that attribute to which he is most attached as an artist, a lover, and a man: his ego.

As Dante and Virgil make their arduous circuit of Purgatory's terraces, they ask directions from the shades, who share their stories and explain their penances. Like birds of prey being tamed by a falconer, the envious have their eyes sewn shut. The gluttons are mortified by starvation amid

tormenting aromas. The lustful must pass through a wall of flames. The proud stagger beneath a sack of boulders, and the slothful atone with manic activity. But Dante is an embed, rather than a mere tourist. A sword-wielding angel scarifies his brow with seven letters—“P”s, for *peccato*, or sin. Once he understands a sin humbly and viscerally, he ascends to the next terrace, and a “P” is erased. Fear and exhaustion sometimes tempt him with dejection, but, Virgil tells him,

This mountain’s nature
Is to seem steepest from below;
The climb is less painful the higher you go.

Finally, in the Earthly Paradise situated at Purgatory’s summit, Dante reunites with Beatrice. She has descended from her place in Heaven, near the Virgin Mary’s, not to welcome but to confront him:

. . . In your desires for me,
Which led you to love the good
Beyond which one can’t aspire,
What ruts or chains in the road
Forced you to ditch any hope
Of advancement?
And what bribes or lures
In others’ eyes enticed you
To dally so idly there?

“Answer me!” she commands, as Dante cowers mutely. He compares himself to a naughty little boy being scolded.

No one has told Beatrice that, according to St. Paul, women are forbidden to teach men. She chastises Dante with a pontifical authority that few members of her sex would have then dared to vaunt. In her perfect beauty and wisdom, she explains, she embodies God’s love, so Dante’s fickleness toward her is ingratitude to the Creator. His repentance ultimately wins her absolution and consummates their love story.

But, for all her endearing feistiness, Beatrice is uniquely implausible among Dante’s major characters. She’s an abstract mouthpiece for her creator’s

philosophy who lacks her own vital substance. (The Virgin Mary, by comparison, is a relatable woman who has labored and suffered.) In that respect, the poet's otherwise incomparable powers of imagination slight Beatrice and us.

Even as a figment, however, Dante's Beatrice has an enduring prestige as the object of a man's ardent longing. Did her halo of romance tantalize the poet's daughter? Dante and Gemma had at least three children. Two of their sons were among the Comedy's first commentators. The boys' younger sister, Antonia, became a nun in Ravenna, where Dante died and is buried in a splendid tomb. She is said to have taken the name Suor Beatrice. The poignancy of that detail haunts me. Antonia was a baby when her father was exiled, so she grew up without knowing him—yearning, it would seem, to be worthy of the love that he had vowed so publicly to an ideal woman.

Since Dante's death, more than a hundred writers in English have produced a version of the Comedy in part or whole or have channelled it into their own work. It's a roll call of the big guns: Chaucer, Milton, Shelley, Keats, Byron, Tennyson, Longfellow, Swinburne, and the Brownings, to name a few. Dante inspired Pound and Eliot to write some of the twentieth century's finest poetry. He was also a Virgil to Beckett, Joyce, Yeats, Auden, Robert Lowell, and the Nobelists Derek Walcott and Seamus Heaney. Robin Kirkpatrick, a Cambridge don, did a masterly translation for Penguin Classics. But two of my favorites are Dorothy L. Sayers, the crime novelist, and C. H. Sisson, a civil servant, like Dante, whose modernist tercets capture the Comedy's austere intensity. ("I think Sisson / Got it, don't you?" his friend Donald Davie wrote. "Plain Dante, plain as a board / And if flat, flat. The abhorrent, the abhorred / Ask to be uttered plainly.")

That saga of translation resembles the slopes not so much of Mount Purgatory as of Mt. Everest, littered with the debris of the climbers who have attempted to summit, some coming closer than others. But reaching Dante's Heaven by following faithfully in his footsteps isn't possible in English, which lacks the luxuriance of rhyme native to Italian. The epic's terza rima is a propulsive schema of three-line stanzas in a chain-linked pattern (aba, bcb, cdc) that Dante invented. It acts as a vessel—in the sense not only of a container but of a conveyance for the narrator's passage toward

sublimity. (James Merrill compared the schema's momentum to the motion of oars.) His words and music are inextricable.

Many readers don't get farther with Dante than Inferno, for obvious reasons: depravity is a more compelling subject than virtue, as you discover when you reach Paradise. Inferno's denizens are our familiars—we meet their avatars every day. It's a place, as Merwin put it, where "the self and its despair [are] forever inseparable," a predicament we think of as modern, perhaps because it suggests the claustrophobia of narcissism.

Translators have also preferred Inferno: its tableaux of carnage are so thrillingly obscene. In a famous passage, Dante meets Muhammad in the "bedlam" of the Eighth Circle, where the sowers of discord get their comeuppance. (Muhammad's "sin" was to have lured his followers away from the true church. Dante was a fierce critic of the papacy but a militant defender of Catholic theology.)

I never saw a barrel burst apart,
Having sprung a hoop or slipped a stave,
Like that man split down to where we fart,

His guts between his legs, his body splayed,
Its organs hanging out, among them that foul sac
Which turns to shit all that we eat.
As I beheld this gore he looked at me
And even wider tore his breast apart
"See how I spread myself," said he.

Evil is never banal in Dante's depiction. Nor are the traitors, counterfeiters, rabble-rousers, thieves, hypocrites, corrupt pols, charlatans, flatterers, pimps, blasphemers, usurers, sodomites, suicides, plunderers, murderers, heretics, spendthrifts, melancholics, gluttons, sex addicts, or, at the threshold of Hell, those apathetic souls whose sin was ingratitude for the life force they were born with. Each one is indelibly individual. Yet, if Dante can show a bodhisattva's compassion for the sufferings he has devised, he is also susceptible to that most human of guilty pleasures: Schadenfreude. At every opportunity on his journey to beatitude, he settles a score.

For Dante's septicentennial, however, the latest crew of translators has chosen to assault Mount Purgatory. They include the American poet and professor Mary Jo Bang; the Scottish poet and psychoanalyst D. M. Black; and the sixteen contributors to a new anthology, "After Dante: Poets in Purgatory," edited by Nick Havely, a prolific Dante scholar, with Bernard O'Donoghue, an eminent authority on medieval literature. Perhaps it's Purgatory's moment because, in an era of cataclysmic strife, weather, and unreason, hope is as precious as it is scarce. But, before one asks how they measure up, one has to wonder why they would try to.

In my own pilgrimage through Dante, it was revealing to see how many of the passages I underlined evoked the angst of a first draft—

I am conquered here by my defeat
In satisfying what my theme demands
More so than all before me in whatever genre.

—or the ephemeral elation of achieving what Dante calls "*significando*":

I am one who pays close heed
When love inspires me, then as bidden
I proceed inwardly making meaning.

It was a solace to me that the greatest of poets was often stymied, overwhelmed, or speechless. Even with the muses' help, he writes, in Paradise, "I'd still not reach one-thousandth of the truth." It isn't surprising, then, that the Comedy has been translated for seven hundred years. It's a writer's bible.

It's also an old mansion that invites renovation. Mary Jo Bang was discouraged, she tells us in an introduction, by the "elevated register" of previous versions, because it was "a continually distracting reminder of the fact that the poem was written in a long-ago era." Her Purgatory is a retranslation—she doesn't speak Italian. In places, though, her terse syntax generates lines that glide with the grace of a scull:



"I'm going to leave you alone with this avocado, and you can either eat it right away and have an underripe avocado or wait a little while and have a completely rotten avocado."
Cartoon by Meredith Southard

The curtain over the real is so thin
The light makes certain you can see within.

But I'm leaving out the first sentence of that tercet:

Here, Reader, keep your eye on the prize.

Bang's remedy for elevation is philistinism. She almost jealously disrupts our immersion in Dante, and the poem's unity, by bombing the text with jokey anachronisms. These "contemporizing moments," as she calls them, include allusions to baseball, Candy Land, Wall Street, hustlers, Houdini, animation, "West Side Story," and the Little Red Hen. Where Dante's poetry doesn't suffice, Bang throws in some of Shakespeare's. She also samples, among others, Amy Winehouse, Allen Ginsberg, and Elton John.

Although Bang's license is extreme, every translator of Dante makes some compromise with the original. (Any passages from the Comedy otherwise uncredited here are mine.) You haggle with the Italian in every line. How much of the poetry will you concede for semantic fidelity? How much fidelity for the music or the form? How far can you go in modernizing the tropes? As the editors of "After Dante" suggest in their introduction, answering such questions may require the collective bargaining of a

“community.” In fact, the Comedy itself is one. As Dante and Virgil make their way toward Paradise, they speak with or evoke the spirit of poets whose craft they revere—their “singing-masters,” in Yeats’s phrase.

The Comedy’s community of translators isn’t unlike a monastery, where the spiritual ambitions of the ordained vie (even as Dante’s did) with their profession of humility. The title “After Dante” alerts us to those conflicts, and the polyphony of its voices may be more instructive than their harmonies.

There are too many fine translations here to cite. But in braving Canto XVIII, in which Virgil enlightens Dante on the nature of love, Jonathan Galassi smoothly turns a lock that others have forced. Lorna Goodison, a former poet laureate of Jamaica, summons the landscape and speech of her island to powerful effect. At the end of Canto XII, where a chastened Dante leaves the terrace of pride, she imagines the loads of rocks that bow the backs of its penitents as the burdens of her own people,

who do not notice that they
still bear the weight of slavery days on their heads

A. E. Stallings fineses Canto III in terza rima. Her diction captures a quality of Dante’s sentences that Erich Auerbach marvelled at in 1929, when he called them as “simple as the lines of a primer . . . which pierce the heart”:

And just as, from the fold, come sheep—
first one, then two, then three; the flock
stand meek, and faces earthward keep,

and if one walks, the rest will walk;
and when he stops, huddle in place,
meek, mild, not knowing why they balk

That passage reminded me of the Sardinian shepherd, coaxing a ewe and her suckling from the flock. He chose a lamb with a fleece of pure white and was careful not to bloody it. (He could sell the fleece later, he explained, to line a cradle.) The mother followed mutely and trustingly until he slit the lamb’s throat. Then, with heart-piercing bleats, she charged us.

D. M. Black's *Purgatory* is the most satisfying complete translation since Merwin's. Black is a South African-born Scot who has studied Eastern religions, taught philosophy and literature, and published seven collections of his own poetry. He has practiced psychoanalysis in London, and he was drawn to the *Comedy*, he writes in an illuminating introduction, partly because he reads it as "a sort of gigantic encyclopedia of human motives" which examines the nature of psychic conflict. Black admits that Dante wouldn't have read his poem that way, since his "ultimate concern is with Christian 'salvation,'" and not "with understanding what impedes someone from living a fulfilling life." Yet that, I suspect, is exactly why Dante still speaks to us. The afflictions that Freud baptized "the psychopathology of everyday life," and that Dante calls "the senseless cares of mortals," are sins against love; like Satan, they dupe an individual into rejecting, perverting, violating, or despairing of it.

The *Comedy* is a morality tale designed, in part, to scare its readers straight, not to free them from their hangups. But in *Purgatory* Dante describes a process—slow and arduous, like analysis—of unriddling the mysteries of self-sabotage. As Beatrice puts it to him:

From dread and shame I want you
To evolve, so you no longer speak
As in a dream.

In his commentary on the poem, Black likens the terraces where the penitents "go round and round" to the "circling thoughts of those who can't let go of the past." That describes most of history. There seems to be no escape from our worst natures; it would take a miracle no deity has ever wrought.

"People who shut their eyes to reality simply invite their own destruction," James Baldwin wrote, "and anyone who insists on remaining in a state of innocence long after that innocence is dead turns himself into a monster." But Dante (here in Black's thoughtful rendering) invites us to believe that we can banish our demons, alone and together, if we resist unconsciousness:

As a man dismayed who turns to face the facts
changes his fear to trust in his own strength

when to his eyes the truth has been uncovered
So I changed; and when my leader saw me freed
from those anxieties, up by the rampart
he moved, and I behind him, toward the height. ♦

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A Reporter at Large

- How a Syrian War Criminal and Double Agent Disappeared in Europe

In the bloody civil war, Khaled al-Halabi switched sides. But what country does he really serve?

By [Ben Taub](#)

Content

On a September day in 1961, a thin man with a small mustache walked into a post office in Damascus to pick up a parcel addressed to Georg Fischer. Few people knew that Fischer, an ill-tempered Austrian weapons merchant, was actually the S.S. Hauptsturmführer Alois Brunner, “the erstwhile assistant of Adolf Eichmann in the annihilation of Jews,” as a classified U.S. cable put it. But among those who were aware of his identity was a Mossad operative who had infiltrated the Syrian élite. When Brunner opened the package, it exploded, killing two postal workers and blinding him in the left eye.

The Israeli spy was later caught, tortured, and executed; Brunner lived openly in Damascus for the next several decades, in the third-floor apartment of 7 Rue Haddad. “Among Third Reich criminals still alive, Alois Brunner is undoubtedly the worst,” the Nazi hunter Simon Wiesenthal wrote, in 1988. France sentenced Brunner to death in absentia. Israel tried to kill him a second time, but the bomb took only some fingers. Brunner told a German magazine that his chief regret was not having killed more Jews.

Hafez al-Assad, Syria’s dictator, ignored multiple requests for Brunner’s extradition. Brunner was useful—as an assertion of Syrian state sovereignty, a mockery of global norms and values, and an affront to Israel, Syria’s neighbor and enemy. He was, as someone in Assad’s inner circle later put it, “a card that the regime kept in its hand.”

But, in the late nineties, as Assad’s health was failing, he became devoted to the task of preparing his ruthless world for his son. After inheriting the Presidency, Bashar al-Assad would portray himself as a reformer; it might be a liability to have an avowed *génocidaire* in the diplomatic quarter, flanked by Syrian guards. For the next fifteen years, Nazi hunters assumed that Brunner was hidden away on Rue Haddad, perhaps even past his hundredth birthday. But no one saw him, so no one knew for sure.

Brunner and other Nazis had helped structure Syria's intelligence services, and trained its officers in the arts of interrogation. In Syrian detention centers, their techniques are used to this day. Among the practitioners was Khaled al-Halabi, a Syrian Army officer who was assigned to the intelligence services in 2001. By his own account, he was a reluctant spy—he wanted to remain a soldier. Nevertheless, he served for the next twelve years, ascending through the ranks.

When Syria erupted in revolution, in 2011, Assad and his deputies blamed the protests on outside forces. They jailed activists who spoke to foreign news outlets, and targeted for arrest people whose phones contained songs that were “rather offensive to Mr. President.” Even internal government communications asserted that the instability in Syria was the result of “Zionist-American plots.” But Halabi understood that the crisis was real. He raised his concerns with his boss. “Ninety-five per cent of the population is against the regime,” Halabi later recalled saying. “I asked him if we should kill everyone. He couldn’t answer me.”

In the next decade, Halabi would become the unwitting successor to Brunner’s circumstances. Diplomats and spies from other governments weighed Halabi’s and Brunner’s past service and perceived utility against potential future risks—and sometimes miscalculated. The two men even traded countries. In some ways, they were nothing alike: the Austrian was a monster; the Syrian, by most accounts, is not. But each man carried out the functions of a murderous regime. And, in the end, their actions as intelligence officers came to be their only protection—and the reason they needed it.

By the end of February, 2013, Khaled al-Halabi was running out of time. For the previous five years, he had served as the chief of the General Intelligence Directorate branch in Raqqa, a vast desert province in the northeastern part of Syria, far from his wife and children. To the locals, he was an outsider with the authority to detain, torture, and kill them. But Halabi, who was a fifty-year-old brigadier general, felt insecure within Syria’s intelligence apparatus. An employee at his branch of the directorate described him as a “well-educated and decent man” who was not a strong or decisive leader. Another noted that Halabi, who belonged to a religious minority known as

the Druze, was afraid of two of his subordinates who, like Assad, were Alawites. He overlooked their rampant corruption and abuses.

It was partly through this sectarian lens that Halabi seemed to make sense of his professional disappointments. He thought of himself as a “brilliant officer,” he later said, and was the only Druze in Syrian intelligence to become a regional director. But, he added, “to be frank, Raqqa is the least important region in the country. That’s why they stationed me there. It was like putting me in a closet.”

Halabi regarded the local population with sympathetic disdain. They were tribal and conservative; he was a secular man with a law degree, who drank alcohol and read Marxist literature. To the extent that he had political beliefs, they were aligned with those of some of the leftist intellectuals whom he was occasionally ordered to arrest. His wife and children refused to visit Raqqa; they stayed hundreds of miles away, in Damascus and in Suweida, the predominantly Druze city Halabi was from. In time, Halabi began an affair with a woman who worked in the environmental ministry. A nurse recalled him asking for Viagra.

His rivals exploited such transgressions. Syria’s security-intelligence apparatus comprises four parallel agencies with overlapping responsibilities, and Halabi’s counterpart in Military Intelligence, an Alawite named Jameh Jameh, had taken a particular dislike to him. “He spread rumors that I was drunk all the time, that I don’t work, that I don’t leave the office because there are young boys coming to see me,” Halabi complained. One day, after Halabi left Raqqa to visit his family in Suweida, his car was ambushed at a checkpoint. He narrowly escaped assassination, he later said, and was convinced that Jameh had ordered the hit. If Halabi’s assessment was paranoid, it wasn’t baseless; Military Intelligence was wiretapping his phone.

The people of Raqqa were overwhelmingly Sunni and rural, and had benefitted little from the government in Damascus. When the protests began, the regional governor advised his security committee that “only threats and intimidation worked.” Halabi initially tried to act as a voice of moderation. According to a defector, he told his officers not to arrest minors, and, when possible, to patrol without arms. But, in March, 2012, after security forces

killed a local teen-ager, armed conflict broke out in the province. One day, Halabi gathered his section heads and told them to open fire on any gathering of more than four people. It wasn't his decision, he said; he had received the order from his boss in Damascus, Ali Mamlouk.

As Halabi saw it, Assad's inner circle treated Raqqa as a limb to be sacrificed in order to protect "the heart of the country." They deployed only a thousand troops to the province, which is about the size of New Jersey. By the end of 2012, the Free Syrian Army—a constellation of rebel factions with disparate ideologies—had captured key portions of the route from Raqqa to Damascus. It joined forces with Islamist and jihadi groups in the surrounding countryside. In Halabi's assessment, the battle was over before it began. "Anyone who thought otherwise is an imbecile," he said.

There are five main entrances to Raqqa, and by February, 2013, the city was under threat from all of them. Four were guarded by members of the other intelligence branches. The fifth, which led to Raqqa's eastern suburbs, was the responsibility of Halabi's men in General Intelligence. Hundreds of police, military officers, and intelligence officers had already defected to the rebels or fled—including almost half Halabi's subordinates. Many of them urged Halabi to join the revolution, but he stayed in his post.



"We're expecting you to return as a rich and successful artist."
Cartoon by Frank Cotham

On March 2nd, rebels stormed into Raqqa city through Halabi's checkpoints, where they encountered no meaningful resistance. By lunchtime, the revolutionaries had conquered their first regional capital. Locals toppled a gold-painted statue of Hafez al-Assad in Raqqa's main roundabout, and fighters ransacked government buildings and smashed portraits of Bashar. The corpse of Jameh's lead interrogator was thrown off a building, then dragged through the streets. Meanwhile, Islamist brigades captured the governor's mansion and took hostage the regional head of the Baath Party and the governor of Raqqa. By the end of the week, regime intelligence officers who hadn't escaped to a nearby military base were prisoners, defectors, or dead. Only one senior official was unaccounted for. Khaled al-Halabi had disappeared.

More than a year passed, and Raqqa's instant collapse served as fodder for regional conspiracy. A Lebanese newspaper published rumors that Halabi might be "lying low in Mount Lebanon." An Iranian outlet claimed that Western powers had paid him more than a hundred thousand dollars to help jihadis bring down the regime.

One day in 2014, a Syrian dissident writer and poet named Najati Tayara got an unnerving phone call. Tayara, who was almost seventy years old and living in exile in France, had been in and out of Syrian detention several times in the past decade, for criticizing Assad's government. Now, Tayara learned, Halabi was in Paris, and wanted to meet with him.

"I was concerned," Tayara told me. "Before I came to France, I was in jail. And now here is an intelligence officer—he came here, he's asking for me."

Halabi had detained Tayara twice in the mid-two-thousands, when he was stationed in Homs, in central Syria. Tayara was part of a circle of dissidents and intellectuals who held salons in their homes. After each arrest, he sensed that Halabi had been reluctant to take him in for questioning. "He was a cultured man—very gentle and polite with me," Tayara recalled. "He told me, 'I am obliged to send you to Damascus for interrogation. Excuse me—I cannot refuse the order.' " Halabi gave Tayara his cell-phone number, and told him to call if anyone threatened or abused him in custody. "That was how al-Halabi handled people like me—human-rights advocates and public intellectuals," Tayara told me. "But with the Islamists? Maybe he is a

different man. I cannot be a witness for how he was with others.” When Halabi reached out in Paris, Tayara agreed to meet.

Halabi told Tayara that he hadn’t seen his wife or children in more than three years. After the fall of Raqqa, his eldest daughter, who had been studying in Damascus, was forced out of school and briefly detained. In Suweida, her mother and siblings were under constant surveillance by the regime. Halabi had never publicly defected to the opposition. But, Tayara recalled, “he told me that he left Syria because he made contact with the Free Syrian Army—that he gave them the keys to Raqqa.”

According to members of the invading force, negotiations had begun weeks in advance. “To insure that he wasn’t manipulating us, we asked him to do things in the city that made it easier for protesters and revolutionaries,” a rebel-affiliated activist recalled, in a recent phone call from Raqqa. “I was wanted by his security branch, but he shelved the arrest warrant, so that I could move freely.”

A few days before the attack, a commander from a powerful Islamist brigade reached out to Halabi. He promised to arrange Halabi’s escape, and to spare the lives of his subordinates, if the rebels could enter Raqqa from the city’s eastern suburbs. On the eve of the attack, armed rebels smuggled Halabi to Tabqa, a town by the Euphrates Dam. They handed him off to another brigade, which took him to a safe house near the Turkish border, owned by a local tribal leader, Abdul Hamid al-Nasser. “Some of the Free Syrian Army members wanted to arrest him, but, since my father was a revered local figure, no one could do anything,” Nasser’s son Mohammed recalled. The next morning, Nasser drove Halabi to the Turkish border. He crossed on foot, while officers from the other intelligence branches were slaughtered at their posts.

The Turkish border areas were filled with refugees, jihadi recruits, and spies. Halabi remained in touch with the Islamist commander, but he was never at ease in Turkey. Through intermediaries, he contacted Walid Joumblatt, a Lebanese politician and former warlord who is the de-facto leader of the Druze community. In the nineteenth century, Joumblatt’s great-great-great-grandfather Bashir led an exodus of persecuted Druze, including Halabi’s ancestors, out of Aleppo Province. (The Arabic name for Aleppo is Halab.)

Now Halabi asked if he could seek refuge in Lebanon. But Joumblatt relayed that Halabi would never get there—that Hezbollah, which had sent fighters into Syria to support the regime, had a controlling presence at the Beirut airport. Instead, Halabi later recalled, “he advised me to go to Jordan.”

The journey was impossible by land. So, in May, 2013, Joumblatt sent an emissary to Istanbul, who escorted Halabi onto a plane. Halabi had no passport—only a Syrian military I.D. But, in Amman, Jordan’s capital, Joumblatt’s contacts escorted Halabi through immigration. “It was Walid Joumblatt who coördinated everything with the Turks and the Jordanians,” Halabi later said. “I do not know how he did it.”

Joumblatt’s men arranged for Halabi to meet with other Druze officers, Syrian defectors, and Jordanian intelligence, to support the revolution. (Joumblatt’s father was assassinated in 1977, and he has always believed that Hafez al-Assad ordered the hit.) But most of the Druze came to suspect that Halabi was still working for the regime. “We discovered that he had played a very nasty role in Raqqa,” Joumblatt told me. “We think he did his best to show the regime the weaknesses of the Raqqa resistance,” and flipped only in the final moments, to save his own skin. Joumblatt and his followers severed all contact with Halabi. “And now I don’t know where he is,” Joumblatt said.

Later in 2013, having been turned away by his fellow-Druze, Halabi walked into the French Embassy in Amman. He presented himself as a reluctant intelligence chief whose political and cultural tastes aligned with those of the French. “I like alcohol and secularism,” he later said. “France. Food. Napoleon.” He added that since the beginning of the Syrian war he had been “convinced that this regime will not last—that anyone who talks about longevity is a moron.” By this point, even the top general responsible for preventing defections had himself defected. After decades of service to the regime, “I decided not to tie my fate to it,” Halabi said.

The French government had spent more than a year debriefing high-ranking Syrian military and intelligence defectors—partly in anticipation of Assad’s losing the war, partly to facilitate that outcome. A hundred years ago, France occupied Syria and Lebanon, as part of a post-Ottoman mandate. Now it set

out to make deals with anyone it considered acceptable to lead in a post-Assad era—an era that looked increasingly likely. At one point in 2012, there was gunfire so close to Assad’s residence that he and his family reportedly fled to Latakia, an Alawite stronghold on the Syrian coast. “If we did not want a collapse of the regime—perhaps as happened in Iraq, with dramatic consequences after the U.S. intervention—then we had to find a solution that blended the moderate resistance with elements of the regime who were not heavily compromised,” the French foreign minister Laurent Fabius told Sam Dagher, for his book “Assad or We Burn the Country,” from 2019. Assad, meanwhile, eliminated several possible candidates to succeed him—including, it seems, his brother-in-law Assef Shawkat, who was in touch with French officials before dying in a bombing that was widely considered an inside job.

Halabi trod a careful line. “If the regime hadn’t killed people—if I wasn’t going to get my hands dirty with blood—it is possible that I would not have left,” he told the French. “That’s why the extremist opposition hates me. And the regime considers me a traitor, because I didn’t kill with them.” As long as his family was still in Suweida, he said, “I am caught between these two fires.”

After months of dealing with Embassy officials, Halabi was introduced to a man whom he knew only as Julien. “As soon as I saw him, I understood that he was from the intelligence service, because I am in the business,” Halabi later said. Julien apparently dangled the possibility of a relationship with French intelligence, but Halabi refused to share his insights for free. “I am not a child, I am an intelligence officer,” he said. He told Julien that he would consider helping the French only if he were first brought to Paris and granted political asylum, and if his family were smuggled out of Suweida.

In February, 2014, the French Embassy in Amman issued Halabi a single-use travel document and a visa. He landed in Paris on February 27th, according to the entry stamp, and checked into a hotel. Then began an “intelligence game,” as Halabi put it. “I needed money. They wanted to pressure me, to make me needy.”

According to Halabi, Julien was aware that he had only five hundred euros and a thousand dollars. Someone was supposed to meet him at the hotel

within two days of arrival, to take care of the bill, help him apply for asylum and housing, and start debriefing him. But nobody came. After two weeks, Halabi ran out of cash. Desperate, he reached out to a Druze financier in Paris who had connections to spies in the Middle East. After a cash handoff, a French intelligence officer turned up at Halabi's door.

"They didn't like the fact that I called on some friends," Halabi recalled. The intelligence officer, who introduced herself as Mme. Hélène, cited the Druze connection as evidence that Halabi was associated with another foreign intelligence agency. She added that it would be useless for him to apply for asylum. Halabi never saw her again.

After ninety days, Halabi's visa expired, and he applied for asylum anyway. "They brought me here and abandoned me," Halabi complained to the asylum officer, of his experience with French intelligence. "If they were professional, they would try to win me over."

Halabi declined to speak with me. But his French asylum interview—which lasted for more than four hours, and was conducted by someone with deep knowledge of Syrian affairs—offers a glimpse into his character, background, priorities, and state of mind. "I've been cheated—it doesn't go with French ethics," Halabi insisted, in the interview. "They could do this to a little soldier, but not to a general like me."

"Ethics and intelligence services—they're not the same thing," the asylum officer replied.

"I am sure they will intervene," Halabi said. "I know that I deserve a ten-year residency document—ask your conscience."

"If they intervene, they intervene, but we will not contact them," the officer said. "We will make our own decision."

"Question your conscience! No one is more threatened than me in Syria."

"We will do our due diligence," the asylum officer continued. "As you can imagine, in light of your profession, we will have to think about it for a while. We can't make a decision today."

By the end of 2015, nearly a million Syrians had crossed into Europe, fleeing the conflict. Across the Continent, survivors of detention and torture began spotting their former tormentors in grocery stores and asylum centers. The exodus had forced victims and perpetrators into the same choke points —Greek coastlines, Balkan roads, Central European bus depots. Local European police agencies were inundated with reports that they had no capacity to pursue.

One day that fall, a Canadian war-crimes investigator named Bill Wiley led me to a padlocked door in a basement in Western Europe. Inside was a large room containing a dehumidifier, metal shelving, and cardboard boxes stacked floor to ceiling. The boxes held more than six hundred thousand Syrian government documents, mostly taken from security-intelligence facilities that had been overrun by rebel groups. Using these documents, Wiley's group, an N.G.O. called the Commission for International Justice and Accountability, had reconstructed much of the Syrian chain of command.



"I think you'll find this wine to be quite infuriating."
Cartoon by Christopher Weyant

Wiley and his colleagues formed the *CJIA* in response to what they perceived as major deficiencies in the international justice system. Because Assad's government had not ratified the founding document of the International Criminal Court, the court could not open an investigation into

its crimes. Only the U.N. Security Council could rectify this, and the governments of Russia and China have blocked efforts to do so. It was the ultimate symbol of international failure: there was no clear path to prosecuting the most well-documented campaign of war crimes and crimes against humanity since the Holocaust.

International criminal trials often focus on authority, duty, chain of command. The force of the enterprise is in deterrence—in making plain that there are inflexible standards for conduct in war. A lack of enthusiasm does not amount to a defense. What matters is what is done—not how an officer felt about doing it. Under a mode of liability known as “command responsibility,” a senior officer, for example, can be prosecuted for failing to prevent or punish widespread, systematic criminality among his subordinates.

This distinction was apparently lost on Halabi, who seems to have thought of “law” only as whatever he was instructed to do. “When you receive an order, as a soldier, you have to carry it out,” Halabi told the French asylum officer. He didn’t appear to connect his obedience to what followed: more than two hundred members of the Raqqa branch of the General Intelligence Directorate would receive his order, and have to implement it. “I never did anything illegal in Syria, except helping people,” he said. “If there is an international tribunal for these people”—Assad and his deputies—“I will be the first to show up.”

The *CJIA* had prepared a four-hundred-page legal brief that established the criminal culpability of Assad and about a dozen of his top security officials. The brief links the systematic torture and murder of tens of thousands of Syrian detainees to orders that were drafted by the country’s highest-level security committee, approved by Assad, and sent down parallel chains of command. The *CJIA*’s documents contain hundreds of thousands, if not millions of names—arrestees and their interrogators, Baathist informants, the heads of each security agency—and have served as the basis for economic sanctions targeting regime officials. In recent years, the *CJIA* has become a source of Syrian-regime documents for civil and criminal cases all over the world. A tip from one of its investigators in *ISIS* territory prevented a terrorist attack in Australia. Meanwhile, the group has fielded requests from European law-enforcement agencies concerning more than two

thousand Syrians. According to Stephen Rapp, a former international prosecutor who served as the United States Ambassador-at-Large for War Crimes Issues and is now the chair of the *CIJA*'s board of directors, the evidence in the *CIJA*'s possession is more comprehensive than that which was presented at the Nuremberg trials.

Assad and his deputies might never set foot in a jurisdiction where they will be charged. But, in 2015, Chris Engels, the *CIJA*'s head of operations, received a tip from an investigator in Syria that Khaled al-Halabi had slipped into Europe. At first, Engels hoped to interview him as a defector, for the Assad brief. But, as *CIJA* analysts began building a dossier on Halabi—drawing on internal regime documents, and also on testimony from his subordinates—Engels began to think of Halabi as a possible target for prosecution instead.

“How many arrests were you ordered to make?” the French asylum officer had asked Halabi.

“I don’t remember—in Suweida, none.”

“And in Raqqa?”

“Four or five.”

By the middle of 2012, according to the *CIJA*'s investigation, Halabi's branch of the directorate was arresting some fifteen people a day. Detainees were stripped to their underwear and put in filthy, overcrowded cells, where they suffered from hunger, disease, and infection. The branch converted storage units in the basement into individual cells that ultimately held ten or more people.

“Detainees would be taken into the interrogation office, and typically soaked in cold water, and then placed into a large spare tire,” one of Halabi’s former subordinates said. “Then they were rolled onto their backs and beaten with electrical wires, fan belts, sticks, or batons.” Survivors recalled receiving electric shocks, and being hung from the walls or ceiling by their wrists. Screams could be heard throughout the three-story building. After

interrogations, detainees were routinely forced to sign or place their fingerprints on documents that they had not been permitted to read.

The *CJIA* saw no evidence of the restrained treatment that Tayara had described. The care that Halabi had shown him before the revolution was far from the brutality later endured by other human-rights activists and intellectuals.

Many of the worst abuses were carried out by Halabi's head of investigations and his chief of staff, the two Alawites he was apparently afraid of. These men and others regularly used the threat of rape, or rape itself, during interrogations. Defectors said that Halabi, whose office shared a wall with the interrogation room, was "fully aware" of what was going on. "Nobody would do anything without his knowledge," a former officer at the branch recalled. "Often, he would enter and watch the torturing." As the head of the branch, Halabi signed each order to transfer a detainee, for further interrogation, to Damascus, where thousands of people have been tortured to death.

A few weeks after the fall of Raqqa, Nadim Houry, who was then the lead Syria analyst for Human Rights Watch, travelled to the city. He had been studying the structures and abuses of Syria's intelligence services since 2006. Now he made his way to Halabi's ransacked branch.

"You go in, and on the first floor it almost looked like a regular Syrian bureaucratic building—offices, files scattered about, the same outdated furniture," Houry told me. "Then you go down the stairs. You see the cells. I'd spent years documenting how they'd cram people into solitary-confinement cells. And now it sort of materialized in front of my eyes." In a room near Halabi's office, he found a *bsat al-reeh*, a large wooden torture device similar to a crucifix but with a hinge in the middle, used to bend people's backs, sometimes until they broke.

"This is what the Syrian regime is, at its core," Houry said. "It is a modern bureaucracy, with plenty of presentable people in it, but it is based on torture and death."

Halabi and Tayara met two or three times in Paris. The encounters were cordial, if fraught; Tayara never fully understood Halabi's motivation for reaching out to him. Perhaps it was loneliness, he said, or a desire for forgiveness.

The poet and the spy sipped black coffee with sugar by the Seine. They strolled through the city's gardens, discussing the challenges of living in exile as older men. Their lives as opponents felt distant. Both were broke and alone, unable to master the local language, displaced in a land of safety that felt indifferent to everything they cared about and everyone they loved. Tayara lived in a tiny studio; Halabi told his former captive that he was staying in the spare room of an Algerian who lived in the suburbs. France was deeply involved in Syrian affairs. But *in* France famous Syrians from every faction drifted about in anonymity, longing to return home, agonizing over events that, to the people around them—in buses, Métro cars, parks, and cafés—weren't so much seen as irrelevant as simply not noticed at all.

I asked Tayara whether Halabi had ever requested his help. "No, no, no," he said. "It was just to inquire about my health, my family. It was all very lovely. He didn't need anything from me."

But it appears as though Halabi was grooming a witness—that he planned for the French authorities to contact Tayara, and was taking advantage of his target's solitude and nostalgia. When the French asylum officer asked about Halabi's role in repressive measures against protesters, he brought up Tayara.

"There is a person here in France," Halabi said.

"Whom you arrested?"

"He is a friend," Halabi said. "A famous member of the opposition."

He launched into the story of Tayara's first arrest. "He knew full well that the order came from on high—that I had nothing to do with it," Halabi said. "I even bought him a pair of pajamas, with my own money, because I liked him. I prohibited my men from blindfolding and handcuffing him—well, to

blindfold him only when he was entering national-security facilities. He went, he came back, we stayed friends. . . . You can ask him.”

“I understand that you are minimizing your role a little bit,” the French officer said. “You say that you were against violence, torture, and deaths, but you continued to be chief of intelligence for a regime that was known for its repression. Why did you stay working for this regime for so long?”

Halabi didn’t wait for a decision on his asylum status; after several months without news, he opted to once again vanish. Before leaving Paris, he mentioned to Tayara that, according to a friend, Austria was a more welcoming place for refugees. It was a strange assertion; Austria’s increasingly right-wing government was taking the opposite stance. “We try to get rid of asylum seekers from the moment they touch our soil,” Stephanie Krisper, a centrist Austrian parliamentarian, who is appalled by this approach, told me.

I met Tayara in Paris, on a rainy November afternoon in 2019; he and Halabi hadn’t spoken in years. I asked for help contacting Halabi, but Tayara gently declined. “I am an old man,” he said. “I look for peace. I look for beauty, for poetry. I like watching ballet! This mystery—it is very hard. I don’t want to continue with it.” He sighed, and adjusted his scarf, which partly obscured his face. “I am afraid to continue investigations about him,” he said. “There are so many of them—so many Syrian officers here.”

NEW JUMP-ROPE RHYMES for ADULTS

Ow, my legs,
Ow, my back,
How many jumps
Until I crack?
One, two...



No pension plan
From here to grave,
How many thousands
Should I save?
Five, ten, fifteen...



Bought a house,
Now I'm set.
How many years
Will I be in debt?
Ten, twenty, thirty...



Cartoon by Roz Chast

At the *CJIA* headquarters, Engels and Wiley had concluded that there was no more important target within reach of European authorities than Khaled al-Halabi: as a brigadier general and the head of a regional intelligence branch, he was the highest-ranking Syrian war criminal known to be on the Continent.

The *CJIA* formed a tracking team to find him and other targets: investigators worked sources and defectors, analysts pored over captured documents, a cyber unit hunted for digital traces. Before long, the tracking team had Halabi's social-media accounts. On Facebook, he went by Achilles; on Skype, he was Abu Kotaiba, meaning "Father of Kotaiba"—Halabi's son. Online, Halabi claimed to live in Argentina. But Skype metadata revealed that he had told Tayara the truth about his plans; he consistently logged in from a cell phone tied to an I.P. address in Vienna.

From time to time, *CJIA* investigators receive tips about *ISIS* members in Europe, and Wiley immediately alerts the local authorities. But, when it comes to former Syrian military and intelligence officers, who pose less of an immediate threat, his organization is more judicious. "We don't go to the domestic authorities and say, 'Yeah, we hear So-and-So is in your country,'" Wiley said. "If these guys are still loyal to the regime, they might be a threat to other Syrians in the diaspora in Europe, but they're not going to be

blowing up or stabbing people in the shopping district.” Besides, a leaked notification could trigger someone like Halabi to go underground.

By January, 2016, the *CIJA*’s Halabi dossier was complete. For four months, the location of his Skype log-ins had not changed. Stephen Rapp requested a meeting with the Austrian Justice Ministry. A reply came back on official letterhead, with a date from the wrong year: “Dear Mr. Rapp! I am glad to invite you and Mr. Engels to the Austrian Federal Ministry of Justice.” It continued, “All expenses of the delegation, including interpretation and/or translation, accommodation, transportation, meals, guides and insurance during your stay in Austria will be borne by your side.”

“We hadn’t worked with the Austrians before—they’re not very active in the international war-crimes space,” Engels told me. “But normally this is a very coöperative process. And fast.”

On the morning of January 29, 2016, Rapp and Engels walked into Room 410 at the Austrian Ministry of Justice. Five officials awaited them—a judge, a senior administrator, the deputy head of the International Crimes Division, and two men who did not give their names. After Engels and Rapp laid out the *CIJA*’s evidence, one of the officials searched a government database and affirmed that a Khaled al-Halabi was registered to an address in Vienna.

The meeting drew to a close. Engels and Rapp handed over the Halabi dossier. Once they left the room, the two unnamed men—who worked for the B.V.T., Austria’s civilian security-intelligence agency—were asked to look into whether the man described by the *CIJA* was the man at the Vienna address. They agreed to do so, giving no indication that they had ever heard of Halabi before that morning. In fact, two weeks earlier, one of them, an intelligence officer named Oliver Lang, had taken Halabi shopping for storage drawers at *Ikea*, and had written the delivery address using his operational cover name.

Lang kept the receipt, and later filed it for expenses. It also had Halabi’s signature, which he hadn’t modified since his days of signing arrest warrants in Raqqa. The money for the drawers had come in the form of a cash drop from Halabi’s secret longtime handlers: the Israeli intelligence services.

After the Second World War, the Austrian government maintained that its people were the Nazis' first victims, instead of their enthusiastic backers. Schoolchildren were not taught about the Holocaust, and, for almost half a century, Jews who returned to Vienna were unable to recover expropriated property. In 1975, Austria halted all prosecutions of former Nazis. Ten years later, the *Times* reported that the country had "abandoned any serious attempt to arrest Mr. Brunner," the Nazi then living in Damascus, who had deported more than a hundred and twenty-five thousand people to concentration and extermination camps. From his apartment on Rue Haddad, Brunner sent money to his wife and daughter in Vienna, where he had led the office that rid the city of its Jewish population. The Austrian chancellor, in a dismissive conversation with Nazi hunters, seemed to accept the Syrian government's official position—that it had no idea where Brunner was.

In 1986, it emerged that Austria's best-known diplomat, Kurt Waldheim—who had served for most of the previous decade as the Secretary-General of the United Nations—had been a Nazi military-intelligence officer during the war. At first, Waldheim, who was running for President of Austria, denied the allegation. But, as more information came out, he began to defend himself as a "decent soldier," and claimed that the true "scandal" was the effort to dredge up the past. Other politicians came to his defense. "As long as it cannot be proved that he personally strangled six Jews, there is no problem," the head of Waldheim's party told a French magazine. Waldheim won the election, and served until 1992. The U.S. Department of Justice concluded that he had taken part in numerous Nazi war crimes, including the transfer of civilians for slave labor, executions of civilians and prisoners of war, and mass deportations to concentration and extermination camps. For the rest of his term, Waldheim was welcome only in some Arab countries and at the Vatican.

It took until after Waldheim's Presidency for the Austrian government to begin acknowledging decades-old crimes. And only last year did Austria begin offering citizenship to descendants of victims of Nazi persecution. A shadow still hangs over the country. "The Austrians, in European war-crimes circles, have a reputation for being particularly fucking useless," said Bill Wiley, whose first war-crimes investigation, in the nineties, was of an Austrian Nazi who had escaped to Canada. "You just never know what is

driven by incompetence and laziness and disinterest, and what's driven by venality."

In recent years, Austria has been cut out of European intelligence-sharing agreements, including the Club de Berne—an informal intelligence network that involves most European nations, the U.K., the U.S., and Israel. (Austria withdrew after the Club's secret review of the B.V.T.'s cyber-infrastructure, building-security, and counter-proliferation measures—all of which it found to be abysmal—was leaked to the Austrian press.) Senior Austrian intelligence officers have been accused of spying for Russia and Iran, and also of smuggling a high-profile fugitive out of Austria on a private plane. An Iranian spy, who was operating under diplomatic cover in Vienna and was listed in a B.V.T. document as a "possible target for recruitment," was convicted of planning a terrorist attack on a convention in France; Belgian prosecutors later determined that he'd smuggled explosives through the Vienna airport, in a diplomatic pouch. "The Austrians are not considered to have a particularly good service," a retired senior C.I.A. officer told me. The general view within Western European intelligence agencies is that what is shared with Vienna soon makes its way to Moscow—a concern that was amplified when Vladimir Putin danced with Austria's foreign minister at her wedding, in 2018.

But in March of 2015, the Mossad invited the B.V.T. leadership to participate in an operation that sounded meaningful: an Israeli intelligence asset was in need of Austrian assistance. Three months had passed since Halabi's French asylum interview, and he was simultaneously hiding and overexposed, searching for a way out of the country.

The deputy director of the B.V.T. travelled to Tel Aviv. According to a top-secret B.V.T. memo, the Israelis said that, owing to Halabi's "cultural origins," he was poised to "assume an important role in the Syrian state structure after the fall of the Assad regime." Halabi wouldn't be working for the B.V.T., but the Israelis promised to share relevant information with the agency from time to time. All the Austrians had to do was bring Halabi to Vienna and help him set up his life.

Bernhard Pircher, the head of the B.V.T.'s intelligence unit, created a file with a code name for Halabi: White Milk. He assigned the case to two

officers, Oliver Lang and Martin Filipovits. Soon afterward, they received orders to go to Paris, meet with French counterintelligence, and return to Vienna the next day, with Halabi. There were no obvious challenges. The Mossad had cleared the exfiltration with French intelligence, according to a B.V.T. document, and Israeli operatives were in “constant contact” with Halabi in Paris.

Lang and Filipovits set off at dawn on May 11th, and boarded a flight to Charles de Gaulle—Row 6, aisle seats C and D, billed to the Mossad. When they landed, they went by Métro to the headquarters of France’s domestic-intelligence agency, the D.G.S.I. There, according to Lang’s official account of the meeting, they sat down with the deputy head of counterintelligence, a Syria specialist, and an interpreter. Also present were three representatives of the Mossad, including the Paris station chief and Halabi’s local handler.

The Austrian and Israeli officers asked permission to fly Halabi out of France on a commercial plane, a request that they assumed was a formality. But the D.G.S.I. refused. Halabi had applied for asylum, a French officer said, and domestic law stipulates that asylum seekers cannot travel beyond French borders until a decision has been made. The Austrians and the Israelis proposed that Halabi retract his French asylum request, but the D.G.S.I. replied that, in that case, Halabi would be in France illegally. After the meeting, according to Lang’s notes, the Israelis told Lang that the French had changed their position since learning that “the B.V.T. is also involved.”

Lang suggested that the Israelis smuggle Halabi out of France in a diplomatic vehicle, through Switzerland or Germany. The B.V.T. would wait at the Austrian border and escort them to Vienna. “The proposal was well received,” he wrote. But the Mossad team would first have to check with headquarters, in Tel Aviv, “as this approach could have a lasting impact on relations” between Israeli and French intelligence agencies.

In the early twenty-tens, the Mossad had made something of a habit of operating in Paris without French permission. The agency, which is not subject to Israel’s legal framework, and answers only to the Prime Minister, had reportedly lured French intelligence officers into inappropriate relationships; attempted to sell compromised communications equipment, through a front company, to the French national police and the domestic

intelligence service; and used a Paris hotel room as a staging ground for a kill operation in Dubai. Members of the kill team entered and exited the United Arab Emirates on false passports that used the identities of real French citizens—an incident that a judicial-police chief in Paris later described to *Le Monde* as “an unacceptable attack on our sovereignty.”

On June 2nd, Lang, Filipovits, and Pircher met with officers from the Mossad. “It was agreed that the ‘package’ would be delivered” in eleven days, Lang wrote. The Israelis may have quietly worked out an agreement with French intelligence, to avoid friction, but the Austrians never learned of any such arrangement; as far as they were concerned, the D.G.S.I. would remain in the dark.

Unlike France, Israel did not overtly seek to topple Assad’s regime. Its operations in Syria were centered on matters in which it perceived a direct threat: Iranian personnel, weapons transfers, and support for Hezbollah. Since 2013, Israeli warplanes have carried out hundreds of bombings on Iran-linked targets in Syria. The Syrian government rarely objects; to acknowledge the strikes would be to admit that it is powerless to prevent them. It is unlikely that Halabi, from his hiding places in Europe, was in any way useful to Israeli intelligence.

Two days before Halabi’s extraction, Lang’s security clearance was upgraded to Top Secret. Outside of the B.V.T. leadership, only he and Filipovits knew about the operation. Lang still believed that Halabi had access to information that was of “immense importance” to the Austrian state. “Miracles happen,” Lang wrote to Pircher.

“Today is just like the 24th of December,” Pircher replied.

“Well then . . . MERRY CHRISTMAS.”

On June 13th, Lang waited at the Walserberg crossing, at the border with Germany, for the Israelis to arrive. It is unclear whether the German government was aware that the Mossad was moving a Syrian general out of France and through its territory in a diplomatic car. Lang booked hotel rooms in Salzburg for himself, the Israelis, and the man he would start

referring to as White Milk in his reports. Once again, the Mossad took care of the bill.

“To betray, you must first belong,” Kim Philby, a British spy who defected to the Soviet Union, said, in 1967. “I never belonged.”

In the past two years, I have discussed Halabi’s case with spies, politicians, activists, defectors, victims, lawyers, and criminal investigators in six countries, and have reviewed thousands of pages of classified and confidential documents in Arabic, French, English, and German. The process has been beset with false leads, misinformation, recycled rumors, and unanswerable questions—a central one of which is the exact timing and nature of Halabi’s recruitment by Israeli intelligence. Nobody had a clear explanation, or could say what he contributed to Israeli interests. But, slowly, a picture began to emerge.



You can still change your mind—there's a subway arriving at 110th Street in exactly four minutes.
Cartoon by Carolita Johnson

A leaked B.V.T. memo describes Israel, in its exfiltration of Halabi from Paris, as being “committed to its agents who have already completed their tasks.” This resolved the matter of whether he had been recruited in Europe. “No one really wants defectors,” the retired senior C.I.A. officer, who has decades of experience in the Middle East, told me. “What you really want is

an agent in place.” In moving Halabi to Vienna, the Israelis were fulfilling a debt to a longtime source. So how did the relationship begin?

Halabi graduated from the Syrian military academy in Homs in 1984, when he was twenty-one. Sixteen years later, he earned a law degree in Damascus—a qualification that resulted in his being seconded to the General Intelligence Directorate. “I did not choose to work in the security service—it was a military order,” he told the French asylum representative. “I was a brilliant military officer. I was angry to have been transferred to the intelligence service.” He served the directorate in Damascus for four years; in 2005, he became a regional director—first in Suweida, then in Homs, in Tartous, and in Raqqa.

In asylum interviews, Halabi glossed over the precise nature of his first job at the directorate in Damascus, and his interrogators were focussed on what he had done in his final post. But, in a top-secret meeting, the Israelis blundered. According to the B.V.T.’s meeting notes, a Mossad officer said that Halabi couldn’t have been involved in war crimes, because he was the “head of ‘Branch 300,’ in Raqqa,” which was “exclusively responsible” for thwarting the activities of foreign intelligence services.

The B.V.T. didn’t register the mistake: there is no Branch 300 in Raqqa—Halabi’s branch was 335. And yet the Mossad operative had accurately described the counterintelligence duties of the real Branch 300, which is in Damascus.

I began searching for references to Branch 300 and counterintelligence in various Halabi dossiers and leaks. A defector had told the *CJIA* that Halabi might have served at Branch 300 but didn’t specify when. By now, there were hundreds of pages of government documents scattered on my floor. One day, I revisited a scan of Halabi’s handwritten asylum claim from France, from the summer of 2014. There it was, in a description of his work history, his first job at the directorate: “I served in Damascus (counterintelligence service).”

By Halabi’s own account of his life, he would have been a classic target: approaching middle age, feeling as if his military prowess had gone unappreciated; aggrieved at the notion that, no matter how well he served, in

a state run by sectarian Alawite élites he would never attain recognition or power. Even after his promotion to regional director, “as a member of the Druze minority, I was marginalized,” Halabi told the French asylum interviewer. He seems to think of himself as Druze first and Syrian second. The Druze are not especially committed to the politics of any country; they simply make pragmatic arrangements in order to survive.

Syria’s counterintelligence branch is incredibly difficult to penetrate from the outside. But the rest of the Syrian defense apparatus is not. In the decades before the revolution, “everyone was spying for somebody—if not the Israelis, then us and the Jordanians,” a former member of the U.S. intelligence community told me. “The entire Syrian military—they were just a criminal enterprise, a mafia. They had no loyalty besides, perhaps, the really, really small inner circle. It was hard to work, because they were also spying on each other. But there were not a lot of secrets.”

Halabi appears to have stayed in Syria for most, if not all, of his career. For this reason, among others, it is more likely that his recruitment was the work of Israeli military intelligence than that of the Mossad. A secretive military-intelligence element known as Unit 504 recruits and handles sources in neighboring areas of conflict and tensions, including Syria, and it routinely targets promising young military officers. If Unit 504 got to Halabi when he was a soldier, his appointment to Branch 300 would have been an extraordinary intelligence coup.

Halabi may not have known for some time that he was working for Israel; its spies routinely pose as foreigners from other countries, especially during operations in the Middle East. Or perhaps he was given a narrow assignment regarding a shared interest. Halabi was disgusted by Iran’s growing influence over Syria, and has described Assad as an “Iranian puppet” who is “not fit to govern a country.”

The extent of Halabi’s service for Israel is unknown. But I have found no evidence of Israeli involvement in his escape from Raqqa to Turkey, or in his efforts to persuade the French Embassy in Jordan to send him to France—where his contact with the Druze financier was exposed. Something similar caught Walid Joumblatt’s attention—his men have detected an unusual flow of cash and communications into the Syrian Druze community via Paris.

“This money was not coming from here,” he told me, from his elegant stone palace, in Mt. Lebanon. It was coming from Israel. “We think this Halabi is working with our other nasty neighbors, the Israelis.”

With Halabi abandoned in Paris, it fell to the Mossad to help an Israeli asset. (Unit 504 is not known to operate in Europe.) According to a B.V.T. memo, the Mossad created a “phased plan” for Halabi—exfiltration to Austria, plus an initial stipend of several thousand euros a month. The long-term goal was for Halabi to become “financially self-sustainable.” But he wasn’t, as the memo put it, “out in the cold.”

Oliver Lang was also a counterintelligence officer, and his specialty at the B.V.T. was Arab affairs. But he had never learned Arabic, so Pircher, his boss, brought in another officer, Ralph Pöchhacker, who had claimed linguistic proficiency. When Lang introduced him to Halabi, however, the two men couldn’t communicate. “Oh, well, you can forget about Ralph,” Lang informed Pircher. “Ralph more or less doesn’t understand his dialect.”

Pircher is short, with long blond hair, and a frenetic social energy. (Behind his back, people call him Rumpelstiltskin.) Before he became the head of the B.V.T.’s intelligence unit, through his political party, in 2010, he had little understanding of policing or intelligence.

Two days after Halabi crossed into Austria, Lang paid an interpreter to accompany him and Halabi to an interview at an asylum center in Traiskirchen, thirty minutes south of Vienna. In the preceding weeks, Filipovits had examined legal options for Halabi’s residency, and determined that asylum came with a key advantage: any government officials involved in the process would be “subject to a comprehensive duty of confidentiality.”

In Traiskirchen, Lang made sure that Halabi was “isolated, and not seen by other asylum seekers,” Natascha Thallmayer, the asylum officer who conducted the interview, later said. “I was not given a reason for this.” Lang never introduced himself; although his presence is omitted from the record, he sat in on the interview. “Why and according to which legal basis the B.V.T. official took part, I can no longer say,” Thallmayer said. “He just stayed there.”

Halabi lied to Thallmayer about his entry into Austria. A friend in Paris “bought me a train ticket,” he said, and put him on a train to Vienna—by which route, exactly, he didn’t know. The story was clearly absurd; the B.V.T. had arranged the interview with the asylum office long before Halabi’s supposedly spontaneous arrival by train. Nevertheless, Thallmayer asked no follow-up questions. “The special interest of the B.V.T. was obvious,” she said.

At the beginning of Operation White Milk, Pircher had noted in his records that Halabi “must leave France” but faced “no danger.” Now Lang fabricated a mortal risk. “The situation in France is such that there are repeated, sometimes violent clashes between regime supporters and opponents, some of which result in serious injuries and deaths,” he wrote. He added that, owing to Halabi’s “knowledge of top Syrian state secrets, it must be assumed that, if Al-Halabi is captured by the various Syrian intelligence services, he will be liquidated.” The B.V.T. submitted Lang’s memos to the asylum agency, whose director, Wolfgang Taucher, ordered that Halabi’s file be placed “under lock and key.”

The B.V.T. had no safe houses or operational black budgets, so it rented Halabi an apartment from Pircher’s father-in-law. For the next six months, Lang carried out menial tasks on behalf of the Mossad. “Dear Bernhard! Please remember to call your father-in-law about the apartment!” he wrote to Pircher. “Dear Bernhard! Please be so kind as to remember the letter regarding the registration block!”

“God you are annoying,” Pircher replied.

“Dear Bernhard!” Lang wrote, in early July. He didn’t like the fact that, for all these petty tasks, he had to use his real name. “It would certainly not be bad to be equipped with a cover name,” he wrote. “What do you think?” By the end of the month, Lang was introducing himself around the city—at *Ikea*, the bank, the post office, Bob & Ben’s Electronic Installation Services—as Alexander Lamberg.

The Israelis gave Lang about five thousand euros a month for Halabi’s accounts, passed through the Mossad’s Vienna station. Lang kept meticulous records, sometimes even noting the names of Israeli officers he met. Halabi

found Pircher's father-in-law's apartment too small, so, after a few months, Lang started searching for another place. "Dear Bernhard!" Lang wrote, in July, 2015. "If we are successful, the monthly rent we agreed on with our friends will of course increase slightly. However, my opinion is that they will just have to live with it."

On October 7th, Halabi provided Lang with intelligence that a possible *ISIS* fighter had applied for asylum in Austria. Lang filed a report, citing "a reliable source," and sent it to Pircher, who passed it along to the terrorism unit. An officer there was underwhelmed by the tip. "Perhaps the source handler could talk to us," he replied. The same information was all over Facebook and the news.

The next week, Lang and Filipovits went to a meeting in Tel Aviv. When they returned, Lang accompanied Halabi to a second asylum interview. Since Halabi had already applied for asylum in France, the officer asked his permission to contact the French government. "I am afraid for my life, and therefore I do not agree," Halabi said, according to a copy of the transcript.

"There are also many Syrians in Austria," the interviewer noted. "Are you not afraid here?"

"The number of Syrians in Austria does not come close to that of France, so it is easy for me to stay away from them here," Halabi said. "And, above all, from Arabs. I stay away from all of these people."

In fact, in both countries, Halabi was in touch with a group of Syrians who were trying to set up civil-society projects in rebel-held territory. But they suspected that he was gathering intelligence on their members. "All the other defectors and officers knew not to ask a lot of questions, to avoid suspicion among ourselves," a member of the group told me. "But Halabi was the opposite. He was always asking questions. 'How many people are attending the meeting?' 'Where is the meeting?' 'Can I have everyone's names?' 'Everyone's phone numbers?'" They cut him out of the flow of information. The member continued, "One possibility is that he simply could not leave his intelligence mentality behind. The other—which we began to suspect more and more, over time—is that he still had connections to the regime."

In Vienna, Halabi hosted regime-affiliated members of the Syrian diaspora in his flat. According to someone who attended one of these events, several Syrians in his orbit flaunted their connections to foreign intelligence services, and the life style that came with them. The source, a well-connected Syrian exile, independently deduced Halabi's relationship to the Israelis, and said that he believed it dated back to the previous decade and was likely narrow in scope—reporting on Iranian weapons shipments, for example, or on matters related to Hezbollah.



"Now that I've invented it, I have this odd compulsion to hold it in my hand wherever I go and glance at it incessantly."
Cartoon by Paul Karasik

The moment Halabi left Syria, in 2013, he became “the weakest, the least relevant in the context of the war,” the man said. “Most people who are linked to foreign agencies participated—and in some cases continue to participate—in far worse crimes.” He added, “They have total access to Russia and the West, with all the money they need, all the diplomatic protections.” In the search for intelligence, not every useful person is a good one—and most of the good ones aren’t useful.

On December 2, 2015, Austria granted Halabi asylum. Within days, he was issued a five-year passport. Lang helped Halabi apply for benefits from the Austrian state. The B.V.T. had supported his application, noting that it had “no information” that he had ever “been involved in war crimes or other criminal acts in Syria.”

Seven weeks later, the Austrian Justice Ministry alerted the B.V.T. that the *CIJA* had identified a high-ranking Syrian war criminal in Austria. The Justice officials had never heard of Halabi, and were unaware that a member of their intelligence service was, at the behest of a foreign agency, tending to his every need. In Austria, war crimes fall under the investigative purview of the B.V.T.'s extremism unit. But no one in that unit was aware of Operation White Milk, and the B.V.T. sent Lang and Pircher to the January 29th meeting with the *CIJA* officials instead.

The Justice Ministry kept detailed meeting minutes. At one point, Stephen Rapp, the chair of the *CIJA* board of directors and former international prosecutor, noted that the *CIJA*'s witnesses included several of Halabi's subordinates from the intelligence branch, testifying against their former boss.

Lang wrote down only one sentence during the meeting: "Deputy of Al-Halabi is in Sweden and is a witness against Al-Halabi." It was as if the only thing he had absorbed was the urgency of the threat. Lang and Pircher told the Justice Ministry that they would look into whether Halabi was in the country. In secret, however, they set out to gather intelligence on the *CIJA*'s staff and its witnesses, and to discredit the organization, under the heading "Operation Red Bull."

Days before the meeting with the *CIJA*, a miscommunication between the B.V.T. and the Justice Ministry had led Pircher and Lang to believe that Rapp and Engels, the *CIJA*'s head of operations, were part of an official U.S. delegation. When they finally understood that the *CIJA* is an N.G.O., they were startled by its investigative competence, and surmised that the group's ability to track Halabi to Vienna signalled ties to an intelligence agency. Most of the *CIJA*'s staffers are from Europe and the Middle East. But, since the men across the table were American, Pircher and Lang inferred that the *CIJA*'s case against Halabi reflected a rupture in relations between the Mossad and the C.I.A. Rapp was especially suspect, they thought, since he had previously served in government.

Lang started researching Rapp, and e-mailed his findings to Pircher and Pircher's boss, Martin Weiss, the head of operations.

Subject: Information about Stephen RAPP

Respected Leadership! For your information, if you type Stephen Rapp in Google . . .

Lang had unearthed the same basic biographical information that he and Pircher would have known if they had been listening during the meeting—or if they had read the meeting minutes, which the Justice Ministry had already shared with them.

Subject: Information on Operation Red Bull

Dear Bernhard!

Pircher had sent Lang an article from a Vienna newspaper, which Lang now summarized for him: a thirty-one-year-old Syrian refugee named Mohamad Abdullah had been arrested in Sweden, on suspicion of participating in war crimes somewhere in Syria, sometime in the previous several years. “Swedish authorities got on Abdullah’s trail through entries and photos on the Internet. Sounds suspiciously like the *CIJA*’s modus operandi to me,” Lang wrote. “Assuming that there are not umpteen war-crimes trials in Sweden, Abdullah must be the alleged deputy.” (Abdullah has no apparent connection to Halabi.)

On February 15, 2016, representatives of the B.V.T. and the Mossad met to discuss the *CIJA* and its findings; according to a top-secret memo drafted by Weiss, the Mossad team noted that the *CIJA* is a “private organization without a governmental or international mandate”—nothing to worry about, in other words, since it couldn’t prosecute anyone. Courts in Europe and the U.S. have opened cases that rely on the *CIJA*’s evidence. But that didn’t mean Austria had to do the same.

In mid-April, Pircher instructed Lang to find the address of the *CIJA*’s headquarters. For security reasons, the organization tries to keep its location private; documents in its possession indicate that the Syrian regime is trying to hunt down its investigators. Lang concluded that the *CIJA* shared an office with The Hague Institute for Global Justice, in the Netherlands, where Rapp had a non-resident fellowship.

A few days later, Pircher and another B.V.T. officer, Monika Gaschl, set off for The Hague. Their official purpose was to attend a firearms conference. But Pircher sent Gaschl to check out The Hague Institute. “Working persons are openly visible in front of their screens,” Gaschl reported. “At lunchtime, food was brought into the building. Obviously, food was ordered.” Gaschl took at least eight photographs—wide-angle images, showing the street, the sidewalk, the entrance, and the building façade—and submitted them to Pircher, who had sent her an e-mail requesting “tourist photos from the Hague.”

But Lang had supplied the wrong address, so Gaschl spied on a random office of people waiting for lunch. The *CIJA* has no affiliation with The Hague Institute. It isn’t even based in the Netherlands.

Austria’s Justice Ministry agreed that the *CIJA*’s dossier amounted to “sufficient” ground for an investigation—as long as the B.V.T. confirmed that Khaled al-Halabi, the Vienna resident, was the man in the file. (After three weeks with no update, the judge who had attended the *CIJA* meeting called Lang, who informed her that the results of his investigation showed that Halabi “was, to all appearances, actually staying in Vienna.”) But, after the *CIJA* sent more evidence and documents, “we heard nothing,” Engels said. During the next five years, the *CIJA* followed up with the Austrians at least fifteen times. A Vienna prosecutor named Edgar Luschin had formally opened an investigation, but he showed little interest in it. At first, according to the *CIJA*, Luschin dismissed the evidence as insufficient. He later clarified that the quality of war-crimes evidence was immaterial; he simply could not proceed.

Austria has been a member of the International Criminal Court for more than twenty years. But it wasn’t until 2015 that the Austrian parliament updated the list of crimes covered by its universal-jurisdiction statute—an assertion that the duty to prosecute certain heinous crimes transcends all borders—in a way that would definitively apply to Halabi. For this reason, Luschin decided, Austria had no authority to try Halabi for war crimes or for crimes against humanity; whatever happened under his command had taken place before 2015.

“Why this is the Austrian position, I could only speculate,” Wiley, the *CIJA* founder, told me. Other European countries have overcome similar legal hurdles. “It could be that the Ministry of Justice, as part of the broader Austrian tradition, just couldn’t be arsed to do a war-crimes case,” he added.

In fact, Luschin’s position guaranteed that there would be no meaningful investigation—and he promised as much to the B.V.T. In December, 2016, Lang’s partner, Martin Filipovits, asked Luschin about the status of his case. But when Filipovits used the words “war criminal” in reference to Halabi, Luschin stopped him. The term “is not applicable from a legal point of view,” Luschin said. He added that he might interview Halabi, but only to ask whether he had ever personally tortured someone—not as an international war crime but as a matter of domestic law, in the manner of a violent assault. Otherwise, Luschin said, “no investigative steps are necessary in Austria, and no concrete investigative order will be issued to the B.V.T.”

A year passed. Then the French asylum agency sent a rejection letter to Halabi’s old Paris address. “The fact that he didn’t desert until two years after the beginning of the Syrian conflict, and only when it had become evident that his men were incapable of resisting the rebel advance on Raqqa, casts doubt on his supposed motivation for desertion,” the letter read. It added that the asylum agency had “serious reasons” to believe that, owing to Halabi’s “elevated responsibilities” within the regime, he was “directly implicated in repression and human rights violations.” In April, 2018, the agency sent Halabi’s file to French prosecutors, who also requested documents from the *CIJA*. After it became clear that Halabi was no longer in French territory, prosecutors issued a request to all European police agencies for assistance tracking him down. The alert triggered an internal crisis at the B.V.T.; it was the first time that the extremism unit, which handles war-crimes investigations, had heard Halabi’s name.

In late July, Lang was forced to brief Sybille Geissler, the head of the extremism unit, on everything that had happened in the preceding years. She informed Luschin that Halabi was still living in the Vienna apartment that Lang had rented for him. She also handed him the *CIJA*’s dossier, which had just been supplied to her office by the French. Luschin acted as if he were seeing it for the first time.

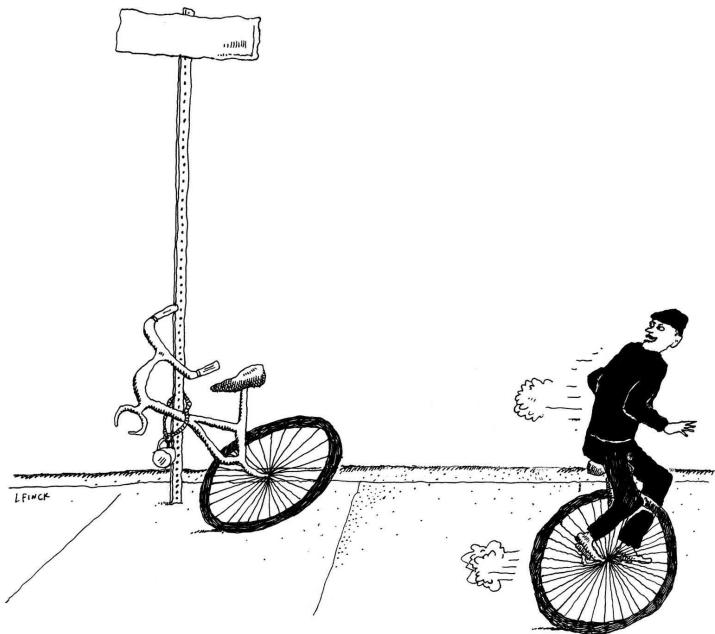
That week, there was a flurry of correspondence between the B.V.T. and the Mossad. Lang was desperate to get Halabi out of the apartment. On August 1st, the Mossad liaison officer called Lang to say goodbye; according to Lang's notes, the officer left Austria the following day. Two months later, the B.V.T. formally ended Operation White Milk. During the B.V.T.'s final case discussion with the Israelis, the Mossad requested that Halabi remain in Austria.

Seven weeks later, on November 27th, B.V.T. officers accompanied Austrian police to Halabi's apartment and unlocked it with a spare key. Clothes were strewn about, and there was rotting food in the refrigerator. "The current whereabouts of al-Halabi could not be determined," a B.V.T. officer noted, according to the police report. "The investigations are continuing."

Oliver Lang still works at the B.V.T. His boss, Bernhard Pircher, was dismissed, after a different scandal. Pircher's boss, Martin Weiss, was recently arrested, reportedly for selling classified information to the Russian state.

Three years ago, when Lang briefed Geissler on Operation White Milk, she asked him what Austria had gained from it. "Lang responded by saying that we might obtain information on internal structures of the Syrian intelligence service," she later said. "I considered this pointless."

Nazi hunters never gave up the pursuit for Alois Brunner. But, by 2014, when Brunner would have been a hundred and two, there had been no confirmed sighting in more than a decade. A German intelligence official informed a group of investigators that Brunner was almost certainly dead. "We were never able to confirm it forensically," one of them told the *Times*. Nevertheless, he added, "I took his name off the list."



Cartoon by Liana Finck

Three years later, two French journalists, Hedi Aouidj and Mathieu Palain, tracked down Brunner's Syrian guards in Jordan. Apparently, when Hafez al-Assad was close to death, his preparations for Bashar's succession included hiding the old Nazi in a pest-ridden basement. Brunner was "very tired, very sick," one of the guards recalled. "He suffered and he cried a lot. Everyone heard him." The guard added that Brunner couldn't even wash himself. "Even animals—you couldn't put them in a place like that," he said. Soon after Bashar took over, the door closed, and Brunner never saw it open again. "He died a million times."

Brunner's guards had been drawn from Syrian counterintelligence—Branch 300—and the dungeon where he died, in 2001, was beneath its headquarters. Halabi may well have been in the building during Brunner's final weeks. Now Austria deflected attention from Halabi's case, much as Syria had done with Brunner's. A year after Halabi hastily moved out of his B.V.T. apartment, Rapp met with Christian Pilnacek, Austria's second-highest Justice Ministry official. According to Rapp's notes, Pilnacek said that, if the CIA really wanted Halabi arrested, perhaps it ought to tell the ministry where he was. Last fall, Rapp returned to Vienna for an appointment with the justice minister—but she didn't show up.

Of Halabi's recent phone numbers, two had Austrian country codes, and a third was Hungarian. Until last fall, his WhatsApp profile picture showed him posing in sunglasses on the Széchenyi bridge, in Budapest. There have been unconfirmed sightings of him in Switzerland, and speculation that he escaped Vienna on a ferry down the Danube, to Bratislava, Slovakia. But the most reliable tips, from Syrians who know him, still place him in Austria.

One of these Syrians is Mustafa al-Sheikh, a defected brigadier general and the self-appointed head of the Free Syrian Army's Supreme Military Revolutionary Council—an outfit he founded, to the confusion of existing F.S.A. factions. In a recent phone call from Sweden, he described Halabi as his "best friend." "General Halabi is one of the best people in the Syrian revolution," Sheikh insisted. He said that Halabi's links to war crimes and foreign intelligence agencies were lies, conjured by Syrian intelligence and laundered through "deep state" networks in Europe, as part of a plot to undermine Halabi as a potential replacement for Assad. "I am positive that it is the French and the Austrians who are trying to cut Halabi's wings, because people like him undermine their agendas in Syria," he said.

But Halabi has reported on Sheikh's activities to the Mossad. On January 4, 2017, a Mossad operative informed Oliver Lang that Halabi would be travelling abroad, because a friend of his had been invited by a foreign ministry to discuss a political settlement for Syria. "The friend wants Milk to participate in the negotiations," Lang noted, in a top-secret memo, adding that the Mossad would debrief Halabi on his return.

Lang figured that the negotiations were "presumably in Jordan." Instead, five days later, Halabi flew to Moscow, where he joined Mustafa al-Sheikh in a meeting with Russia's deputy foreign minister, Mikhail Bogdanov. In the previous months, the Russians had helped the Syrian Army, and associated Shia militias, forcibly displace tens of thousands of civilians from rebel-held areas of Aleppo. Now the Russian government framed its discussions with Sheikh and Halabi as a "meeting with a group of Syrian opposition members," with an "emphasis on the need to end the bloodshed." Sheikh appeared on Russian state television and said that he hoped Russia would do to the rest of Syria what it had done in Aleppo—a statement that drew accusations of treason from his former rebel partners. Halabi remained in the shadows. I have heard rumors that he made three more trips to

Moscow, but have found no evidence of this. His Austrian passport expired last December and has not been renewed.

In late August, I flew to Vienna and journeyed on to Bratislava. Every day for the next four days, I crossed the Slovak border into Austria by train shortly after dawn. I could see an array of satellite dishes on the hill at Königswarte—an old Cold War listening station, for spying on the East, now updated and operated by the N.S.A. In the past century, Vienna has become known as a city of spies. It is situated on the fringe of East and West, by Cold War standards, and Austria has been committed to neutrality, in the manner of the Swiss, since the nineteen-fifties. These conditions have attracted many international organizations, and, in recent decades, Vienna has been the site of high-profile spy swaps, peace negotiations, and unsolved assassinations. Now, as my colleague Adam Entous reported, it is the epicenter of Havana Syndrome—invisible attacks, of uncertain origin, directed at U.S. Embassy officials.

Austria's legal framework effectively allows foreign intelligence agencies to act as they see fit, as long as they don't target the host nation. But Austria has little capacity to enforce even this. According to Siegfried Beer, an Austrian historian of espionage, "Whenever we discover a mole within our own services, it's not because we're any good at counterintelligence—it's because we get a hint from another country."

"The biggest problem with the B.V.T. is the quality of the people," he went on. With few exceptions, "it is staffed with incompetents, who got there through police departments or political parties." Most officers have no linguistic training or international experience.

In 2018, after a series of scandals, the Ministry of the Interior decided to dissolve the B.V.T., which it oversees, and replace it with a new organization, to be called the Directorate of State Security and Intelligence. Officers are currently reapplying for their own positions within the new structure, which will be launched at the beginning of next year. But, as Beer sees it, the effort is futile: "Where are you going to get six hundred people who, all of a sudden, can do intelligence work?"

Press officers at the Interior Ministry insinuated that it could be illegal for them to comment on this story. Pircher declined to comment; lawyers for Weiss and Lang did not engage. The Justice Ministry's Economic Crimes and Corruption Office, which is investigating the circumstances under which Halabi was granted asylum, said that it "doesn't have any files against Khaled al-Halabi"—but I have several thousand leaked pages from its investigation.

A week before my arrival in Austria, I sent a detailed request to the Mossad; it went unanswered. So did three requests to the Israeli Embassy in Vienna, and one to Unit 504. On a sunny morning, I walked to the Embassy, on a quiet, tree-lined street. "We did not answer you, because we do not want to answer you!" an Israeli official bellowed through a speaker at the gate. "Publish whatever you want! We will not read it."

From there, I walked to Halabi's last known address. As I approached, I noticed that, on Google Maps, the name of the building was denoted in Arabic script, *al-beit*—"home." For several minutes, I sat on a bench near the entrance listening, through an open window, to an Arabic-speaking woman who was cooking in Halabi's old flat, 1-A. Then I checked the doorbell: "Lamberg"—Oliver Lang's cover name.

A teen-age boy answered the door, but he was far too young to be Halabi's son, Kotaiba. I asked if Halabi was there. "He left long ago," the boy said. I asked how he knew the name; he replied that Austrian journalists had come to the flat before.

The next day, I visited Halabi's lawyer, Timo Gerersdorfer, at his office, in Vienna's Tenth District. He said that the government had revoked Halabi's asylum status, since it had been obtained through deception, and that he has appealed the decision, arguing that the revelation of Halabi's work for Israeli intelligence poses such a threat to his life that Austria must protect him forever. "No one could get asylum in Austria if they told the truth," he said. According to Gerersdorfer, Halabi is broke; it seems that the Mossad has stopped paying his expenses. A few months ago, Halabi tried to stay in a shelter with other refugees, but the shelter looked into his background and turned him away.

I discovered a new address for Halabi, in the Twelfth District, an area that is home to many immigrants from Turkey and the Balkans. Later that afternoon, I walked the streets near his block, as people returned home from work. The neighborhood was full of men who looked like him—late middle age, overweight, five and a half feet tall. I must have checked a thousand faces. But none of them were his.

Luschin's office says that its investigation into Halabi is “still pending.” But, according to someone who is familiar with Luschin’s thinking, the general view at the Justice Ministry is that “it’s Syria, and it’s a war. Everybody tortures.” Other European governments have expressed openness to normalizing diplomatic relations with Assad, and have taken steps to deport refugees back to Syria and the surrounding countries.

If Halabi is the highest-ranking Syrian war criminal who can be arrested, it is only because the greater monsters are protected. The obstacle to prosecuting Assad and his deputies is political will at the U.N. Security Council. Halabi’s former boss in Damascus, Ali Mamlouk, reportedly travelled to Italy on a private jet in 2018. Mamlouk is one of the war’s worst offenders—it was his order, which Halabi passed along, to shoot at gatherings of more than four people in Raqqa. But Mamlouk—who has been sanctioned since 2011, and was prohibited from travelling to the European Union—had a meeting with Italy’s intelligence director, so he came and went.

After twenty hours of searching for Halabi, I walked to his apartment complex and buzzed his door. A young Austrian woman answered; she had never heard of Halabi, and had no interest in who he was. I showed Halabi’s photograph at every shop and restaurant in a three-block radius of the address. “We know a lot of people in this neighborhood,” a Balkan man with a gray goatee told me. He squinted at the image a second time, and shook his head. “I have never seen this man.”

On my way out of the Twelfth District, I walked past the western side of the apartment building, where balconies overlook a garden. Directly above the Austrian woman’s apartment, a man who looked like Khaled al-Halabi sat on his balcony, shielded from the late-morning sun. But I was unable to confirm that it was him. A knock on the door went unanswered; according to

a neighbor, the flat is empty. A lie uttered by Syria's foreign minister, thirty years ago, kept playing in my head: "This Brunner is a ghost." ♦

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Annals of Equality

- [The Man Behind Critical Race Theory](#)

As an attorney, Derrick Bell worked on many civil-rights cases, but his doubts about their impact launched a groundbreaking school of thought.

By [Jelani Cobb](#)

Content

The town of Harmony, Mississippi, which owes its origins to a small number of formerly enslaved Black people who bought land from former slaveholders after the Civil War, is nestled in Leake County, a perfectly square allotment in the center of the state. According to local lore, Harmony, which was previously called Galilee, was renamed in the early nineteen-twenties, after a Black resident who had contributed money to help build the town's school said, upon its completion, "Now let us live and work in harmony." This story perhaps explains why, nearly four decades later, when a white school board closed the school, it was interpreted as an attack on the heart of the Black community. The school was one of five thousand public schools for Black children in the South that the philanthropist Julius Rosenwald funded, beginning in 1912. Rosenwald's foundation provided the seed money, and community members constructed the building themselves by hand. By the sixties, many of the structures were decrepit, a reflection of the South's ongoing disregard for Black education. Nonetheless, the Harmony school provided its students a good education and was a point of pride in the community, which wanted it to remain open. In 1961, the battle sparked the founding of the local chapter of the N.A.A.C.P.

That year, Winson Hudson, the chapter's vice-president, working with local Black families, contacted various people in the civil-rights movement, and eventually spoke to Derrick Bell, a young attorney with the N.A.A.C.P. Legal Defense and Educational Fund, in New York City. Bell later wrote, in the foreword to Hudson's memoir, "Mississippi Harmony," that his colleagues had been astonished to learn that her purpose was to reopen the Rosenwald school. He said he told her, "Our crusade was not to save segregated schools, but to eliminate them." He added that, if people in Harmony were interested in enforcing integration, the L.D.F., as it is known, could help.

Hudson eventually accepted Bell's offer, and in 1964 the L.D.F. won *Hudson v. Leake County School Board* (Winson Hudson's school-age niece Diane

was the plaintiff), which mandated that the board comply with desegregation. Harmony's students were enrolled in a white school in the county. Afterward, though, Bell began to question the efficacy of both the case and the drive for integration. Throughout the South, such rulings sparked white flight from the public schools and the creation of private "segregation academies," which meant that Black students still attended institutions that were effectively separate. Years later, after Hudson's victory had become part of civil-rights history, she and Bell met at a conference and he told her, "I wonder whether I gave you the right advice." Hudson replied that she did, too.

Bell spent the second half of his career as an academic and, over time, he came to recognize that other decisions in landmark civil-rights cases were of limited practical impact. He drew an unsettling conclusion: racism is so deeply rooted in the makeup of American society that it has been able to reassert itself after each successive wave of reform aimed at eliminating it. Racism, he began to argue, is permanent. His ideas proved foundational to a body of thought that, in the nineteen-eighties, came to be known as critical race theory. After more than a quarter of a century, there is an extensive academic field of literature cataloguing C.R.T.'s insights into the contradictions of antidiscrimination law and the complexities of legal advocacy for social justice.

For the past several months, however, conservatives have been waging war on a wide-ranging set of claims that they wrongly ascribe to critical race theory, while barely mentioning the body of scholarship behind it or even Bell's name. As Christopher F. Rufo, an activist who launched the recent crusade, said on Twitter, the goal from the start was to distort the idea into an absurdist touchstone. "We have successfully frozen their brand—'critical race theory'—into the public conversation and are steadily driving up negative perceptions. We will eventually turn it toxic, as we put all of the various cultural insanities under that brand category," he wrote. Accordingly, C.R.T. has been defined as Black-supremacist racism, false history, and the terrible apotheosis of wokeness. Patricia Williams, one of the key scholars of the C.R.T. canon, refers to the ongoing mischaracterization as "definitional theft."

Vinay Harpalani, a law professor at the University of New Mexico, who took a constitutional-law class that Bell taught at New York University in 2008, remembers his creating a climate of intellectual tolerance. “There were conservative white male students who got along very well with Professor Bell, because he respected their opinion,” Harpalani told me. “The irony of the conservative attack is that he was more respectful of conservative students and giving conservatives a voice than anyone.” Sarah Lustbader, a public defender based in New York City who was a teaching assistant for Bell’s constitutional-law class in 2010, has a similar recollection. “When people fear critical race theory, it stems from this idea that their children will be indoctrinated somehow. But Bell’s class was the least indoctrinated class I took in law school,” she said. “We got the most freedom in that class to reach our own conclusions without judgment, as long as they were good-faith arguments and well argued and reasonable.”

Republican lawmakers, however, have been swift to take advantage of the controversy. In June, Governor Greg Abbott, of Texas, signed a bill that restricts teaching about race in the state’s public schools. Oklahoma, Tennessee, Idaho, Iowa, New Hampshire, South Carolina, and Arizona have introduced similar legislation. But in all the outrage and reaction is an unwitting validation of the very arguments that Bell made. Last year, after the murder of [George Floyd](#), Americans started confronting the genealogy of racism in this country in such large numbers that the moment was referred to as a reckoning. Bell, who died in 2011, at the age of eighty, would have been less focussed on the fact that white politicians responded to that reckoning by curtailing discussions of race in public schools than that they did so in conjunction with a larger effort to shore up the political structures that disadvantage African Americans. Another irony is that C.R.T. has become a fixation of conservatives despite the fact that some of its sharpest critiques were directed at the ultimate failings of liberalism, beginning with Bell’s own early involvement with one of its most heralded achievements.

In May, 1954, when the Supreme Court struck down legally mandated racial segregation in public schools, in *Brown v. Board of Education of Topeka*, the decision was instantly recognized as a watershed in the nation’s history. A legal team from the N.A.A.C.P. Legal Defense and Educational Fund, led by Thurgood Marshall, argued that segregation violated the equal-protection clause of the Fourteenth Amendment, by inflicting psychological harm on

Black children. Chief Justice Earl Warren took the unusual step of persuading the other Justices to reach a consensus, so that their ruling would carry the weight of unanimity. In time, many came to see the decision as an opening salvo of the modern civil-rights movement, and it made Marshall one of the most recognizable lawyers in the country. His stewardship of the case was particularly inspiring to Derrick Bell, who was then a twenty-four-year-old Air Force officer and who had developed a keen interest in matters of equality.

Bell was born in 1930 in Pittsburgh's Hill District, the community immortalized in August Wilson's plays, and he attended Duquesne University before enlisting. After serving two years, he entered the University of Pittsburgh's law school and, in 1957, was the only Black graduate in his class. He landed a job in the newly formed civil-rights division of the Department of Justice, but when his superiors became aware that he was a member of the N.A.A.C.P. they told him that the membership constituted a conflict of interest, and that he had to resign from the organization. In a move that would become a theme in his career, Bell quit his job rather than compromise a principle. He began working, instead, at the Pittsburgh N.A.A.C.P., where he met Marshall, who hired him in 1960 as a staff attorney at the Legal Defense Fund. The L.D.F. was the legal arm of the N.A.A.C.P. until 1957, when it spun off as a separate organization.

Bell arrived at a crucial moment in the L.D.F.'s history. In 1956, two years after Brown, it successfully litigated *Browder v. Gayle*, the case that struck down segregation on city buses in Alabama—and handed Martin Luther King, Jr., and the Montgomery Improvement Association a victory in the yearlong boycott they had organized. The L.D.F. launched desegregation lawsuits across the South, and Bell supervised or handled many of them. But, when Winson Hudson contacted him, she opened a window onto the distance between the agenda of the national civil-rights organizations and the priorities of the local communities they were charged with serving. In her memoir, she recalled a contentious exchange she had, before she contacted Bell, with a white representative of the school board. She told him, “If you don't bring the school back to Harmony, we will be going to your school.” Where the L.D.F. saw integration as the objective, Hudson saw it as leverage to be used in the fight to maintain a quality Black school in her community.

The Harmony school had already become a flashpoint. Medgar Evers, the Mississippi field secretary for the N.A.A.C.P., visited the town and assisted in organizing the local chapter. He told members that the work they were embarking on could get them killed. Bell, during his trips to the state, made a point of not driving himself; he knew that a wrong turn on unfamiliar roads could have fatal consequences. He was arrested for using a whites-only phone booth in Jackson, and, upon his safe return to New York, Marshall mordantly joked that, if he got himself killed in Mississippi, the L.D.F. would use his funeral as a fund-raiser. The dangers, however, were very real. In June of 1963, a white supremacist shot and killed Evers in his driveway, in Jackson; he was thirty-seven years old. In subsequent years, there was an attempted firebombing of Hudson's home and two bombings at the home of her sister, Dovie, who was Diane Hudson's mother and was involved in the movement. That suffering and loss could not have eased Bell's growing sense that his efforts had only helped create a more durable system of segregation.

Bell left the L.D.F. in 1966 for an academic career that took him first to the University of Southern California's law school, where he directed the public-interest legal center, and then, in 1969, in the aftermath of King's assassination, to Harvard Law School, as a lecturer. Derek Bok, the dean of the school, promised Bell that he would be "the first but not the last" of his Black hires. In 1971, Bok was made the president of the university, and Bell became Harvard Law's first Black tenured professor. He began creating courses that explored the nexus of civil rights and the law—a departure from traditional pedagogy.

In 1970, he had published a casebook titled "[Race, Racism and American Law](#)," a pioneering examination of the unifying themes in civil-rights litigation throughout American history. The book also contained the seeds of an idea that became a prominent element in his work: that racial progress had occurred mainly when it aligned with white interests—beginning with emancipation, which, he noted, came about as a prerequisite for saving the Union. Between 1954 and 1968, the civil-rights movement brought about changes that were thought of as a second Reconstruction. King's death was a devastating loss, but hope persisted that a broader vista of possibilities for Black people and for the nation lay ahead. Yet, within a few years, as volatile conflicts over affirmative action and school busing arose, those

victories began to look less like an antidote than like a treatment for an ailment whose worst symptoms can be temporarily alleviated but which cannot be cured. Bell was ahead of many others in reaching this conclusion. If the civil-rights movement had been a second Reconstruction, it was worth remembering that the first one had ended in the fiery purges of the so-called Redemption era, in which slavery, though abolished by the Thirteenth Amendment, was resurrected in new forms, such as sharecropping and convict leasing. Bell seemed to have found himself in a position akin to Thomas Paine's: he'd been both a participant in a revolution and a witness to the events that revealed the limitations of its achievements.

Bell's skepticism was deepened by the Supreme Court's 1978 decision in *Bakke v. University of California*, which challenged affirmative action in higher education. Allan Bakke, a white prospective medical student, was twice rejected by U.C. Davis. He sued the regents of the University of California, arguing that he had been denied admission because of the school's minority set-aside admissions, or quotas—and that affirmative action amounted to "reverse discrimination." The Supreme Court ruled that race could be considered, among other factors, for admission, and that diversifying admissions was both a compelling interest and permissible under the Constitution, but that the University of California's explicit quota system was not. Bakke was admitted to the school.

Bell saw in the decision the beginning of a new phase of challenges. Diversity is not the same as redress, he argued; it could provide the appearance of equality while leaving the underlying machinery of inequality untouched. He criticized the decision as evidence that the Court valorized a kind of default color blindness, as opposed to an intentional awareness of race and of the need to address historical wrongs. He likely would have seen the same principle at work in the 2013 Supreme Court ruling in *Shelby County v. Holder*, which gutted the Voting Rights Act.

In the years surrounding the Bakke case, Bell published two articles that were considered both brilliant and heretical. The first, "Serving Two Masters," which appeared in March, 1976, in the *Yale Law Journal*, cited his own role in the Harmony case. He wrote that the mission of groups engaged in civil-rights litigation, such as the N.A.A.C.P., represented an inherent conflict of interest. The two masters of the title were the groups' interests

and those of their clients; what the groups wanted to achieve may not have aligned with what their clients wanted—or even needed. The concept of an inherent conflict was crucial to Bell’s understanding of how and why the movement had played out as it did: the heights it had attained had paradoxically shown how far there still was to go and how difficult it would be to get there. Imani Perry, a legal scholar and a professor of African American studies at Princeton, who knew Bell, told me how audacious it was at the time for Bell to “raise questions about his own role as an advocate and, perhaps, the way in which we structured civil-rights advocacy.”

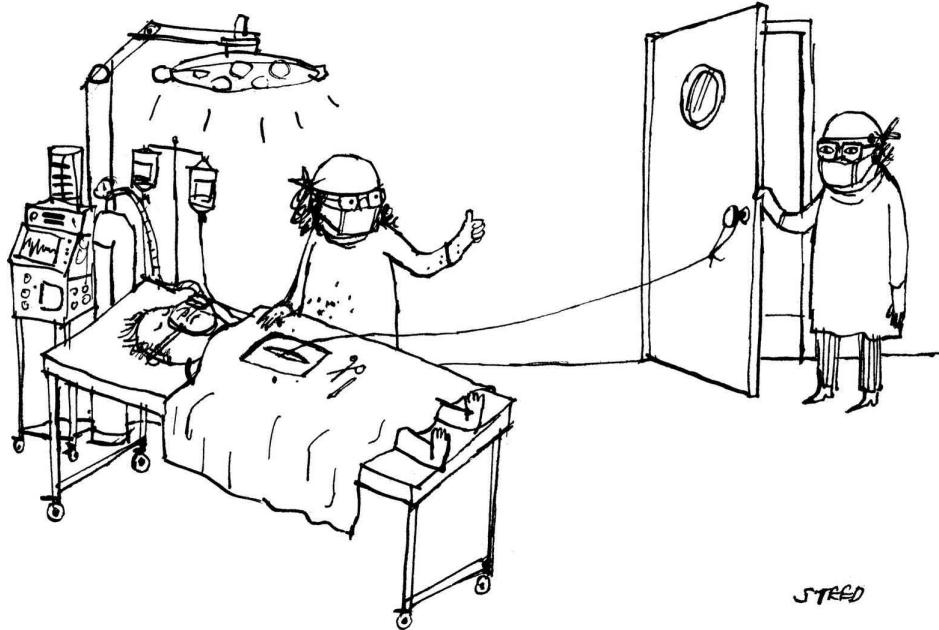
Jack Greenberg, who served as the director-counsel of the L.D.F. from 1961 to 1984, depicted Bell in his memoir, “[Crusaders in the Courts](#),” as a complex, frustrating figure, whose stringent criticism of the organization’s history and philosophy led to tensions in their own relationship. Yet Sherrilyn Ifill, the current president and director-counsel, told me that, despite some initial consternation in civil-rights circles, Bell’s perspective eventually found purchase even among those he had criticized. “I think most of us—especially those who long admired and were mentored by Bell—read his work as a cautionary tale for us as lawyers,” Ifill told me. Today, she said, L.D.F. attorneys teach Bell’s work to students in New York University’s Racial Equity Strategies Clinic.

Bell eventually formulated a broader criticism of the objectives of both the movement and its lawyers. The issue of busing was particularly complicated. *Brown v. Board of Education* centered on the circumstances of Linda Brown, an eight-year-old girl who lived in a mixed neighborhood in Topeka, Kansas, but was forced to travel nearly an hour to a Black school rather than attend one closer to her home, which, under the law, was reserved for white children. During the seventies, in an attempt to put integration into practice, school districts sent Black students to better-financed white schools. The presumption was that white parents and administrators would not underfund schools that Black children attended if white children were also students there. In effect, it was hoped that the valuation of whiteness would be turned against itself. But, in a reversal of Linda Brown’s situation, the white schools were generally farther away than the local schools the students would otherwise have gone to. So the remedy effectively imposed the same burden as had been imposed on Brown, albeit with the opposite intentions.

Bell “was pessimistic about the effectiveness of busing, and at a time when a lot of people weren’t,” the scholar Patricia Williams told me.

More significant, Bell was growing doubtful about the prospect of ever achieving racial equality in the United States. The civil-rights movement had been based on the idea that the American system could be made to live up to the democratic creed prescribed in its founding documents. But Bell had begun to think that the system was working exactly as it was intended to—that that was why progress was invariably met with reversal. Indeed, by the eighties, it was increasingly clear that the momentum to desegregate schools had stalled; a 2006 study by the Civil Rights Project, at U.C.L.A., found that many of the advances made in the first years had been erased during the nineties, and that seventy-three per cent of Black students around that time attended schools in which most students were minorities.

In Bell’s second major article of this period, “Brown v. Board of Education and the Interest-Convergence Dilemma,” published in January of 1980 in the *Harvard Law Review*, he lanced the perception that the societal changes of the mid-twentieth century were the result of a moral awakening among whites. Instead, he wrote, they were a product of “interest convergence” and Cold War pragmatism. Armed with images of American racial hypocrisy, the Soviet Union had a damning counter to American criticism of its behavior in Eastern Europe. (As early as the 1931 Scottsboro trial, in which nine African American teen-agers were wrongfully convicted of raping two white women, the Soviets publicized examples of American racism internationally; the tactic became more common after the start of the Cold War.)



Cartoon by Edward Steed

The historians Mary L. Dudziak, Carol Anderson, and Penny Von Eschen, among others, later substantiated Bell's point, arguing that America's racial problems were particularly disruptive to diplomatic relations with India and the African states emerging from colonialism, which were subject to pitched competition for their allegiance from the superpowers. The civil-rights movement's victories, Bell argued, were not a sign of moral maturation in white America but a reflection of its geopolitical pragmatism. For people who'd been inspired by the idea of the movement as a triumph of conscience, these arguments were deeply unsettling.

In 1980, Bell left Harvard to become the dean of the University of Oregon law school, but he resigned five years later, after a search committee declined to extend the offer of a faculty position to an Asian woman when its first two choices, who were both white men, turned it down. Harvard Law rehired Bell as a professor. His influence had grown measurably since he began teaching; "Race, Racism and American Law," which was largely overlooked at the time of its publication, had come to be viewed as a foundational text. Yet during his absence from Harvard no one was assigned to teach his key class, which was based on the book. Some students interpreted this omission as disregard for issues of race, and it gave rise to the first of two events that, in particular, led to the creation of C.R.T. The legal scholar Kimberlé Crenshaw, who was a student at the law school at the

time, told me, “We initially coalesced as students and young law professors around this course that the law school refused to teach.” In 1982, the group organized a series of guest speakers and conducted a version of the class themselves.

At the same time, the legal academy was roiled by debates generated by a movement called critical legal studies; a group of progressive scholars, most of them white, had, beginning in the seventies, advanced the contentious idea that the law, rather than being a neutral system based on objective principles, operated to reinforce established social hierarchies. Another group of scholars found C.L.S. both intriguing and unsatisfying: here was a tool that allowed them to articulate the methods by which the legal system shored up inequality, but in a way that was more insightful about class than it was about race. (The “crits,” as the C.L.S. adherents were known, had not “come to terms with the particularity of race,” Crenshaw and her co-editors Neil Gotanda, Gary Peller, and Kendall Thomas later noted, in the introduction to the 1995 anthology [Critical Race Theory: The Key Writings That Formed the Movement.](#))

The next defining moment in C.R.T.’s creation came in 1989, when a group that developed out of the Harvard seminars decided to hold a retreat at the University of Wisconsin, where David Trubek, a central figure in the C.L.S. movement, taught. Casting about for a way to describe what the retreat would address, Crenshaw referred to “new developments in critical race theory.” The name was meant to situate the group at the intersection of C.L.S. and the intractable questions of race. Legal scholars such as Richard Delgado, Patricia Williams, Mari Matsuda, and Alan Freeman (attacks on C.R.T. have conveniently overlooked the fact that not all its founding scholars were Black) began publishing work in legal journals that furthered the discourse around race, power, and law.

Crenshaw contributed what became one of the best-known elements of C.R.T. in 1989, when she published an article in the *University of Chicago Legal Forum* titled “Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics.” Her central argument, about “intersectionality”—the way in which people who belong to more than one marginalized community can be overlooked by antidiscrimination law—was a distillation of the kinds

of problems that C.R.T. addressed. These were problems that could not have been seen clearly unless there had been a civil-rights movement, but for which liberalism had no ready answer because, in large part, it had never really considered them. Her ideas about intersectionality as a legal blind spot now regularly feature in analyses not only of public policy but of literature, sociology, and history.

As C.R.T. began to take shape, Bell became more deeply involved in an ongoing push to diversify the Harvard law-school faculty. In 1990, he announced that he would take an unpaid leave to protest the fact that Harvard Law had never granted tenure to a Black woman. Since Bell's hiring, almost twenty years earlier, a few other Black men had joined the faculty, including Randall Kennedy and Charles Ogletree, in 1984 and 1989. But Bell, cajoled by younger feminist legal scholars, Crenshaw among them, came to recognize the unique burdens that went with being both Black and female.

That April, Bell spoke at a rally on campus, where he was introduced by the twenty-eight-year-old president of the *Harvard Law Review*, [Barack Obama](#). In his comments, Obama said that Bell's "scholarship has opened up new vistas and new horizons and changed the standards of what legal writing is about." Bell told the crowd, "To be candid, I cannot afford a year or more without my law-school salary. But I cannot continue to urge students to take risks for what they believe if I do not practice my own precepts."

In 1991, Bell accepted a visiting professorship at the N.Y.U. law school, extended by John Sexton, the dean and a former student of Bell's. Harvard did not hire a Black woman and, in the third year of his protest, Bell refused to return, ending his tenure at the university. In 1998, Lani Guinier became the first woman of color to be given tenure at the law school.

Bell remained a visiting professor at N.Y.U. for the rest of his life, declining offers to become a tenured member of the faculty. He continued to speak and write on subjects relating to law and race, and some of his most important work during this period came in an unorthodox form. In the eighties, he had begun to write fiction and, in 1992, he published a collection of short stories, called "[Faces at the Bottom of the Well](#)." A Black female lawyer named Geneva Crenshaw, the protagonist of many of the stories, serves as Bell's

alter ego. (Bell later told Kimberlé Crenshaw that he had “borrowed” her surname for the character, who was a composite of Black women lawyers who had influenced his thinking.) *Kirkus Reviews* noted that, despite some “lackluster writing,” the stories offered “insight into the rage, frustration, and yearning of being black in America.” The *Times* described the collection as “Jonathan Swift come to law school.” But the book’s subtitle, “The Permanence of Racism,” garnered nearly as much attention as its literary merits.

The collection includes “The Space Traders,” Bell’s best-known piece of fiction. In the story, extraterrestrials land in the United States and make an offer: they will reverse the severe damage the nation has done to the environment, provide it with a clean energy source, and give it enough gold to resurrect the economy, which has been ruined by policies favoring the rich. In exchange, the aliens want the government to turn every Black person in the country over to them. A consensus emerges that the Administration should take the deal, on the ground that mandating that Black people leave is not all that different from drafting them to go to war. Whites largely support the measure. Jewish groups oppose it, as an echo of Nazism, but they are silenced when a tide of anti-Semitism sweeps the nation. A corporate coalition opposes the trade, because Black people make up so much of the consumer market. Businesses that supply law enforcement and the prison industry oppose it, too, recognizing the impact that the disappearance would have on their bottom line.

A Black member of the Administration decides that the only way to get white people to veto the proposal is to convince them that leaving with the aliens would be an entitlement that undeserving Blacks would achieve at their expense; his plan fails. The story ends with twenty million African Americans, arms linked by chains, preparing to leave “the New World as their forebears had arrived.” The narrative is bleak, but it offers a trenchant commentary on the frailty of Black citizenship and the tentative nature of inclusion, and it echoes a theme of Bell’s earlier work—that Black rights have been held hostage to white self-interest.

The late critic and essayist Stanley Crouch told me in 1997 about a panel he appeared on with Bell, in which he’d criticized Bell’s dire forecasts. “He was *clean*. I’m looking at this beautiful chalk-gray suit he had on that cost

about twelve hundred dollars,” Crouch told me. “I said to myself, ‘There’s something wrong with this.’ For me having been involved with Friends of *sncc* and *core* thirty-five years ago, we’d be talking with guys from Mississippi back then who weren’t as pessimistic.” He added, “To hear that from him was the height of irresponsibility.” In an essay titled “Dumb Bell Blues,” Crouch wrote that Bell’s theory of interest convergence undermined the importance of Black achievements in transforming American society. Whereas he regarded Bell’s view as pessimism, to Bell it was hard-won realism. Imani Perry told me, “Even as he had a kind of skepticism about the prospect that racism would end, or that you’d get a just judicial order, he was still thinking about how you move the society, what will move, and what will be much harder to move.”

Part of Bell’s intent was simply to establish expectations. Crenshaw mentioned to me “[Silent Covenants](#),” a book on the legacy of Brown, which Bell published in 2004. In it, he describes a 2002 ceremony at Yale, at which Judge L. Robert Carter was awarded an honorary degree. When the university’s president noted that Carter had been one of the attorneys who argued Brown, the crowd leaped to its feet in an ovation, which prompted Bell to wonder, “How could a decision that promised so much and, by its terms, accomplished so little have gained so hallowed a place among some of the nation’s better-educated and most-successful individuals?”

“Silent Covenants” also features an alternative ruling in Brown. In this version, which was clearly informed by Bell’s reconsideration of *Hudson v. Leake County*, the Court holds that enforcing integration would spark such discord that it would likely fail, so the Justices issue a mandate to make Black and white schools equal, and create a board of oversight to insure that school districts comply. Bell says in the book that he wrote the ruling when a friend asked him whether the Court could have framed its decision “differently from, and better than” the one it chose to hand down. His response is a rebuke to the Warren Court’s ruling and also, implicitly, to the position taken by the man who gave Bell his job as an L.D.F. attorney—Thurgood Marshall, who had overseen the plaintiff’s suit and sought integration as a remedy. Yet, Crenshaw said, “at the end of the day, if Bell had been on the Court, would he have written that opinion? Well, I highly doubt it.” As she told me, “A lot of what Derrick would do would be intentionally provocative.”

The 2008 election of Barack Obama to the Presidency, which inherently represented a validation of the civil-rights movement, seemed like a refutation of Bell's arguments. I knew Bell casually by that point—in 2001, I had interviewed him for an article on the L.D.F.'s legacy, and we had kept in touch. In August of 2008, during an e-mail exchange about [James Baldwin](#)'s birthday, our discussion turned to Obama's campaign. He suggested that Baldwin might have found the Senator too reticent and too moderate on matters of race. Bell himself was not much more encouraged. He wrote, "We can recognize this campaign as a significant moment like the civil rights protests, the 1963 March for Jobs and Justice in D.C., the Brown decision, so many more great moments that in retrospect promised much and, in the end, signified nothing except that the hostility and alienation toward black people continues in forms that frustrate thoughtful blacks and place the country ever closer to its premature demise."

I was struck by his ominous outlook, especially since someone Bell knew personally, and who had taught his work at the University of Chicago, stood to become the first Black President. I thought that his skepticism had turned into fatalism. But, a decade later, during the most reactionary moments of the Trump era, Bell's words seemed clarifying. On January 6th of this year, as a mob stormed the Capitol in an attempt to overturn a Presidential election, the words seemed nearly prophetic. It would not have surprised Bell that Obama's election and the strength of the Black electorate that helped him win are central factors in the current tide of white nationalism and voter suppression.

Bell did not live to see the election of [Donald Trump](#), but, as his mention of the nation's "premature demise" suggests, he clearly understood that someone like him could come to power. Still, the current attacks on critical race theory have arrived decades too late to prevent its core tenets from entering the legal canon. The cohort of young legal scholars that Bell influenced went on to important positions in the academy, and many of them, including Crenshaw, Williams, Matsuda, and Cheryl Harris, have influenced subsequent generations of thinkers themselves. People who looked at the deaths of George Floyd and Breonna Taylor and others and concluded that they were not anomalies but evidence that the system was functioning as it was designed to, were articulating the conclusion that Bell had drawn decades earlier. "The gap between words and reality in the

American project—that is what critical race theory is, where it lies,” Perry told me. The gap persists and, consequently, Bell’s perspective retains its relevance. Even after his death, it has been far easier to disagree with him than to prove him wrong.

Vinay Harpalani told me, “Someone asked him once, ‘What do you say about critical race theory?’ ” Bell first replied, “I don’t know what that is,” but then offered, “To me, it means telling the truth, even in the face of criticism.” Harpalani added, “He was just telling his story. He was telling his truth, and that’s what he wanted everyone to do. So, as far as Derrick Bell goes, that’s probably what I think is important.” ♦

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- [Briefly Noted](#)

The all-too-human plaintiff of *Roe v. Wade* captured the messy contradictions hidden by a polarizing debate.

By [Margaret Talbot](#)

Content

Roe v. Wade may be the rare Supreme Court decision that most Americans can name, but it's also one of the few that many volubly disparage—and not just anti-abortion activists who want to get rid of it altogether. Ruth Bader Ginsburg was a staunch advocate of access to abortion but an open critic of the reasoning behind *Roe*. She thought the rationale should have centered on preventing sex discrimination rather than on preserving a right to privacy. “The image you get from reading the *Roe v. Wade* opinion is it’s mostly a doctor’s-rights case—a doctor’s right to prescribe what he thinks his patient needs,” Ginsburg told the legal writer and scholar Jeffrey Rosen, in 2019. “My idea of how choice should have developed was not a privacy notion, not a doctor’s-right notion, but a woman’s right to control her own destiny, to be able to make choices without a Big Brother state telling her what she can and cannot do.”

Ginsburg also declared herself on board with another critique of the decision: namely, that when *Roe* was handed down, in 1973, it short-circuited a political process whereby states had been gradually legalizing abortion on their own, and thus created the conditions for a polarizing backlash that we are still living through. Although this interpretation is not entirely borne out by the facts—more on that later—it has congealed into conventional wisdom. “Justice Harry Blackmun did more inadvertent damage to our democracy than any other 20th-century American,” the columnist David Brooks wrote, in 2005, of the opinion’s author. *Roe v. Wade*, Brooks argued, “set off a cycle of political viciousness and counter-viciousness that has poisoned public life ever since.” Unlike other rulings that recognized new social norms and established new constitutional rights—to interracial marriage and same-sex marriage, for instance—*Roe v. Wade* remains vulnerable even now, nearly half a century later, to a precedent-flipping, stare-decisis-flouting new ruling. It has never been more so, in fact, than it is now. In the coming term, the conservative-majority Court has agreed to hear a case in which the state of Mississippi is essentially seeking to overturn *Roe*, along with *Planned Parenthood v. Casey* (1992), which

reaffirmed the right to abortion before the stage of fetal viability. Earlier this month, the Court offered a preview of its orientation when it declined to halt enforcement of an even more draconian Texas law, which bans all abortions after about six weeks, a point at which many women do not even know that they are pregnant.

Roe is unusual in another respect. In most landmark cases, the plaintiff doesn't stick around like an ornery barfly at closing time, making trouble for all sides. When Jane Roe, whose real name was Norma McCorvey, became a plaintiff in one of the highest-profile cases ever to go before the Supreme Court, she was a broke, divorced, twenty-two-year-old Texan with a ninth-grade education—"a street person, drug addict, drunk," as she described herself, decades later. Most of her lovers were women, but, in 1970, she was unintentionally pregnant for the third time, by a flaky married guy who was already out of the picture. She wasn't looking for a crusade when she met with the feminist lawyers Sarah Weddington and Linda Coffee at a pizza parlor in Dallas; she was looking for a way to end her pregnancy. Abortion was illegal in Texas, and McCorvey was most likely too far along in her pregnancy to make it to one of the few states where it wasn't; also, she'd been scared off by a reconnaissance visit to an illegal practitioner closer to home.

By the time the Court handed down its decision in the case, McCorvey had given birth to a baby girl and relinquished her for adoption. She had also met Connie Gonzalez, her devoted partner for many years (although McCorvey cheated on her with gusto), and the two were eking out a living as housecleaners. When McCorvey got the call from Weddington and learned that she'd prevailed in the highest court, the victory didn't mean much to her. As the journalist Joshua Prager writes in "The Family Roe: An American Story" (Norton), his prodigiously researched, richly detailed, sensitively told account of McCorvey's strange, and very American, odyssey, "Her own lawyers had not much cared to know her. She, in turn, had not much cared to know about their case; when, months later, Norma listed in her red plastic datebook the important events of 1973, she included the Yom Kippur War, the Texas State Fair, and the closing of a local theater, but not the lawsuit that bore her assumed name."

McCorvey eventually acknowledged that she was Jane Roe and, in the late nineteen-eighties and early nineties, began making appearances in the national media. She served as an ambivalent asset to the pro-choice movement, attending rallies, and telling her story—not especially truthfully, according to Prager—in a best-selling 1994 memoir, “I Am Roe.” The ambivalence ran both ways, and was awkwardly riven by class. McCorvey thought the pro-choice leaders were hoity-toity. They left her out of events commemorating Roe where she figured she should have been a featured speaker. She thought they wanted her to be something she wasn’t—“a demure . . . white glove lady.” (She felt differently about the celebrity lawyer Gloria Allred, who did the talk-show circuit with her for a while and brought out McCorvey’s salty, extemporaneous charm.)

Pro-choice activists didn’t really want McCorvey donning white gloves, of all things, but they did tend to see her as a loose cannon and an unreliable narrator of her own life. For years, McCorvey had told reporters that the pregnancy she’d gone to court over had been the result of a rape. When she explained, in a 1987 interview, that it was actually a consensual encounter, the revelation came as an embarrassment to the pro-choice movement. Anti-abortion activists seized on the admission, arguing that it essentially invalidated the Court’s ruling. Prager quotes a letter to a Virginia newspaper from a preacher: “As a result of McCorvey’s lie, more than twenty million babies have been aborted.” In fact, neither McCorvey’s affidavit nor Blackmun’s opinion mentioned anything about *how* she got pregnant.

Then, in the mid-nineties, while McCorvey was answering phones at an abortion clinic, she met Flip Benham, a former saloonkeeper turned anti-abortion militant. Benham was a born-again-Christian lay minister who preached not only against abortion but also against homosexuality. He kind of liked Norma, though, and, more to the point, he saw in her a prize convert for his movement. Soon he was pressing a Bible into her hands, making her a business card that read “Miss Norma, Slave for Christ,” and baptizing her in a back-yard pool in suburban Dallas. So began McCorvey’s turn as an asset to the *other* side in the abortion wars. The head of Texans United for Life crowed, “The poster child has jumped off the poster.” In time, McCorvey rebelled against Benham’s insistence that she renounce her lesbianism, but she continued to cast her lot with the anti-abortion side, eventually converting to Catholicism.

Prager is not unsympathetic to McCorvey, but he sees her clearly. He notes that, unlike some of her feminist allies, pro-life leaders, even though they rejected her homosexuality, “made a public point of embracing Norma as she was—blunt and blue-collar.” He paints a believable portrait of a woman who cared about flirting and fun, seduction and sex, attention and affirmation—“watching out for Norma’s salvation and Norma’s ass,” as she once put it—but not about ideology, or politics, or anybody else’s rights, really, let alone their souls. McCorvey confided to Prager, who spent time with her at the end of her life, “It’s really a lot harder on this side because you gotta act like you care. But I don’t really give a shit.”

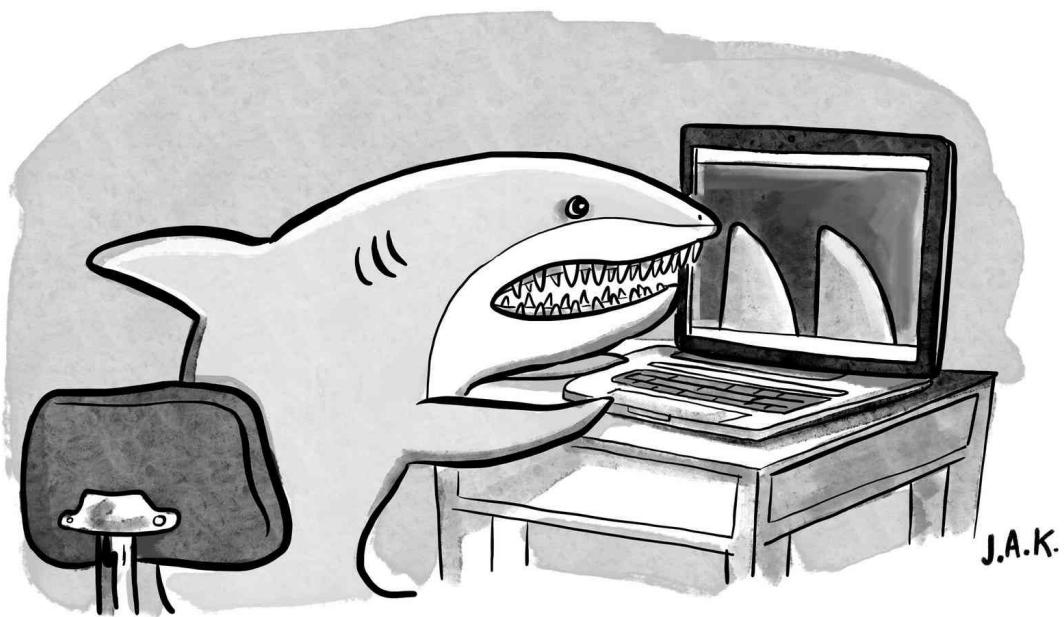
McCorvey died in 2017, and three years later a documentary about her, “AKA Jane Roe,” portrayed her as having never truly changed her mind about abortion but having been paid off to say she had. Yet, in Prager’s persuasive telling, it was not so much a secret deal as a product of McCorvey’s personality. It’s true that in the documentary McCorvey, interviewed in a nursing home, tells the filmmaker, Nick Sweeney, “If a young woman wants to have an abortion, fine, it’s no skin off my ass.” And when Sweeney asks if her advocacy for the pro-life side “was all an act,” she replies, “Yeah. I did it well, too.” Though the film suggests that anti-abortion activists had paid McCorvey handsomely, Prager says she made something like eight hundred dollars on average for a talk, and “struggled to hold on to what little she earned.” In fact, the pro-choice side had paid her for public appearances, too, but she never got rich off either movement. You don’t get the impression that McCorvey was purposefully lying to activists on either side. When she decided that people were being high and mighty with her, it was enough to send her skittering back and forth across what seemed to others like profound dividing lines of conscience and belief. She just doesn’t seem to have cared all that much about reproductive rights. McCorvey, speaking of her defection to the anti-abortion camp, told Prager, “I was lonely for some excitement. I needed to do something that would cause media attention. Isn’t that awful?”

Prager got an astonishing array of people to talk to him for this book—from short-term girlfriends of McCorvey’s to the son of Henry Wade, the Dallas D.A. who was Roe’s legal antagonist and who, we learn here, was secretly pro-choice. The book is most compelling, though, when it’s relating the personal saga of a woman and her family caught in the gears of history.

Prager brings in two characters beyond McCorvey's orbit—Mildred Jefferson, an African American pro-life leader, and Curtis Boyd, a doctor who provided abortions before and after Roe—but their stories don't add much to the narrative. Its drive comes from Prager's efforts to track down the three daughters whom McCorvey gave up for adoption.

What he learns about these women doesn't cohere into a neat takeaway, although it's notable that all three tell him they are pro-choice. The oldest, who was partly raised by Norma's mother and sister, and who knew Norma, yearns for a deep family bond with her two half sisters and hopes that they'll find a way to accept their mother. The middle sister, who most resembles McCorvey and is, like her, a lesbian, is more interested in information about her biological parents than in a relationship with them. The youngest, the so-called Roe baby, was identified by a pro-life private detective shortly before her nineteenth birthday, laying the groundwork for a *National Enquirer* story. Until then, she had pretended that her real parents were Ann-Margret and Elvis Presley, and she tells Prager that she wishes she'd never learned the facts of her birth. The sisters' lives are ordinary, zigzagging between rough passages (depression, divorce, domestic abuse, addiction) and periods of fulfillment (going back to school, loving a job at a florist's, meeting a nice new guy or gal, embracing stay-at-home motherhood). And yet, because their biological mother happens to have been Jane Roe, they are also extraordinary. It's like a fairy tale set in working-class America, each sister carrying a secret and a curse.

Would a different Jane Roe have changed the way the case has been perceived over the years? Reading “The Family Roe,” you wonder whether someone other than McCorvey might have been a better fit for the role, and whether she might have been served better by sidestepping it. The one thing McCorvey had wanted when she went to see the lawyers she'd been referred to was an abortion—and she never got it. Weddington and Coffee do seem to have told her that, by the time her case made it to court, it would almost certainly be too late to end the pregnancy. But they did not help her to get an abortion, and, as Prager notes, they could at least have tried. Weddington had worked with a service that referred people seeking abortions to clinics in California (where it was legal) and in Mexico (where it was quasi-legal). She herself had obtained an abortion in Mexico a few years earlier.



"Mom, Dad, you're barely in frame . . ."
Cartoon by Jason Adam Katzenstein

Weddington was only twenty-six when she argued Roe in front of the Supreme Court. The prevailing atmosphere was so sexist that the Texas assistant attorney general prefaced his argument with a lame quip about the difficulty of facing off against “such beautiful ladies.” There is much to admire about her: she went on to win a seat in the state legislature, to write a memoir about the case, and to become a popular speaker on college campuses. But Prager says that in early interviews Weddington made it sound as if McCorvey had decided to carry her pregnancy to term to make sure she would still have standing, thereby saving the case. In fact, Prager writes, “Norma had shown no such valor.” Coffee gets a more sympathetic treatment, perhaps in part because Weddington declined to talk to Prager, and in part because Coffee had a much lower profile for decades. By the time Prager located her, she had been acquitted of fraud charges (after allegedly forging a client’s signature) and suspended by the Texas bar a few times, when she got behind on her licensing payments. She was living quietly with her partner in a small town in East Texas, where it was not easy to be open about her gay identity. Her finances were precarious enough that she relied on a local food bank. When she was invited, with Weddington, to a pro-choice fund-raising event in 2019, the former partners in history-making hadn’t seen each other in twenty-seven years.

By the time the pro-life movement took McCorvey aboard, anti-abortion activists had widened their focus from the vulnerable fetus to the woman carrying it—who, they argued, would be morally, emotionally, and physically damaged by an abortion. The purported damage ranged from regret to a constellation of woes called “post-abortion syndrome.” Ronald Reagan’s Surgeon General C. Everett Koop was tasked with collecting evidence of P.A.S., but admitted that he couldn’t find any. Evidence of routine regret was also lacking. A large-scale study conducted by researchers at the University of California, San Francisco, found that, five years out, the vast majority of women who had undergone an abortion said it had been the right choice for them. In any case, regret is a dubious basis for policy. People regret all kinds of decisions, large and small, but we don’t proactively deprive them of their decision-making agency on the chance that they might. The anti-abortion movement made McCorvey into a sad-eyed embodiment of tormenting second thoughts. Here, after all, was the very woman whose pregnancy had legalized abortion, now decrying it. But the regret McCorvey expressed time and again was about *not* getting an abortion —she even shared that sentiment with a reporter sent to cover her born-again baptism.

There had been other possible plaintiffs, other possible routes to the Supreme Court. As a young litigator with the A.C.L.U., Ruth Bader Ginsburg had hoped that the Court’s first abortion case would be one in which she was representing a woman seeking *not* to have an abortion. The woman was Susan Struck, a nurse in the Air Force who became pregnant in 1970, while serving in Vietnam. The military gave her two choices: have an abortion or be immediately discharged. (Though illegal in most states, abortion was allowed on military bases.) The Supreme Court agreed to hear *Struck v. Secretary of Defense*, but in the meantime the Air Force, realizing that it would likely lose, overturned the policy. An opinion in the Struck case, Ginsburg believed, would have anchored the right to have an abortion —like the right not to have one—in the notion of equality. A whole class of people could not be denied equal treatment under the law simply because they were subject to the condition of pregnancy.

“The Family Roe” tells us that Weddington and Coffee, hedging their bets against the possibility that Norma would drop out of the suit, had challenged the Texas abortion law on behalf of another plaintiff as well. Her name was

Marsha King, and she was, Prager writes, “unlike Norma in almost every way.” A married engineer with an advanced degree in physics, King had talked openly about the importance of abortion rights ever since having a gruelling procedure herself, in Mexico. She was in ill health and didn’t want to risk getting pregnant again, but, because she wasn’t currently pregnant, the Texas court that heard the case found she didn’t have standing. Even so, there might have been many other candidates like King. By 1970, there had been speak-outs where women came forward in public forums to talk about their own fears of unwanted pregnancy and their experiences with illegal abortionists. These were feminists attuned to the wider significance of legalizing abortion, more committed to a cause than to their own immediate self-interest.

In the years since Roe, some civil-rights lawyers seem to have sought out appealing, well-spoken clients, with a history of activism or at least developed opinions on the issue at stake. That was true, for instance, of most of the plaintiffs in the lawsuits seeking to legalize same-sex marriage, who were upstanding embodiments of respectability politics—monogamous, middle class, sometimes devotedly caring for a disabled partner. Projecting a sort of “disdain for politics” was often part of the package, as Cynthia Godsoe, a professor at Brooklyn Law School, points out in an essay called “Perfect Plaintiffs.” Jim Obergefell, the plaintiff in Obergefell v. Hodges (2015), the case that established same-sex marriage, told reporters, “No one could ever accuse us of being activists. . . . We just lived our lives.” Still, Godsoe writes, “several had been involved in previous LGB advocacy; all were attractive candidates for careful recruitment by cause lawyers.” A belief in the mission and the support of other people who believe in it can gird a person for a long, public fight, making things easier on the client, emotionally, and on the larger movement, politically.

And yet a plaintiff’s character or commitment doesn’t necessarily matter to the outcome of the case. It was easy to love the Lovings, the plaintiffs in Loving v. Virginia (1967), which legalized interracial marriage across the country. Their lawyers could accurately present them as ordinary, apolitical rural folks, a couple who loved each other and simply wanted to live together quietly and legally. Yet, as Godsoe notes, these dream clients with the dream name came to their lawyers by “happenstance.” John Lawrence, of Lawrence v. Texas (2003), the landmark Supreme Court case that

overturned sodomy laws, was nobody's idea of a dream plaintiff. He had displayed no interest in gay-rights activism, and he had a previous conviction for vehicular homicide. One night, the police invaded his home without a warrant and arrested him for having sex with another man. Lawrence's partner wasn't even his lover, as the law professor Dale Carpenter revealed in his book on the case, "Flagrant Conduct." But arrests for sodomy in Texas were rare, so this one offered a valuable opportunity to challenge a set of assumptions behind legal anti-gay discrimination. McCorvey's main qualification, too, was being in the right place in the right condition at the right time, and being willing to sign an affidavit.

Those of us who are pro-choice may be tempted to sigh over Roe v. Wade, wondering how it could have been different. Maybe, as Justice Ginsburg believed, it would have been better to ground the right to abortion in equality rather than in privacy. You can see the pitfalls of a "my body, my choice" absolutism—or a caricature of it—in the anti-vaccine and anti-mask movements of today. Many feminist thinkers now argue for a more inclusive, and potentially sturdier, defense of abortion rights in what's often called reproductive justice. It embraces the freedom to have children, with adequate social supports to raise them, as well as the freedom to postpone or prevent childbearing. That would mean, as Reva Siegel, a law professor at Yale, has put it, looking beyond abortion and asking, "What are all the ways that law impinges on—empowers or disempowers—people in their intimate and their family lives?"

On the other hand, Justice Blackmun's elaboration of a constitutional right to privacy, the assertion that there are areas of intimate life on which the state cannot encroach, has been important in subsequent decisions governing the right to marry whom one chooses, and in the understanding of human rights more generally. And the backlash argument—that it was the judicial overreach of Roe that created this country's long-lasting division over abortion—deserves at least an asterisk. There's no doubt that Roe exerted what Prager describes as a galvanizing effect on anti-abortion activists. It has been a mainstay of evangelical politics for decades, and all the more offensive to some because it could be attributed to what Antonin Scalia called "the black-robed supremacy" on the federal bench. Yet Siegel and Linda Greenhouse, a former Supreme Court reporter for the *Times*, have dug into the backlash claim and provided a set of complicating facts. Polling on

the eve of Roe showed that a “substantial majority” of Americans favored decriminalizing abortion, including two-thirds of self-identified Republicans and fifty-six per cent of Catholics. But, they write, “despite broad popular support, liberalization of abortion law had all but come to a halt in the face of concerted opposition by a Catholic-led minority.” Republicans began stoking opposition to abortion as part of a strategy to lure working-class Catholic voters and Southerners who were alienated by the Democratic Party’s outreach to minorities, by the counterculture, and by the women’s movement. In Greenhouse and Siegel’s view, there is nothing uniquely backlash-inducing about a judicial, as opposed to a legislative, extension of rights.

As for McCorvey herself, precisely because of her ambivalence she was, in significant ways, a highly representative and therefore inadvertently eloquent plaintiff. As Prager writes, “If Norma was uncomfortable with the increasing surety and absolutism of both movements, she was hardly alone.” By the end of her life, she occupied what she called “the mushy middle,” supporting, as many Americans do, abortion rights but with some limits. And the fact that she did not want to be a parent was certainly related to what Ginsburg called “the right to control her own destiny.” Her topsy-turvy life is a reminder, too, that if the personal is the political, the political is also the personal, driven by inconsistency and exigency.

McCorvey wanted an abortion at a time when some women could fly to California or Oregon or Mexico to get one and others could not. She simply didn’t have the money. Today, more than half of those who have abortions live below the federal poverty line. And they are the ones who will suffer if the Supreme Court overturns Roe. Women will always seek to end unwanted pregnancies, as they have throughout history, and throughout the world, regardless of what the law says. Indeed, doing so is easier now than ever, given the availability of reliable abortion-inducing drugs that can be taken at home and are increasingly provided by online services. People of means seeking abortions will be able to travel to states that have strengthened their own laws to make sure the procedure can still be offered there. Women short on funds, or information, or child care, or the ability to take time off from work will be out of luck and, if they do find a way to end an unwanted pregnancy, more vulnerable to prosecution. Norma McCorvey’s obituary in the *Washington Post* ended, aptly, with something she said in 1994: “I don’t

require that much in my life. I just never had the privilege to go into an abortion clinic, lay down, and have an abortion. That's the only thing I never had." In that way, McCorvey was the perfect plaintiff—a harbinger of things to come. ♦

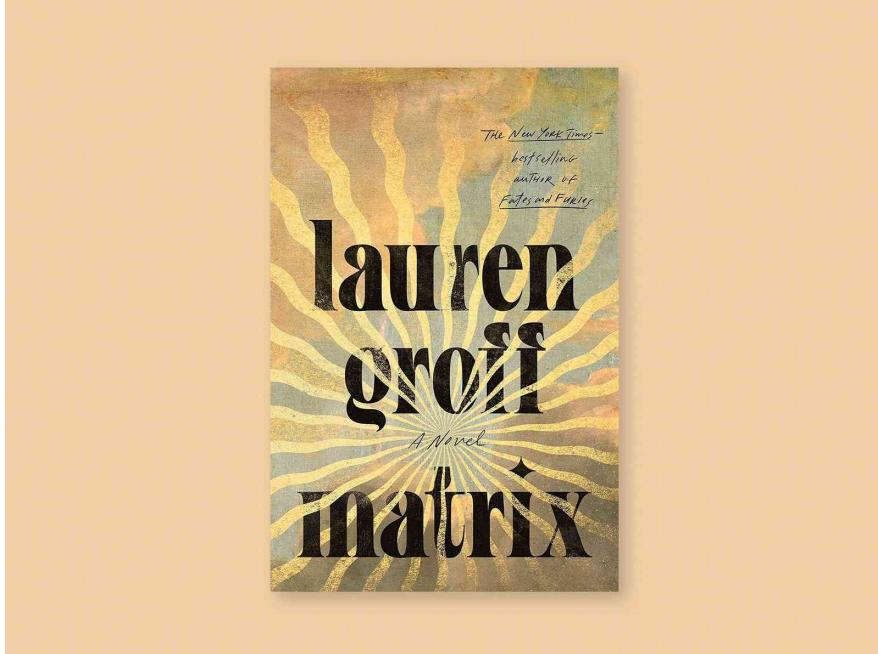
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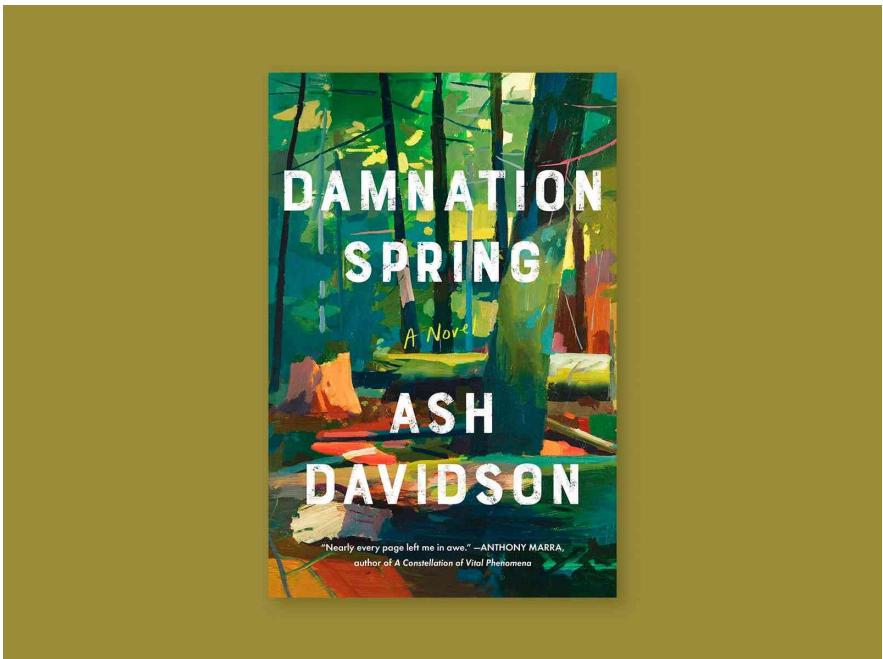
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Briefly Noted

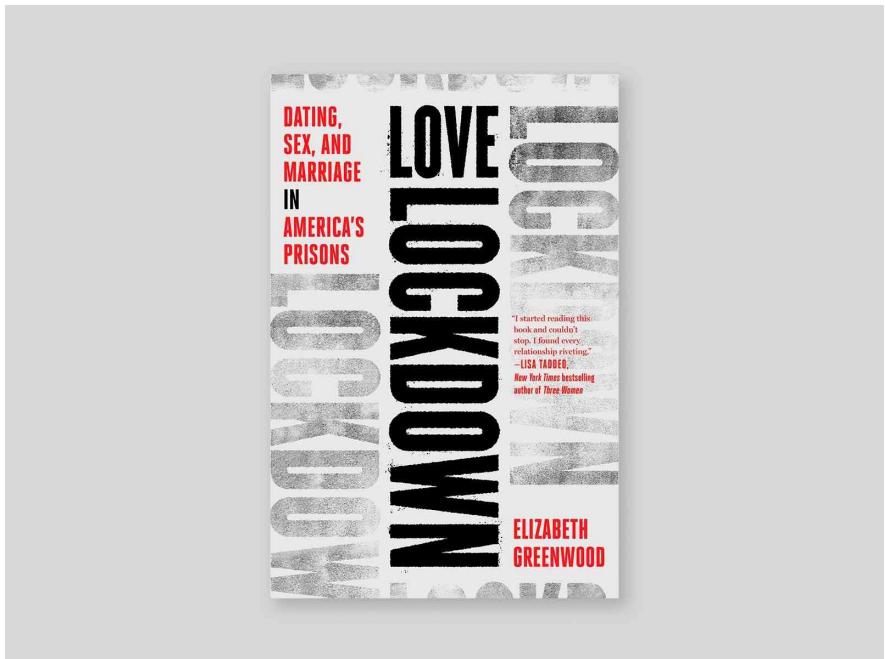
“Matrix,” “Damnation Spring,” “Love Lockdown,” and “Freedomville.”
September 13, 2021



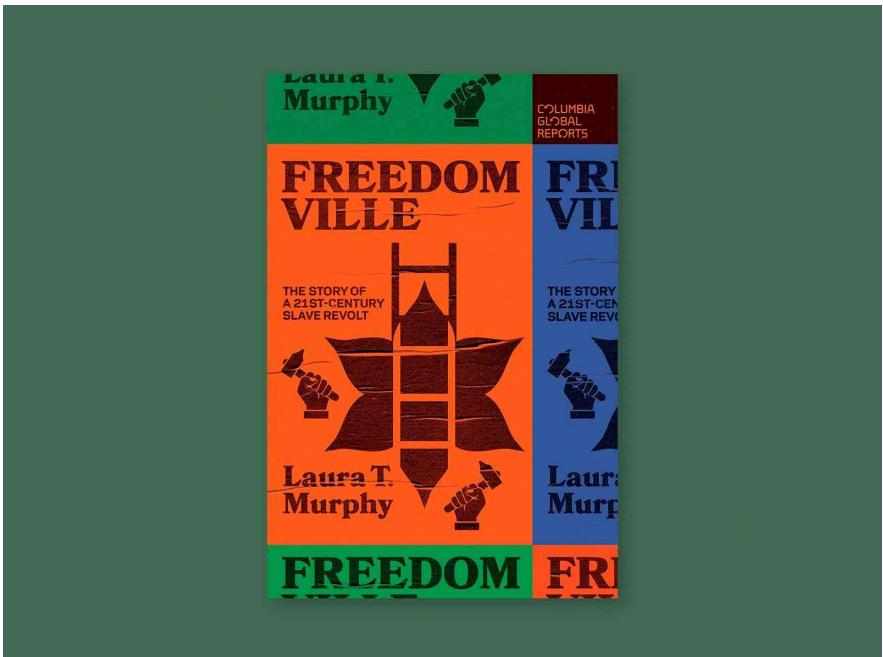
Matrix, by Lauren Groff (*Riverhead*). The author, whose previous fiction has probed contemporary American communities, sets this novel in an impoverished twelfth-century English abbey, where the protagonist, Marie, is sent at the age of seventeen to be prioress. A half-royal orphan used to court life, she looks upon the role as a living death but becomes adept at eliding medieval strictures of faith and gender. Wrestling with a multifaceted devotion—tenuous piety, thirst for power, love for her sisters in the abbey—she creates an “army of nuns” who undersell male scribes and rout unscrupulous tenants. Through Marie, Groff explores how a society’s religious and gendered constraints can be turned on their head to create a utopia.



Damnation Spring, by *Ash Davidson* (Scribner). Taking place in a small town in Northern California's redwood country, this novel shifts perspectives among members of the Gunderson family. Rich comes from a logging background and hopes to fulfill his father's dream of owning the land with the largest redwood in the area. His wife, Colleen, a midwife and a mother of one, longs for a second child but has had multiple miscarriages. When environmentalists question the effects of the logging industry's herbicide use, the household is torn; logging is Rich's heritage and livelihood but may offer an explanation for Colleen's miscarriages. With great empathy and care, Davidson demonstrates how competing values play out against a backdrop of climate change in America.



[**Love Lockdown**](#), by *Elizabeth Greenwood* (Gallery). A sobering statistic opens this exploration of dating and marriage in American prisons: the U.S. has not only the highest incarceration rate in the world but also the highest rate in the country's history, with some 2.3 million people "inside." Greenwood, following five couples over five years, shows what it takes to maintain a relationship when one or both partners are incarcerated: enduring years of separation; saving up for privately operated, price-gouging e-mail services; and so on. Moving seamlessly between the intimate and the institutional, she remains alert to the injustices of the system while capturing the romance of her subjects' stories, like that of Sherry, an incarcerated trans woman who spends all day talking through an air vent with her fiancé, Damon, the boy in the cell next door.



[**Freedomville**](#), by *Laura T. Murphy* (*Columbia Global Reports*). In 2000, enslaved miners from the Kol tribe, in Uttar Pradesh, freed themselves by winning a lease for their own rock quarry. In the human-rights community, the story of this nonviolent, survivor-led “slave revolt” became central to thinking about strategies that might help free the estimated forty million people still enslaved worldwide. But a significant, and violent, detail of the story was missing. By the time that Murphy, an academic, heard the full story from the Kols, she had been teaching the incomplete narrative for years. She now sees that version as romanticized and believes that the truth must be known, lest we saddle the marginalized with unrealistic moralism.

Brave New World

- [Meet Merlin, the Bird-Identifying App](#)

[September 20, 2021 Issue](#)

Meet Merlin, the Bird-Identifying App

Heather Wolf, a part-time juggling impresario, feeds her birding habit with an app that pegs species—even on the Brooklyn Bridge—using both images and birdsong.

By [David Owen](#)

September 13, 2021

Heather Wolf earned a degree in sociology at U.C.L.A., then spent six years playing electric bass in a travelling band. She earned a master's degree in information science, moved to Brooklyn, and worked as a software developer for a company based in Manhattan. She founded JuggleFit, which promotes physical fitness and mindfulness through juggling, and she taught Harry Connick, Jr., on television, to juggle colored scarves. In 2006, she moved to Pensacola, earned another master's degree, in computer science, and spent five years working on a Web site for the Navy. One day, as she was walking to the beach on a path among the dunes, she was attacked, more or less, by a bird. "It was mostly white, and it looked a little like a gull," she said recently. "When I got home, I looked it up and learned that it was a least tern and that least terns aggressively defend their nests, which are just scrapes in the sand." She hadn't thought about birds very often before that moment; afterward, she thought about them all the time. In 2012, she moved back to New York and decided to document every bird species in Brooklyn Bridge Park. Four years later, she published "Birding at the Bridge," a two-hundred-and-seventy-nine-page book that's partly a bird guide, partly a memoir, and partly a triumph of nature photography. That same year, she was hired to do what has turned out to be her dream job (so far): Web development for the Cornell Lab of Ornithology.



Heather Wolf Illustration by João Fazenda

Late one afternoon this summer, Wolf took a walk in what's now her principal birding "patch," the transformed East River piers that constitute Brooklyn Bridge Park. (She and her boyfriend, who is also both a software developer and a birder, live near Red Hook, not far from Pier 6.) "I call this the Dark Forest," she said, on a shaded path that was maybe two hundred yards from the Brooklyn-Queens Expressway. "There's a black-crowned night heron that often hangs out here, in this sumac—and there it is." A large, hunched bird with a long bill was perched on a branch, camouflaged by foliage. A young man and woman stopped, and the man asked Wolf what she was looking at. "Wow!" he said. "How did you even see that?"

A bird with bright-orange markings flew down and began splashing in a shallow pond below the sumac. "That's a male American redstart—a migrating warbler," Wolf said. "You can see that his tail is fanned out and flicking, and one theory is that they do that to scare insects, which they then eat." She took a few pictures with a Canon D.S.L.R., to which she had attached a telephoto lens. "Let's use Merlin," she said, referring to Cornell's free bird-identification app. She plugged in a photo, and information on the redstart popped up.

Merlin can also identify birds by sound. "At this time of year, most birds aren't singing a lot, because they don't have to attract mates or defend

territory,” Wolf said. Even so, an especially noisy bird was clearly audible among the leaves nearby, and a Merlin utility called Sound ID nailed it: a gray catbird. “An interesting fact about Merlin is that it identifies birdsong visually, rather than from audio signals,” she continued. When the app records a bird call, it generates a spectrogram, which looks like a tracing made by a seismograph during an earthquake. Different species’ spectrograms aren’t as individual as fingerprints, but almost. Sound ID is powered by an artificial-intelligence algorithm that bird-identification experts and lab staff have trained by feeding it thousands of spectrograms submitted by birders (through ebird.org, one of the lab’s sites) and annotated by bird-sound experts. “Right now, there are four hundred and fifty-eight species that Merlin can identify by sound,” Wolf said. “Something we’re going to be working on soon is training the app on urban environments. The more sound recordings we have with helicopters in the background, the better Merlin is going to do in identifying these birds.”

This past spring, Wolf had numerous opportunities to listen to, watch, and photograph a family of common ravens, which had nested under the American flag near the top of one of the Brooklyn Bridge towers. “They had the best view in New York,” she said, “and they were fun to watch because they would sometimes fly upside down and do rolls—usually a half-roll, but on rare occasions a full or even a double.” Ravens look like crows, but they’re bigger and have thicker bills, and their tails are more wedge-shaped. They also make a sound that Merlin identifies easily: a croak, rather than a caw. “Ravens sound like frogs,” Wolf said. “So, if you hear a frog flying above you, look up.” ♦

An earlier version of this article misstated Heather Wolf’s involvement in the app’s creation.

Comment

- [The Forever Trial at Guantánamo](#)

[September 20, 2021 Issue](#)

The Forever Trial at Guantánamo

President Biden moved to end the war in Afghanistan, but the proceedings against the remaining war-on-terror detainees, including the 9/11 suspects, drag on.

By [Amy Davidson Sorkin](#)

September 12, 2021

When President [Joe Biden](#) spoke, last month, about the need to end “forever wars,” he said, “I’m now the fourth American President to preside over war in Afghanistan—two Democrats and two Republicans. I will not pass this responsibility on to a fifth President.” But Biden is still presiding over a remnant of the war on terror, which might be called the forever trial. This is the prosecution of [Khalid Sheikh Mohammed](#)—the alleged mastermind of the attacks of [September 11, 2001](#)—and four other defendants, which reconvened at Guantánamo Bay last week for the first time since the pandemic began, and which has, for years, been a spectacular exercise in futility. K.S.M., as he’s known, and his co-defendants were apprehended more than eighteen years ago; the current proceedings against them formally opened in 2012, and have been stuck in pretrial hearings ever since. Jury selection is not yet in sight, let alone a verdict. The judge, Colonel Matthew McCall, is, depending on how you count, the fourth, seventh, or ninth to preside.

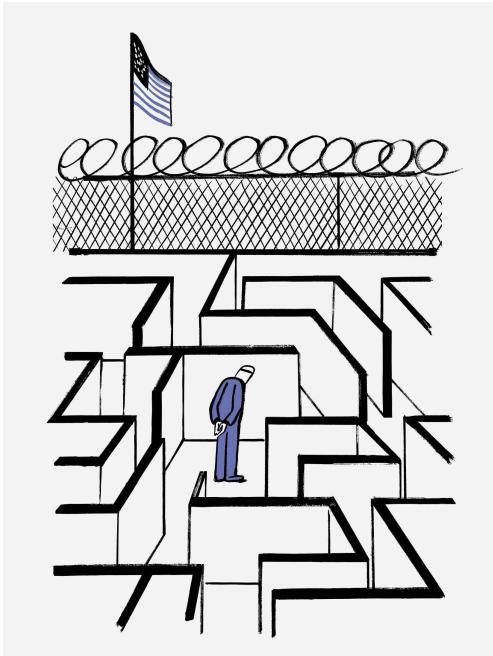


Illustration by João Fazenda

The problems began with [George W. Bush](#)'s decision, in January, 2002, to send purported terrorism suspects to [Guantánamo](#). Some were tortured at the base; some were tortured in other locations, such as the C.I.A.'s "black sites." Close to eight hundred people passed through the prison. Their paths there were disparate. Some were associated with Al Qaeda or other terrorist groups. Others were detained based on flimsy or false evidence, in some cases as a result of local feuds. Twenty-two were migrant Uyghurs; several were children under the age of sixteen. The inhumane carelessness with which all the prisoners were treated was visible to the world, and it damaged America's reputation. Successive Administrations attempted to rationalize the legal disorder of those years by setting up quasi-judicial procedures that ultimately crippled attempts to apply due process and render justice.

Early on, the Bush Administration decided that if prisoners at Guantánamo were ever tried it would be not in civilian courts but before newly designed "military commissions." That scheme ran into trouble with the Supreme Court, which ruled that key elements of it were unconstitutional. In 2009, [Eric Holder](#), Barack Obama's first Attorney General, announced that K.S.M. and his four alleged co-conspirators would instead be charged in federal court in lower Manhattan, near the scene of the crime. An eighty-one-page indictment against the men was handed down by a grand jury in the Southern District. Republicans, and some Democrats, treated this

development not as a triumph but as an outrage. Holder backed down, and the Obama Administration began proceedings under a revamped military-commission law. At about the same time, Congress passed a provision in the National Defense Authorization Act blocking all funds that might be used to move prisoners to the United States—even to stand trial or to serve a sentence. That provision has been renewed every year since.

Looking back, there was something supremely weird about the furor that greeted the idea that accused mass murderers might be prosecuted in U.S. courts—that’s what the courts are for. It can be partly explained by the politics of fear in the period after 9/11. There was a notion that military commissions would be quick and efficient. Also, it was widely recognized that detainees at Guantánamo had been tortured. A real trial—a fair trial—would lay that bare. Guantánamo was seen as a place to hide the government’s crimes. In that sense, shame was a factor as well.

But it turned out that building a novel commission system was not expedient at all; some of the time-consuming hearings in the 9/11 case have involved litigation, rife with untested appellate issues, over basic matters such as the rules of evidence and lawyers’ access to their clients. Federal courts, by contrast, have proved very effective in prosecuting terrorists, and have an extensive record of dealing with classified matters. And, just as evidence elicited under torture is not admissible in civilian courts, it is not supposed to be admissible in military commissions, either. (Nor should it, for reasons of reliability, legality, and morality.) Obama had pledged to close Guantánamo; instead, he worked at the margins, sending lower-profile prisoners to other countries, whittling down their numbers. Donald Trump stopped doing even that. There are currently thirty-nine prisoners at the base (including the 9/11 defendants); the majority have been held for more than a decade without any charges being filed against them. Meanwhile, the military-commission proceedings slog on.

Until Congress stops renewing the ban on transferring detainees to this country, the most effective thing that the Biden Administration can do to bring the 9/11 trial to a quicker, more just conclusion is to take the death penalty off the table. This is within its power to accomplish. The pursuit of the death penalty is another reason the trial is taking so long; as in civilian courts, additional procedures must be followed in capital cases. For

example, the fact that the men had been tortured could be introduced as a mitigating factor at the sentencing stage. Some of the pretrial hearings have been about attempts by the defense to preserve evidence of torture for that purpose, which the government has resisted. Dropping the death penalty would return the focus to the nearly three thousand people who were killed on 9/11 and reduce the likelihood that Biden will leave an unfinished trial for an unknown future President. Doing so could also make it easier to strike plea deals—a guilty plea for life in prison.

A plea deal might seem like a tepid ending to what had once been envisioned as the trial of the century. And it would not close Guantánamo, though it would help. Karen J. Greenberg, the director of the Center on National Security at Fordham Law, and the author of “[Subtle Tools](#),” a new book on laws and norms after 9/11, said last week that Biden’s best chance of finally finishing that job would be to move aggressively to make sure that every remaining prisoner is charged with a crime or else transferred to another country. Some of the cases have been regarded as too murky to resolve with either of these actions, but after almost two decades it’s time to make those hard calls. Our legal forever war must also come to an end. ♦

Crossword

- [The Crossword: Friday, September 10, 2021](#)

[September 20, 2021 Issue](#)

The Crossword: Friday, September 10, 2021

A lightly challenging puzzle.

By [Erik Agard](#)

September 10, 2021

By [Patrick Berry](#)

By [Anna Shechtman](#)

Fiction

- “Yente”

By [Olga Tokarczuk](#)

Asher Rubin goes in through the dark, muddy courtyard of Elisha's house, where just-slaughtered geese, fattened all summer long, hang upside down. He walks through a narrow entryway and smells the fried cutlets and onions, hears someone somewhere grinding pepper in a mortar. The women are noisy in the kitchen; the cold air is pierced by the steam that comes from there, from the dishes they're preparing. There are the smells of vinegar, nutmeg, bay leaves; there is the aroma of fresh meat, sweet and sickening. These scents make the autumn air seem even colder and more unpleasant.

The men behind the wooden partition speak aggressively, as if they were arguing; he can hear their voices and also smell candle wax and the damp that has permeated their clothing. The house is full to bursting.

Asher passes children; the little ones pay him no attention, too excited about the impending festivities. He passes through a second courtyard, which is weakly lit by a single torch. At the doorstep, he runs into a tipsy Yehuda, whom the whole family calls Leyb. As a matter of fact, Rubin's name isn't Rubin, either, but Asher ben Levi. Now, in the semidarkness and the throng of guests, all names seem somehow fluid, interchangeable, secondary. After all, no mortal holds on to his name for very long. Without a word, Yehuda leads him deep into the house and opens the door to a small room where some young women are working, and in a bed by the stove lies an old woman, supported by pillows, her face dried out and pale. The women greet him effusively and position themselves around the bed, curious to watch.

[Olga Tokarczuk on the power of words.](#)

Yente is small and thin, like an old chicken, and her body is limp. Her chicken's rib cage rises and falls at a rapid rate. Her half-open mouth, framed by extremely thin lips, caves inward. But her dark eyes follow the medic's movements. After he has chased all the onlookers from the room, he lifts the covers and sees her whole body, the size of a child's, sees her bony hands clutching strings and leather strips. They have wrapped her up to her neck in wolf hides. They believe that wolf hides restore heat and strength.

How could they have brought along this old woman with so little life left in her, Asher thinks. She looks like a shrivelled old mushroom, her brown face

cruelly carved up by the candlelight, making her appear no longer human; Asher has the sense that soon she will be indistinguishable from nature—from tree bark, gnarled wood, a rough stone.

Not that there is anything surprising in her wanting to attend her relative's wedding, since there will be cousins from Moravia and from distant Lublin here as well. Asher crouches beside the low bed and immediately smells the saltiness of human sweat and—he thinks for a moment, trying to place the scent—childhood. At Yente's age, people start to smell like children again. He knows that there is nothing wrong with this woman—she's simply dying. He examines her carefully and finds nothing other than old age. Her heart is beating unevenly and weakly, as if exhausted. Her skin is clear, but thin and dry, like parchment. Her eyes are glassy, sunken. Her temples are sinking, too, a sure sign of impending death. At her throat, under her slightly unbuttoned shirt, he can see some strings and knots. He touches one of the old woman's clenched fists, and for a moment she resists, but then, as if she were ashamed, her fist blossoms open like a desert rose. In her palm lies a piece of silk cloth, completely covered in thick letters: γ"ψ.

It almost seems that Yente is smiling at him with her toothless mouth, and her deep, dark eyes reflect the candles' burning; Asher feels as if that reflection were reaching him from very far away, from the unfathomable depths that all human beings hold within them.

"What's wrong with her? What's wrong with her?" Elisha asks him, suddenly bursting into that cramped space.

Asher rises slowly and looks into his anxious face.

"What do you think? She's dying. She won't last the wedding."

Asher Rubin makes a face that speaks for itself: Why did they bring her here in such a state?

Elisha grabs him by the elbow and takes him aside.

"You have your methods, don't you, that we don't know? Help us, Asher, please. The meat has already been chopped, the carrots peeled. The raisins

are soaking in their bowls, the women are cleaning the carp. Did you see how many guests there are?"

"Her heart is barely beating," Rubin says. "There's nothing I can do. She should never have been brought on such a journey."

He delicately frees his elbow from the grasp of Elisha Shorr and heads for the door.

Since Yente is the eldest person present, everyone who comes for the wedding immediately goes to pay her a visit. Guests stream into her little room at the end of the labyrinth, in the second house, which you must pass through another courtyard to reach, and which is just across the street from the cemetery. Children peer in through the cracks in the walls—high time to seal them before winter sets in. Elisha's daughter, Hayah, sits with her a long while. Yente puts Hayah's hands on her face, touches her eyes, her lips, and her cheeks—the children see this. She pats her head. Hayah brings her treats, gives her chicken broth to drink, adding a spoonful of goose fat, and old Yente smacks her thin, dry lips for a long time when she's finished, although even the fat doesn't give her enough strength to get up.

As soon as they arrive, the Moravians Solomon Zalman and his extremely young wife, Shneydel, go to visit their old cousin. It took them three weeks to get here from Brünn, through Zlín and Preschau, and then Drohobycz, but they will not go back the same way. In the mountains, some escaped serfs attacked them, and Zalman had to pay a considerable ransom—they were lucky the serfs didn't take everything they had. They'll go back through Kraków, before snow falls. Shneydel is already pregnant with her first child; she's just informed her husband of it. She is often nauseated. This is not at all helped by the smell of coffee and spices that greets you when you enter the vast Shorr household, or when you go into the shop. She also doesn't like how old Yente smells. She fears this woman, with her bizarre clothing and hair on her chin, as she would a wild animal. In Moravia, old women look a lot tidier—they wear starched bonnets and neat aprons. Shneydel is convinced that Yente is a witch. She's afraid to sit down on the bed, although everyone keeps telling her to do so. She's afraid the old woman will pass something on to the child in her belly, some dark, indomitable madness. She tries not to touch anything in that little room. The smell never

stops making her sick. Her Podolian relatives all seem wild to her. Finally, however, they push Shneydel toward the old woman, and she perches on the very edge of the bed, ready to flee at any moment.

She does, however, like the smell of wax—she secretly sniffs every candle—and of mud mixed with horse droppings and, now she knows, of vodka. Solomon, significantly older than she is, with a solid build and a belly, a middle-aged man with a beard, proud of his lovely wife, brings her a shot of vodka every once in a while. Shneydel tastes the drink but cannot swallow it. She spits it out on the floor.

When the young wife sits down, Yente's hand shoots out from under the wolfskins and lands on Shneydel's belly. Shneydel isn't showing yet, but Yente can see that a separate soul has taken up residence in her belly, a soul that is still indistinct, hard to describe because it is multiple; these free souls are everywhere, just waiting for the opportunity to grab some unclaimed bit of matter. And now they lick this little lump, which looks a bit like a tadpole, inspecting it, though there is still nothing concrete in it, just shreds, shadows. They probe it, testing. The souls consist of streaks: of images, and recollections, memories of acts, fragments of sentences, letters. Never before has Yente seen this so clearly. Truth be told, Shneydel gets uncomfortable sometimes, for she, too, can feel their presence—as if dozens of strangers' hands were pressing on her, as if she were being touched by hundreds of fingers. She doesn't want to confide in her husband about this—and, anyway, she wouldn't be able to find the words.

While the men sit in one chamber, the women gather in Yente's room, where they scarcely all fit. Every now and then one of them brings some vodka from the kitchen, wedding vodka, in semi-secret, like a smuggler, but of course this, too, is part of the fun. Crowded together and excited about the impending festivities, they forget themselves and start to clown around. But this doesn't seem to bother the ailing Yente—she may even be pleased that she's become the center of the merriment. Sometimes they glance at her, uneasy, feeling a bit guilty as she suddenly dozes off, then a moment later awakens with a childlike smile. Shneydel gives Hayah a significant look as Hayah straightens the wolfskins on the old woman, wraps her own scarf around Yente's neck, and sees all the amulets she wears there—little pouches

on strings, little pieces of wood with symbols written out on them, figures made of bone. Hayah doesn't dare to touch them.

The women tell terrible stories—about ghosts, lost souls, people buried alive, ill omens.

"If you only knew how many evil spirits were lurking in a single droplet of your beloved blood, you would all at once turn over your bodies and your souls to the Creator of this world," Tzipa, a woman who is considered learned, the wife of old Notka, says.

"Where are the spirits?" one of the women asks in a tremulous whisper, and Tzipa picks up a stick from the dirt floor and points at its tip: "Here! Here they all are, take a good look."

The women stare at the tip of the stick, their eyes squinting in a funny way; one of them starts to giggle, and in the light of just a few candles now they see double or triple, but they don't see any spirits.

In the night, when everyone has gone to sleep, Elisha Shorr, writing by candlelight, scratches out the following letters on a tiny piece of paper:

המתנה, המתנה, המתנה

Hey-mem-tav-nun-hey. Hamtana: waiting.

Hayah stands in a white nightgown, tracing an invisible circle around herself in the air. Now she lifts the scrap of paper over her head. She stands this way for a long while. Her mouth is moving. She blows on the paper a few times, then she rolls it up very carefully and slips it inside a wooden vessel the size of a thumbnail. She stays there for a long time, in silence, her head bowed, till suddenly she licks her fingers and sticks a strap through the hole in the amulet, which she hands to her father. Elisha, candle in hand, glides through the sleeping, rustling, intermittently snoring household, through the narrow hallways, to the room where Yente lies. He pauses at the door and listens. Evidently untroubled by anything he hears there, he softly opens the door, which humbly submits to him without a sound, revealing cramped quarters faintly lit by an oil lamp. Yente's sharp nose is pointed straight up at the

ceiling, casting a defiant shadow on the wall. Elisha has to pass through it in order to lay the amulet on the dying woman's neck. When he leans over her, her eyelids flutter, and Elisha freezes mid-motion, but it's nothing; she's clearly just having a dream. Her breathing is so light as to be almost imperceptible. Elisha ties the ends of the strap and slides the amulet under the old woman's nightgown. Then he turns on his toes and vanishes as quietly as he came.

When the candlelight gets faint in the cracks in the wood, Yente opens her eyes and, with a weakening hand, feels for the amulet. She knows what's written on it. She breaks the strap, opens the vessel and swallows the scrap of paper like a pill.

The servants keep coming into Yente's small, cramped room with the guests' coats and laying them at the foot of the bed. By the time the music starts, you can barely see Yente beneath the pile of garments; only when Hayah drops by is order restored, the coats moved to the floor. Hayah bends down over her elderly aunt and listens for her breathing, which is so weak it seems a butterfly would stir up more of a breeze. But her heart is beating. Hayah, slightly flushed from the vodka, presses her ear to Yente's breast, to the cluster of amulets, strings, and straps, and she hears a delicate *boom, boom*, very slow, the beats as distant from each other as Yente's long breaths.

“*Babcia Yente,*” Hayah calls her quietly, and she has the impression that the old woman's half-closed eyes have trembled, and her pupils have moved, and that something like a smile has appeared on her lips. It's a stray smile—it undulates, sometimes the corners of her mouth rise, sometimes they fall, and then Yente looks dead. Her hands are tepid, not cold, and her skin is soft and pale. Hayah fixes Yente's hair, which has come out from under her kerchief, and she leans in to her ear: “Are you still with us?”

And again that smile comes from somewhere to the old woman's face, lasting just a moment before vanishing. Hayah is being called from afar by the stomping of feet, so she kisses the old woman on her lukewarm cheek and runs to dance.

From Yente's chamber, you can't quite make out the melodies, which get stuck in the wooden walls, the winding corridors breaking them down into

individual murmurs. All you can hear is the *boom, boom* of dance steps and, from time to time, a high-pitched squeal. Yente is curious about what's going on out there. She is surprised to discover that she can easily slide out of her body and be suspended over it; she looks right at her own face, fallen and pale, a strange feeling, but soon she floats away, gliding along on the drafts of air, on the vibrations of sound, passing without difficulty through wooden walls and doors.

Now Yente sees everything from above, and then her gaze goes back to under her closed eyelids. That's how it is the whole night. Soaring and descent. Back and forth over the border. It tires her, she's never worked as hard as she is working now, not when cleaning or in the garden. And yet both the falling and the rising are pleasant. The only nasty thing is that movement, whistling and rough, which tries to push her out to somewhere far away, past the horizon, that force, external and brutal, which it would be impossible to face were her body not protected by the amulet, from the inside, irreversibly.

Strange—her thoughts blow over the whole region. “Wind,” says some voice in her head, which must be her own. Wind is the vision of the dead as they gaze upon the world they come from. Haven’t you ever noticed the fields of grass, she wants to say to Hayah, how the blades bow down and are parted? That has to be because there is a dead person watching. If you counted all the dead, you’d find that there are many more of them than there are of the living. Their souls have been cleansed already, as they have meandered through many lives, and now they await the Messiah, who will come to finish the task. And they look over everything. That’s why wind blows on earth. Wind is their watchful gaze.



"Don't worry—I'll invest your money in socially responsible companies."
Cartoon by Kaamran Hafeez and Al Batt

After a moment of startled hesitation she, too, joins in with this wind that flies over the houses of Rohatyn and the impoverished little settlements, over the carts clustered together on the market square in the hope that some customer might happen by, over the three cemeteries, over the Catholic churches, the synagogue, the Orthodox church, over Rohatyn's public house—and it dashes onward, rustling the yellowed grass on the hills, at first chaotic, in disarray, but then, as if it were learning dance steps, it speeds along the riverbeds all the way to the Dniester. There it pauses, for Yente is astonished by the mastery of the winding line of the river, its filigrees, like the outlines of the letters gimel and resh. And then it continues, over the border that has colluded with the river to divide two great countries—for Yente's vision knows no such borders after all.

Yente finds herself in the countryside, near Brzeżany. It is the very day she was conceived. Only now can she see it.

In this strange state in which she finds herself, is Yente able to change things slightly? Influence the course of events? Can she? If she could, she would change this one day.

She sees a young woman walking through the fields with a basket in her hand and, in it, two geese. Their necks move to the rhythm of her steps, their

beady eyes looking around with the trust common to domesticated animals. A mounted Cossack patrol comes galloping out of the forest, getting bigger as she watches it approach. It is too late to run away. The woman stands astonished, covers her face with the geese. The horses surround her, closing in. As if on command, the men dismount, and now everything happens very fast and wordlessly. They push her down softly onto the grass, the basket falls, the geese get out of it, but they stay close, hissing a little, quietly, threatening, warning, bearing witness to what's going on. Two of the men hold the horses, while one of them unfastens the belt of his broad, wrinkled trousers and lies down on top of the woman. And then they trade, the next one faster than the first, as though he has to perform these few movements in haste. There is no sign of the men's enjoying it, in fact. Their seed pours into the woman and then drips out onto the grass. The last one presses down hard on her neck, and the woman starts to resign herself to the fact that she will die, but the others hand him his reins, and the man gets back on his horse. He looks at her for a moment longer, as if wanting to remember his victim. Then they quickly ride away. It all takes just a few minutes.

The woman sits with her legs akimbo, the indignant geese looking at her, honking their disapproval. With a bit of her petticoat she wipes between her legs, then rips up some leaves and grass. She runs to the stream and raises her skirts high and sits down in the water, pushing out all the semen from inside her. The geese think this is an encouragement to them, and they scamper up to the water's edge. But before they can quite make up their minds to get in, overcoming their usual anserine reserve, the woman stuffs both of them back in the basket and returns to the path. She slows as she comes to the village, walking slower and slower, until finally she stops, as if she had reached an invisible border.

This is Yente's mother.

And this must be the reason that she always watched her daughter so closely; eventually, Yente grew accustomed to the looks, to the suspicious gaze cast from where her mother sat at the table working on something, or stood cutting vegetables, peeling hard-boiled eggs, scrubbing pots. Her mother watched her all the time. Like a wolf, like a dog getting ready to sink its teeth into her shin. With time, a slight grimace began to appear in connection with this watching: a light rise in the upper lip, pulling it up

toward her nose—not an expression of animosity or revulsion, just barely visible, insignificant.

She remembers how her mother, as she was braiding Yente's hair one day, found a dark mole above her ear and rejoiced in it. "Look," she said to Yente's father. "She has a mole in the same spot as you, but on the other side, like a reflection in the mirror." Her father listened only absent-mindedly. He never in his life suspected a thing. Yente's mother died with the secret clenched in her fist. She died in a kind of convulsion, in a fury. She'll no doubt come back as a wild animal.

Yente was the eleventh-born. Her father named her Yente, which means "she who spreads the news," and "she who teaches others." Her mother didn't have the strength to take care of her—she was fragile of both mind and body. Yente was dealt with by the other women who were always bustling around the house—cousins, an aunt, and, for some time, her grandmother. She remembered her mother sliding off her cap in the evenings—then Yente would see from up close her mother's wretched hair, cut short and sloppily, growing over her unhealthy, flaking skin.

Yente had six older brothers who went to yeshiva and, at home, quoted passages from the Scriptures under their breath while she hung around the table at which they sat, too young to be assigned real women's work. She also had four older sisters, one of whom was already married; significant efforts were being made to match up another.

Her father, detecting her interest and zeal, showed her the letters of the alphabet, thinking they would be like little pictures for her, like jewels and stars: lovely aleph, like the reflection of a cat's paw; shin, like a boat with a mast made out of bark floating on the water. But Yente, who knew how or when, learned the letters in a different way—in such a way as to soon be able to make words of them. Her mother slapped her hands for this with an unexpected ferocity, as if Yente were reaching for too much. Her mother didn't know how to read. She would listen happily, however, as Yente's father, on rare occasions, or, more often, their old relation Abramek the Cripple told the women and children stories from the books in Yiddish. Abramek always did this in a plaintive voice, as if the written words were by nature akin to a lament. He would start at dusk, by the dim light of the

candles, and so, along with reading, there would appear in the house in the evenings the unbearable sadness of the village Kabbalists, of whom there were many in those days. People developed a taste for this sorrow in the same way that some grow fond of vodka. They would all be overcome by such melancholy that someone would begin to cry and keen. Then they would want to touch with their hands everything of which Abramek had told, and they would reach out for something tangible—but there was nothing there. That lack was terrible. There began true despair. All around them, darkness, cold, and damp. In the summer, dust, dry grass, and stones. Where was all that, that world, that life? Where was paradise, and how could we get there?

To little Yente it seemed that every such evening of stories grew dense, dark, impenetrable, especially when Abramek the Cripple would say, “And it is known that the space of the world is filled with ghosts and evil spirits, born of human sin. These float in that space, as is written clearly in the Zohar. We have to guard against them attaching to us on the way to the synagogue, and this is why we must know what is written in the Zohar, namely that the damage-doer lies in wait for you on the left side, for the mezuzah may be placed only on the right side, and on the mezuzah is written God’s name, Shaddai, which will defeat the damage-doer. This explains the mezuzah’s inscription: ‘And Shaddai will be on your doorframe.’ ”

They nodded in agreement. This we know. The left side. Yente knew this. “The air is full of eyes,” her mother would whisper, jerking her around like a rag doll every time she got her dressed. “They are watching you. Just put out a question before you, and the spirits will instantly answer. You just have to be able to ask. And to find those answers you receive: in the milk that has spilled into the shape of the letter samech, in the imprint of a horse’s hoof in the shape of the letter shin. Gather, gather these signs, and soon you will read a whole sentence. What is the art of reading from books written by man when the whole world is a book written by God, even the clay path that leads up to the river? Look at it. The goose feathers, too, the dried rings of the wood of the fence boards, the cracks in the clay of the houses’ walls—that is exactly like the letter shin. You know how to read, so read, Yente.”

She feared her mother, and how. A thin, small woman, who was perpetually muttering something, always with spite. “Shrew,” that was what everyone in

the village called her. Her moods changed so frequently that Yente never knew whether her mother, setting her down on her lap, would kiss her and hug her or squeeze her shoulders painfully and shake her. So she preferred to just keep out of her way. She would watch her mother's skinny hands putting the last of her dowry back in the chest—she had come from wealthy Silesian Jews, but scarcely any of that wealth remained. Yente heard her parents moaning in bed, and she knew that this was her father chasing the dybbuk out of her mother, something he kept secret from the rest of the family. Her mother would at first try faintly to escape him, but then she would take a deep breath, like someone submerging herself in cold water, in the icy water of the mikvah, where she could hide from evil.

Once, in a time of great poverty, Yente watched in secret as her mother ate the rations intended for everyone—her back hunched, her face lanky, her eyes empty. They were so black that you couldn't see her pupils in them.

When Yente was seven years old, her mother died in childbirth, along with the child who didn't have the strength to make its way out from inside her. To Yente's mind, it had obviously been a dybbuk, which her mother had eaten when she stole the provisions intended for everyone, and which her father had not managed to banish during those nocturnal struggles. That dybbuk had set up shop in her mother's stomach and had not wanted to leave. Death—that was the punishment.

In the morning, when everyone is sleeping off the wedding in every corner of the house, when the sawdust in the big room is so trampled that it looks like dust, Elisha Shorr enters Yente's bedroom. He is tired; his eyes are bloodshot. He sits on the bed beside her, sways back and forth, and whispers, "It's all over now, Yente. You can go. Don't be angry I kept you this long. I had no alternative."

Gently, he pulls out from under her neckline a handful of strings and leather straps, looking for one in particular, and slides them one by one through his fingers. He assumes his tired eyes have overlooked it. He does it several times—he counts the tiny teraphim, the cases, pouches, bone tablets with spells scored into them. Everyone wears them, but old women like Yente always wear the most. There must be dozens of angels hovering around Yente, guardian spirits and other beings, nameless ones. But his amulet is

not there. He finds only the string it was attached to, untied, with nothing on it. The spell has vanished. But how?

Elisha Shorr sobers up, his movements growing nervous. He starts to palpate the old woman. Yente lies there like a log, not moving, with that smile slowly spreading over her face, the same smile his daughter, Hayah, glimpsed earlier. He lifts her inert body and searches under her back, under her hips, uncovers poor Yente's skinny extremities, her big, bony feet, which stick out stiffly from under her skirt. He digs in the folds of her shirt, checks her palms, and finally, more and more terrified, searches in the pillows, in the sheets, the blankets, and the quilts, under the bed and around the bed. How is this possible?

It's a funny sight, this eminent, mature man rummaging around in the bedding of an ancient woman, as though he had mistaken her for a young one and were trying clumsily to clamber in with her.

"Yente, are you going to tell me what's happened?" he says to her in a fierce whisper, as if to a child who has committed some monstrous offense, but she, of course, does not respond, only her eyelids tremble, and her eyeballs move to one side for a moment, and then to the other, and her smile quivers slightly, almost imperceptibly, but doesn't fade.

"What did you write on it?" Hayah asks her father. Sleepy, in a nightshirt with a kerchief on her head, she has run in here at his summons. Elisha is distressed, the wrinkles on his forehead settling into soft rolling waves that draw Hayah's gaze. This is how her father always looks when he feels guilty.

"You know what I wrote," he says. "I held her back."

"Did you hang it around her neck?"

Her father nods.

"Father, you were supposed to put it in a box and lock it." Her father shrugs helplessly.

“You’re like a child,” Hayah says, at once tender and enraged. “How could you? You just put it right around her neck? Well, where is it?”

“It’s nowhere, it’s gone.”

“Nothing disappears just like that!”

Hayah sets about searching, but she quickly sees there is no point. “It’s gone. I’ve looked,” he says.

“She ate it,” Hayah says. “She swallowed it.”

Shaken, her father is silent; then, helplessly, he says, despair rising into his voice, “Now she won’t die.”

A strange expression of shock and suspicion appears on Hayah’s face. Then, slowly, it turns into one of amusement. She laughs, quietly at first, then louder and louder, until a deep roar fills the small room and explodes through the wooden walls. Her father covers her mouth with his hands.

Once swallowed, the piece of paper lodges in Yente’s esophagus near her heart. Saliva-soaked. The specially prepared black ink dissolves slowly now, the letters losing their shape. Within the human body, the word splits in two: substance and essence. When the former goes, the latter, formlessly abiding, may be absorbed into the body’s tissues, since essences always seek carriers in matter—even if this is the cause of many misfortunes.

Someday Yente will understand that bodies are like leaves in which, for a single season, for a few months, the light resides. Then they fall down dead and dry, and the darkness grinds them into dust, even as the souls within them strive impatiently for renewed incarnation.

For now, lying covered up to her neck in wolfskins, Yente simply smiles, knowing that she has deceived them all.♦

(Translated, from the Polish, by Jennifer Croft.)

By [Deborah Treisman](#)

Higher Power Dept.

- [Harvard's Atheist-Chaplain Controversy](#)

[September 20, 2021 Issue](#)

Harvard's Controversy Atheist-Chaplain

The selection of Greg Epstein, a humanist rabbi, as the president of Harvard's chaplains led to a small uproar among the school's other religious leaders. Will it inspire a come-to-Jesus moment of the secular variety?

By [Nick Paumgarten](#)

September 11, 2021

At the end of August, the *Times* ran a story about a Harvard chaplain named Greg Epstein, an avowed atheist and “humanist rabbi,” who had been selected by his fellow-chaplains at the university (there are more than thirty of them, of diverse faiths) to serve as their president. Here was an ivory-tower man-bites-dog tale that elicited some context about the ascendancy of secularism, both at a particular institution (one founded, almost four centuries ago, essentially as a seminary) and in the culture at large. “We don’t look to a god for answers,” Epstein told the paper. “We are each other’s answers.”

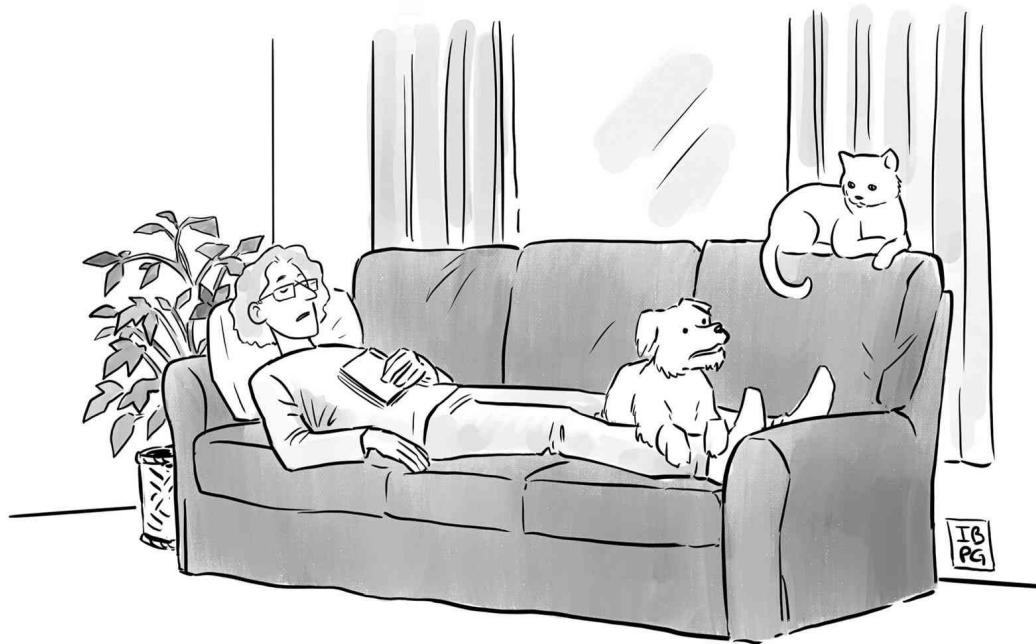


In response to this relatively mild provocation, readers aligned themselves according to their own cosmologies. In the comments online, nonbelievers, generally, expressed versions of “Right on!,” while believers tended toward “How could they?” For the former, it was good to encounter an affirmation that a godless earthling could pursue spiritual and pastoral paths. To the latter, it seemed absurd to apply the word “chaplain” to a nonreligious, chapel-less counsellor, and to elevate such a figure to a position of authority over people of faith; would the College of Cardinals elect a nihilist Pope?

Other outlets, including the *Boston Globe* and NPR, took up the story. Some suggested, erroneously, that Epstein had been tapped to head the divinity school, while the *Daily Mail* seemed to imply that Harvard had empowered Epstein to lead the entire university. Religious leaders took offense. Of the *Times* piece, the Harvard Christian Alumni Society stated, “It seems written in a way to prompt secular triumphalism and to provoke Christian outrage.” An “auxiliary” Catholic bishop in Los Angeles, in a column in the *Post*, lamented “the complete and abject surrender on the part of the presumably religious leaders at Harvard who chose this man.” All predictable enough, in year whatever of the culture wars.

Some of the other chaplains at Harvard were put off by the coverage, and by the implication that Epstein’s gain was faith’s loss. The chaplain who preceded Epstein as president, Rabbi Jonah Steinberg, the executive director of Harvard Hillel, sent Epstein a letter and cc’d the other Harvard chaplains. He described his missive as a public rebuke, which he justified with references to Leviticus, Maimonides, and the Talmud, but it also served as a supple denunciation of self-aggrandizement—a plea for humility in a look-at-me age and in a don’t-look-at-me line of work.

Steinberg wrote, “A story has been told that has promoted you beyond any status our body of Harvard Chaplains has remit to confer, causing misunderstanding and distress and bringing about damage to colleagues’ reputations and to communities’ trust in their pastors and advisors. Let me suggest—if there has been a degree of self-promotion in this course of events, there must now be a matching degree of remediation on your part.”



"He started calling me his best friend years ago, and now it's way too awkward to tell him I don't feel the same way."

Cartoon by Pia Guerra and Ian Boothby

The rabbi granted that the outrage of some of their colleagues would be justifiable if, as he wrote, "the role of President of the Harvard Chaplains were as the journalists who have reported about you in recent days have taken it to be—but I believe the failure there may be on your part in allowing or encouraging a journalistic perception without correcting the public story yourself."

Steinberg did not seem to think, or want to think, that Epstein's appointment had much to do with secularism or with a decline in faith. The position of president, as Steinberg, having occupied it, understood it to be, is more point person than director, it being a matter of convenience to have a liaison between the dozens of disparate chaplaincies and the university's administration. And yet when the Harvard Catholic Center also downplayed the position as purely administrative, the *Crimson* scoffed. Its editorial board wrote last week, "Epstein's presidency is indeed significant, a bit of a shock, and—most importantly—cause for celebration." The a-religious, heavily represented in Cambridge but hardly at all in, say, Congress, had a champion.

For Steinberg, the greater indulgence was that of self-assertion, in a reputation economy that encourages it. "The most striking and disappointing headline to me was the one you gave your own email message sharing the

New York Times article with our body,” he wrote. “ ‘I’m in the NYTimes Today.’ ”

Epstein, the author of a book called “Good Without God,” has been the humanist chaplain at Harvard since 2005 and serves in a similar role at M.I.T. For a time, he was an ethicist-in-residence at TechCrunch. He grew up in Flushing, Queens, as a self-described “assimilated and disinterested Reform Jew” and discovered Buddhism and Taoism in high school, at Stuyvesant. He’s a graduate of Harvard Divinity School but has no connection to it in his current role.

Perhaps, in the midst of the High Holy Days, Epstein, having digested the rabbi’s rebukes, offered some private remediation—but all he’d say, last week, about Steinberg’s letter was “I appreciated it and thanked him for it, and I look forward to continuing to work closely with him.” Steinberg, for his part, declined to say anything more, citing Rosh Hashanah. He also, true to his dispatch, expressed a reluctance to “center myself further in these recent events.” ♦

Night Life

- [Cynthia Erivo's Soothing Contemporary Soul Music](#)

[September 20, 2021 Issue](#)

Cynthia Erivo's Soothing Contemporary Soul Music

On her début album, “Ch. 1 Vs. 1,” the English actor shows off the warmth and the depth of her stunning voice.

September 10, 2021



Photograph by Gabriele Stabile for The New Yorker

The acclaimed English actor **Cynthia Erivo** has brought her stunning voice to many roles, onstage and onscreen; now she tests its full range with her début album, “Ch. 1 Vs. 1” (out Sept. 17). The project is full of soothing contemporary soul music, showing off the warmth and the depth of her tone, particularly on “Day Off” and “A Window.” On Sept. 28, Erivo expands her storytelling repertoire with the publication of her new children’s book, “Remember to Dream, Ebere.”

Onward and Upward with the Arts

- [After a Year Without Crowds, Caroline Polachek Takes the Stage](#)

The singer-songwriter tries to hold down an uncertain moment.

By [Jia Tolentino](#)

Content

In early August, Caroline Polacheck practiced her whistling in a dark, foggy warehouse, deep in the San Fernando Valley, as lights sliced the room into coruscating triangles. She was rehearsing for her first show since the pandemic took hold. It would be in Los Angeles, at the Greek Theatre, an outdoor venue with a capacity of around six thousand—the biggest gig that she'd ever played as a solo headliner. Polacheck released “Pang,” her first album under her real name, in the fall of 2019, and, despite a year and a half of collective isolation, she was more famous than she'd ever been. The pressure of reëmerging under these circumstances felt intense. A few weeks earlier, when she began rehearsing, she panicked. “I had completely forgotten how to be a body in front of a crowd,” she told me later. “You do shows on Instagram Live, but you’re just a picture on a screen. I thought, I don’t think I can live up to this. I don’t think I can hold this moment down.” She got her band together, re-started her rigorous vocal drills, and resumed sessions with her choreographer. Now the doors were set to open in less than twenty-four hours.

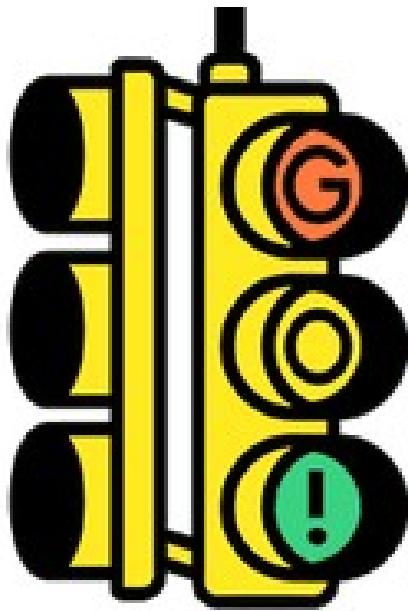
The whistling provides one of the hooks on her most recent single, “Bunny Is a Rider,” an insouciant song with a sweltering bass line that feels like catching someone’s eye at a stoplight, then driving on. She whipped the first note up quicker than before, then did it again, and again. Her drummer asked if she wanted backup. “No,” Polacheck said. “But *thank you*.” Polacheck is thirty-six, with long brown hair, pond-green eyes, and a default expression of searching ambivalence. There is a touch of the uncanny about her face; she can resemble a cyborg who has somehow wandered into a Tolkien novel. She has trained in bel canto, on and off, for the past two decades. “Her high voice has always had a silver to it, a shimmer, and then in her lower range there’s velvet,” her opera teacher, Pamela Kuhn, told me. Polacheck deploys her voice as a shape-shifting instrument: a silk rope that can curl up low and lush, or dematerialize into gossamer, or snap at the bull’s-eye of a melody. In the song “So Hot You’re Hurting My Feelings,” she goes on a vocal run that mimics a guitar solo in its taut, sinewy ornamentation. Many of her songs contain synthetic-sounding vocal slips that a listener might attribute to Auto-

Tune, but which Polacheck achieves by flipping sharply between her head voice and her chest voice. As she talked the audio engineers through imperceptible adjustments to the backing track, she launched into mini-warmups that sounded like special effects, like outer-space yowling. Her voice was wearing down, but she was pushing it, trying to keep it warm and limber.

Polacheck's choreographer, C Prinz, a willowy blonde in combat boots, held a microphone and coached Polacheck through her in-ears as they ran through the set, keeping her eyes locked on Polacheck and mirroring each arm fling and body roll. She had choreographed the show by watching Polacheck move freely to her music and then sharpening her gestures, giving her imaginary props to hold. The mood that Prinz wanted was "sophisticated, and sexy, and *held*. Like the feeling you get just before someone runs their nail down the small of your back." Polacheck was singing a hypnotic low verse from another new song, "Billions," which is cosmic and pulsing. She seemed to be collecting energy and releasing it, slowly, through her hands and her hips.

More Dept. of Returns

Read our story collection about life after the vaccine.



Polacheck's career started with guys and guitars. She co-founded the indie band Chairlift when she was in college, in the early two-thousands, and the group quickly reached a steady level of afternoon-set-at-a-festival success. But "Pang," a sumptuous avant-pop record about the ecstatic terrors of love, had inspired a fervent new following. Instead of being the lead singer of a band, Polacheck was now an alt-pop diva whose fans wrote things like "omfg i'm gonna cry and pee yes queen" on Instagram and showed up to gigs in leather and mesh. (The phrase "*Bunny Is a Rider*" was printed on white cotton thongs; they sold out in every size.) Polacheck, who has also written songs for other performers—including "No Angel," a track on Beyoncé's self-titled album, from 2013—is as stylized as a Top Forty artist, but she has an experimental aesthetic, tending toward the esoteric. The visuals for "Pang" were partly inspired by the mid-twentieth-century American illustrator Eyvind Earle and the seventeenth-century engraver Jacques Hurtu. She has co-directed several of her frequently surreal music videos with her boyfriend, the visual artist Matt Copson.

She also serves as her own producer, often working with Danny L Harle, who's known for the frenetic digital sound associated with the London-based record label PC Music. Polacheck obsessively tweaks every aspect of her output, mocking up the art for her singles on Photoshop and adjusting individual cymbal hits until the last minute. "I can remember two or three sessions that descended into Caroline listening to one bar of the high hat on loop for ninety minutes, bobbing her head maniacally," Harle said, laughing. Daniel Nigro, the producer behind Olivia Rodrigo's chart-topping début album, also worked on "Pang." He told me that, although his job often involves vocal production, Polacheck produced her own vocals with every take. "You'll tell her that a take was great and she'll say, 'No, I can do better, I'm going to sing it with a more guttural response,' and then she'll do that take and you'll say, 'Whoa, that *is* way better.'"

Polacheck has a trickster's interest in creative manipulation: she is both the magician and the woman stepping into the box. Like her friends and occasional collaborators Charli XCX and Christine and the Queens, Polacheck has a future-facing sonic playfulness at a time when many younger pop stars—Lorde, Billie Eilish, Clairo—have gone retro. Polacheck appeared on Charli's album "Pop 2" and on Christine's EP "La Vita Nuova," and both

artists were set to perform with her at the Greek. It would be their first proper concert since the start of the pandemic, too.

Polacheck had been rehearsing in the warehouse all week. “I feel like a giant bruise—my voice, my head, my feet,” she said, as we emerged, at 5:30 P.M., into the blazing August heat. She settled into the back seat of her manager’s car, trembling like a greyhound. Her face wore the blasted-out look of a person coming down from an acid trip; her nails, painted a glossy terra-cotta, were clattering. She slowed down her vibrating body by taking measured breaths. I apologized, conscious that I was intruding on a tiny window for decompression. “No, this is good,” she said, smiling mischievously. “When I’m fucked up, that’s the real me, right?”

The show at the Greek had been booked since the spring. It would be the second show at the venue since its reopening. Polacheck had thought that it might be a moment of straightforward catharsis: the audience, liberated by vaccination, would stream in unmasked, ready for some temporary magic. Instead, in July, the Delta variant began causing infections among the vaccinated and filling hospitals with the unvaccinated. Polacheck, along with a playlist’s worth of alt-pop stars, had attended a birthday rave in L.A. that month, which resulted in a smattering of positive tests. During rehearsals, everybody on site was tested every day. “For the last year, everyone’s been living in this state of not knowing, of faithlessness about the future, and in that sense I don’t think this moment is any different,” Polacheck said, in the car. She paused. “If anything, the not knowing makes this show feel as meaningful as it could possibly be.”

She had been attempting to let go of her need for exacting control. “The existential key that turned for me was realizing that I wanted everything to have as much heart in it as it could, and that I was happy for that to come at the expense of precision or perfection or prettiness,” she said. “The last few years have made me realize the importance of that in pop music, and that *that*—heart, and honesty—is what I have to offer.” We were on our way to another rehearsal, with members of the National Children’s Chorus. Polacheck was bringing them out for an encore. I briefly imagined hearing a children’s choir after a year and a half without live music, and told Polacheck that I was looking forward to crying. “I am, too,” she said. Her eyes welled up softly and suddenly. “I kept breaking down during dance rehearsals,” she

told me. “It was the walk-on. I’ve had to vividly imagine the crowd. I’ve had to practice that over and over, because I would just imagine everyone there and I would think, God, I *miss* this.” Her voice wobbled, then broke. “We’ve all missed this, you know?”

Polacheck’s last show before the pandemic shutdown was on March 11, 2020, at Heaven, a club in North London. The coronavirus was all over the news, and she was sure that she would not be performing again for some time. The energy in the room felt heightened and final, she said. After the show, she decided to stay in London a little longer, to do some more sessions with Harle. A few days later, she woke up with a grinding headache that she correctly suspected was a symptom of *COVID*. Dazed, in bed, she made a Google spreadsheet of everyone who’d been backstage with her at Heaven, and began calling and texting people. It was a frantic moment; there weren’t enough tests or P.P.E. anywhere. Her father, James, was in a nursing home in New York City. Within weeks, he, too, came down with *COVID*.

Content

Polacheck was born in Manhattan, but she spent her early childhood in Tokyo, where her parents, both of them ex-academics, managed investment portfolios. Her favorite TV show, “Creamy Mami, the Magic Angel,” was about a girl who turned into a pop star after being granted powers by an alien. She resisted music lessons, but could play songs on the piano by ear. Her father was a classical pianist and violinist, and to keep his daughter’s sonic experiments from becoming disruptive he bought her a Yamaha keyboard for her room. When she was seven, her family moved to Greenwich, Connecticut, and Polacheck, a loner until late adolescence, became a horse girl. She credits riding with teaching her about rhythm and how to map space—to her instructor’s chagrin, she would mentally subdivide the beats of her horse’s gait and beatbox along in the saddle. “You learn to steer with your eyesight,” she said. “Wherever you look, your body weight shifts to match, and the horse matches. I feel like that’s a skill I still have in terms of how I navigate the stage and hold myself—leading with my eyes.”

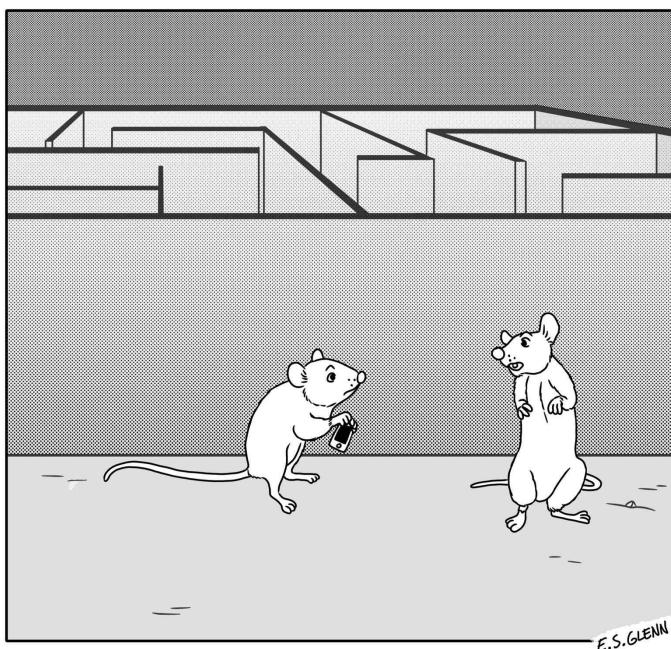
Her father struggled with bipolar disorder and depression, and he distanced himself from the family. Polacheck’s parents divorced soon after the move

back to the States. “Even when I was a kid, there were years that would go by without me talking to him,” she told me. But, when she was an adult, they rebuilt their relationship, and after he got sick she talked to him on the phone about his symptoms, trying to encourage him by telling him about her recovery. By late April, it was clear that he wasn’t going to make it. “Saying goodbye to him over FaceTime was one of the most painful experiences of my life,” she said. “And I just really didn’t want to leave the house for a long time after that.” A couple of months after her father’s death, she wrote a tribute to him on Instagram, describing him as “a lightning wit, and a better musician than I can ever hope to be.” Her father, who had been a scholar of the Qing dynasty and taught at Princeton and Columbia, had “hated pop music and never once came to see me perform,” she wrote, “but his belief in the arts as a secret language for transcendent beauty, radical politics, and syncretic spirituality bolstered my faith in making music.”

Polacheck began looking for people to sing with when she was fifteen, and ended up in two nu-metal bands, four choirs—one at church and three at school—and an a-cappella group. In 2004, she enrolled at the University of Colorado, where she met Aaron Pfenning, another student and musician. The two started dating, and formed Chairlift. They moved to Brooklyn in 2006; there, they joined up with the producer Patrick Wimberly, and Chairlift became a trio. Polacheck worked toward a B.F.A. at N.Y.U. while the band played warehouse shows and put music up on MySpace, selling burned CDs for a dollar. Her mother had made it clear that she would be cut off financially after graduation, and Polacheck was too pragmatic and too proud, she told me, to depend on her parents as an adult. She hoped to get a job as a gallery girl, to “eat shit and slowly make my way into the art world,” she said. She was also making art. One of her projects, “The Gothletic Archetype,” which involved reworked photos of teen-age volleyball players, had just been accepted for a group show when a producer at KCRW, in Santa Monica, played a demo of the Chairlift song “Bruises” on the air. Apple soon bought the rights to play it in a commercial for the iPod Nano. Chairlift was signed by Columbia.

“It was a blessing, but it was a curse,” Polacheck told me, of the Apple spot. The band was instantly more popular, but people wanted to hear songs that sounded like the one from the ad. Pfenning and Polacheck broke up, and he left the band. Polacheck kept writing songs, which Wimberly produced, but

she was frustrated by the constraints of this arrangement. “I became more micromanagey,” she told me. “I think I started to resent the fact that I didn’t have my hands on the wheel, that I had to go through a boy. There was a side of me that didn’t really play into the idea of a band, that was more electronically-minded, and wanted to play more with the idea of theatre and costume than I felt able to do when surrounded by unshaved guys onstage.”



“Sure, you can use G.P.S. to find the cheese, but after that they’ll be watching your every move.”
Cartoon by E. S. Glenn

She recorded an album entirely on her laptop, on her own, and released it, in 2014, under the name Ramona Lisa, an old Facebook alias. The songs had seraphic melodies that melted into discordant static; she called the genre “electronic pastoral.” She had begun dating Ian Drennan, another artist and musician, and they were married in 2015, at the New York Chinese Scholar’s Garden, on Staten Island. *Vogue* did a photo spread of the ceremony: the gardens were deep emerald, and the table arrangements were studded with persimmons. Pamela Kuhn, Polacheck’s opera teacher, officiated.

Before a gig in Bogotá, Polacheck and Wimberly got into an argument about priorities: she wanted to spend more time rehearsing and to expand their live show; he was busy producing music for other bands, including MGMT. (Wimberly declined to comment.) In the summer of 2016, over dinner in New York, she told him that she was done. Chairlift did a farewell tour, after

which Polacheck composed an instrumental synth album using only sine waves, and released it under the name CEP (her initials). She called it “Drawing the Target Around the Arrow,” a reference to a fable from the Maggid of Dubno, an eighteenth-century Jewish preacher, and also the expression of a creative philosophy: follow an impulse, and then build rightness around it. She had begun collaborating with Harle, and her reputation as a songwriter was growing. In 2016, Harle was invited to pitch top lines to Katy Perry. Polacheck joined the session, then the two of them decided to write for themselves instead.

Harle, who describes Polacheck as “one of the best producers I’ve ever met,” has, like her, an odd and eclectic mix of influences. His music often sounds like a heart attack happening inside a rainbow-colored Nintendo game, but, when I asked him what he likes to listen to, he sent me a fourteenth-century French lamentation. He suggested that the intensity of his and Polacheck’s individual visions is what makes the collaboration work: “Instead of a clash between our identities, or an overcomplication, it’s a synthesis, a mutual amplification of aesthetics we both think of as ideal.” Polacheck said that when they started writing together Harle had these “big, sawing trance synths, but with medieval chord progressions, and I wrote this twisty, asymmetrical, non-repeating melody over it, and it sounded like nothing either of us had ever heard, but a kind of sound we’d both always been after.”



Polacheck has a trickster's interest in manipulation: she is both the magician and the woman stepping into the box.

Polacheck, emboldened, began conceiving of the record that she would release under her own name. At the same time, she started experiencing inexplicable adrenaline rushes—her heart would take off racing when she was getting ready for bed, or sitting down to dinner. Her marriage was breaking up; she and Drennan divorced in 2017. “My mother very much disapproved, and my friend group was sort of split by it,” Polacheck said. She moved into a friend’s temporarily vacant apartment. She felt fragile, and struggled with jealousy about other artists’ positions in the industry; she wondered if her early thirties was a little late to be starting a project as a pop musician. “But I was feverishly compelled by the music, and in love with it,” she said. She pushed herself to write about the breakup of her relationship and the beginning of a new one, with Copson, and not to retreat into abstraction. She set up a studio next to her bed, and often worked until the sun came up.

During one shaky, sunrise moment, she seized on the word “pang” to describe what was happening in her body: a burst of desperate longing, a need for change and flight. The album that she produced was crystalline, baroque, off-kilter—a pop record that includes a track in 7/4 time. On the song “New Normal,” which has no chorus, the key changes braid back on one another like stairways in an Escher print. There were lumps of sing-along sugar, too, like the Lorde-esque track “Hit Me Where It Hurts,” and

startling moments of virtuosic vocal performance: despite her commitment to contemporary synth pop, Polacheck still occasionally goes full Sarah Brightman. Critics praised the coherence and the specificity of the album's vision, even as it ranged, track by track, into a motley array of genres: indie folk, adult contemporary, modern classical, early-two-thousands-style R. & B. Polacheck had a limited budget for her live shows—she could pay for either a band or a huge painted backdrop, and she chose the backdrop. She toured the album in small clubs, then bigger ones. She made it through fifteen sets before everything shut down.

In May, 2020, not long after her father died, Polacheck found herself lying awake at four in the morning. She was still in London, living with Copson at his place in Notting Hill. Her six-inch stage heels were packed away in a closet. Polacheck, with her feel for self-presentation and her meticulously tuned mix of earnestness and irony, is a very Internet-friendly artist, but in lockdown she found the digital world alienating. Social media was “so focussed on morality from every possible angle,” she said. It felt dishonest to her. “Nobody is innocent,” she went on. Destruction was everywhere—in the virus; in the long, cyclical history of plague; in the supply chains that brought fruit across the world to the grocery store. She became obsessed with a faked Marianne Williamson tweet, Photoshopped to say “Everything we want will require unfathomable violence.” She told me, “I started thinking about how to re-harmonize myself, and my music, with the reality that there is a destructive side to everything, with the recognition that you are mortal, that you cannot save the world, that there are greater forces that you submit to.”

That night, Copson told her to get up and put on her bike helmet. “He took me biking to Buckingham Palace, and we didn’t pass a single car on the road,” she recalled. “It was like being Peter Pan or something—flying through Piccadilly Circus with not a single person around and all the shop lights still glittering, and we were drawing zigzags down the center of the road, big swooping shapes, like little kids.” The cognitive dissonance of the moment—the joy, the fear, the sadness—was beautiful and overwhelming. Unusually, for Polacheck, she didn’t try to write about it. Individual experience seemed strangely irrelevant in the context of the pandemic, at once too isolated and too commonplace.

She began settling into a life that felt quiet and Victorian, revolving around daily outings to Hyde Park. “I’d never gotten to see the same tree every day, because as a musician I was always travelling so much,” she said. “But getting to measure time in that way was poetic. To see, Oh, the leaves have changed shape, now they’ve changed color, now the flowers are dying, now it’s the fullness of summer.” She had booked the biggest shows of her solo career for the summer of 2020: Glastonbury, in England; Primavera Sound, in Barcelona; Outside Lands, in San Francisco. They were all cancelled. “I always have a feeling of disbelief that I get to do this for a living,” she told me. “It always feels like a magic spell that will break at any moment. So I had this feeling that of course the shows got pulled away from me, because that was never going to happen in the first place. There was no way that that was actually real.”

In July, a friend invited Polacheck and Copson to visit him in Rome. Italy’s lockdown had been eased, and they spent hours driving around in their friend’s beat-up station wagon with the windows down, listening to Italian pop from the seventies and eighties. There was a righteous simplicity in the chesty, vibrato-heavy singing that blared from the car’s old speakers, Polacheck thought. They returned to London after a couple of weeks. “I could still feel that dizzying heat and feral beauty of the Mediterranean rattling around inside me,” she recalled. “Pang” had told the story of her divorce and what came after, but any kind of cinematic, well-constructed narrative seemed blown apart by the pandemic. She felt averse to a dominant paradigm in contemporary pop songwriting that is sometimes associated with Julia Michaels, who co-wrote “Sorry” for Justin Bieber and “Lose You to Love Me” for Selena Gomez—the “cliché of the big chorus and the snap-drop down to verse two,” as Polacheck put it. She wanted something different. She was thinking about the structures and dynamics of dance music and hip-hop, and about how she could conjure a sense of “coasting, or sailing, or flowing.” One day, Harle sent her a beat that he’d written, and Polacheck heard a melody out of nowhere, oceanic and potent, and started jotting down psychedelic images: a headless angel, an overflowing cup, a pearl inside an oyster. The beat and the images became the song “Billions.” She told me, “I wanted something that captured the afterglow of a reopening.”

She returned to Italy later in the summer, with a few friends. They rented an Airbnb at the base of Mt. Etna, which had begun erupting around the onset of the pandemic. “I’d go out at night, and you could see the red lava glowing for miles and miles against the night sky, and it felt like the most beautiful visual metaphor for what I was going through—feeling this inexplicable, wordless, faceless, tectonic, chaotic energy coming up from below,” she said. In the afternoons, while her friends went to the beach, she stayed in the house, “in a stained cotton dress, barefoot, wearing headphones, working with the windows open.”

Back in England, Polacheck began a residency at Laylow, a West London club with a studio. Then *COVID* spiked again, and in November the U.K. government instituted another lockdown. The club’s owners “closed the entire building, gave me a key, and told me to hang on to the studio for as long as I wanted,” Polacheck said. She kept it for more than three months, writing songs, burning incense, watching music videos on YouTube. As the bleak winter softened, she thought about performing again. In the spring, her team booked the show at the Greek and a couple of festivals to follow. They plotted U.S. tour dates. Polacheck and Copson flew to L.A. in June. Polacheck became wildly busy—she seemed made of adrenaline. Rather than writing music, then recording and releasing it, and then going on tour, she was doing all three at once.

In August, in the car, I asked how she hoped things would go the next day, at her first show. “I hope for time to slow down,” she said. “I hope I can be surprised. I hope that everyone, me and the band included, can enjoy the scale of everyone being together.”

On the night of the show, the sky, through the haze of pollution, was a cherubic pastel. To get to the Greek, you have to ascend a small hill. The crowd was dressed up—sheer shirts and patterned pants, goth fairy dresses, combat boots and matching shirt-and-shorts sets—and mostly wearing masks. Among the flock, I spotted several pop and indie stars: Phoebe Bridgers, one of the Haim sisters, Perfume Genius, Olivia Rodrigo. “It’s live here!” a guy working concessions told me. “I love it!” I approached stranger after stranger: it was everyone’s first show back. I thought of something Polacheck had told an interviewer just before the pandemic. “One of the most special things about concerts is actually how vulnerable the audience is,

too,” she said. “I feel like for half the time at a gig people aren’t really listening, they’re processing their own shit: what happened to them that day, a fight they had with someone, or this thing that means a lot to them. And so the concert becomes this amazing place where hundreds or thousands of people are standing in a place together, working through their own shit.”

Polacheck was scheduled to go on at nine-thirty. “She’s in full opera mode,” Copson told me, backstage, as Polacheck ran through her scales. The sky had deepened to indigo; many in the crowd had taken off their masks. Then the lights changed and the air thickened. Polacheck came out in high black boots and a wine-colored cutout halter dress by the French designer Thierry Mugler. A branching tattoo was drawn around her biceps. After more than a year without crowds, the applause felt like thunder, blanketing the dark. “I think I’m dreaming,” Polacheck told the crowd. “Or is this your dream? Are you guys dreaming?” The opening notes of “Pang” began twinkling. “There’s a look in your eyes when you’re hungry for me,” Polacheck sang. “It’s a beautiful knife, cutting right where the fear should be.” Then came the chorus, punctuated by sudden gasps followed by warm waves of sound.



“Do you mind if I sit here and exercise my right to sit anywhere I damn well please?”
Cartoon by P. C. Vey

Polacheck wanted her second song to welcome the crowd, and let them settle in, so she’d chosen a gentle ballad from “Pang” called “Hey Big Eyes.” She got halfway through the first line (“I can picture you right now, at a window

seat, crying for nobody, except the world") before breaking. She was thinking of Copson. The song is about him; he'd taken care of her during the darkest parts of the past year. "I'm gonna cry," she told the crowd, and covered her eyes with one hand. Everyone roared, cheering her on until she could sing again. She got to the song's nonverbal, a-cappella refrain, and her voice wavered and flared until she could stitch it back to the melodic line. You could hear, for a minute, the material facts of Polacheck's instrument—how the timbre and the texture of each note were formed, tenuously, by ligament and tissue.

Behind Polacheck, onstage, was the painted backdrop, featuring an ornate gate inspired by Hurtu's woodcuts. Light crackled around it like a slow-moving current. For "Bunny Is a Rider," she brought out the bassist Blu DeTiger, who played with her before quarantine and became famous on TikTok during the pandemic. Christine and the Queens slunk onstage in red leather for "La Vita Nuova." (Later, on Instagram, Phoebe Bridgers posted a video of Polacheck and Christine grinding on each other and wrote, "I cried and came.") Charli XCX took the stage for her song "Tears," which features Polacheck and Charli trading lines in the second verse. On the verse's last line—"That ain't love"—Polacheck soars an octave higher, hiking her voice to a ragged scream that she sustains for the full length of the chorus, modulating her pitch as Charli's melody shifts. Onstage, Charli and Polacheck dropped to the floor. On the song's final flourish, Polacheck punched the microphone upward in celebration—and bonked Charli in the face. Both erupted in laughter.

Polacheck had told me that Kuhn, her opera teacher, sometimes made her sing bent over, with her hands on her knees, as if her voice were spilling the notes out violently onto the floor. Kuhn told me later, "I've seen her at her weakest. I've seen her underbelly. I would say to her, over and over, that the great artists are the ones who have the ability to get to a raw sound, who can let the idea of perfection go for a moment and give us a direct line into their soul." Kuhn said that Polacheck had changed, as a performer, during the pandemic—she had tapped into that rawness in a new way.

Onstage, Polacheck was commanding; there was a stillness and a power in her body that felt accumulated over years. She had told me, the day before, that she'd been thinking about vitality, and what that meant for her, as a

woman, as she entered “the real dinner course of adulthood.” It meant “a force of triumph, and survival, right? You’ve been through the fire, and you come out not with a sense of innocence but with a love for life,” she said. “And it’s not a naïve love for life—it’s a knowing love for life.” To perform was to engage in a game of mutual make-believe, a game of trust and imagination, she told me: “We have to trust that you believe, too.”

As the set neared its close, Polacheck could tell that her voice was becoming strained. “I felt like I had been clenching a fist for an hour and a half,” she told me later. She fumbled a high note, and then lost her focus, wondering, as she went into the next song, whether her voice would last through the end of the show. Abruptly, she realized that she had dropped all her choreography. “I started spiralling,” she said, “and then I thought, Caroline, it’s O.K. This one can be rough. You can let go, you can be sloppy. The audience will get this one for you.” She went into “So Hot You’re Hurting My Feelings,” and the crowd joined her, loud and off key.

Polacheck finished the set and went backstage to change for an encore. She unclenched the fist in her throat. The crowd chanted “Caroline! Caroline!” I checked in with the guy at concessions. “I didn’t think it was gonna be that live,” he said. “She’s good! Whew! She’s good!” A man in a fish-net shirt turned to me and drawled, “Epic.” It was still weird, we all agreed, to be around this many people; it would be weird for a while. After I returned to my seat, the children’s choir came out for “Billions.” “I never felt so close to you,” the children sang, their parts tumbling out in a round. The melody broke into three overlapping pieces, and it sounded like both a question and a reassurance. The moment felt, at once, lasting and evanescent, its pleasure heightened by the sadness and the gratitude that we would never be exactly here again. ♦

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A Wildfire Investigator Searches for a Spark

Al Crouch, who has traced blazes back to cigarettes, fireworks, and a love letter ripped into pieces and burned, looks for clues in his latest case in eastern Oregon.

By [Oliver Whang](#)

September 13, 2021

Sitting in his Ford pickup last month, in the sagebrush-covered hills of eastern Oregon, Al Crouch heard his two-way radio beep. Eleven times. “Please stand by for a smoke report,” a voice crackled. “We got our first of the day,” Crouch said, pulling out. The dispatcher had indicated that the report came from I-84, near mile marker three hundred and twenty-two.



Crouch, who is tall with a bushy mustache, is a wildland-fire investigator for the Vale District Bureau of Land Management, which covers roughly five million acres. He spent more than two decades fighting fire on the ground,

trying to get in front of the flames. Now he moves in the opposite direction, toward a fire's source, which can be a range of things. In his office is a box full of examples: flares, fireworks, bullets, trailer chains rubbed shiny on the road, tattered retread tires, heat-warped wheel bearings, sky lanterns, a letter ripped into pieces and set on fire ("you all night . . . I love . . . am positive babe . . . that we will one day"). Then there are the things that can't fit in a box: sparking electrical wires, a tiki torch, Weedwackers, spontaneously combusting bales of hay, birds fried by power lines.

At mile marker three hundred and thirty-two, Crouch started wondering if the report was a false alarm. He was nearing a cement plant and quarry where, in the past, a passerby had called in fires after residual dust drifted over the interstate. Crouch looked at the sky. Seventy per cent of wildfires in the Vale District—whose largest county "has more cattle than humans," he said—are started by lightning, and a barometric ridge was moving up from Nevada, bringing storms with it.

Crouch's method is to get to the fire as quickly as possible, to interview witnesses and to start searching for evidence. He also brainstorms possible causes. "In this corridor, I have power lines, gas lines, there are some rail lines," he said, as he pulled alongside a train churning through the valley. He rolled down the window, and a metallic sound filled the truck. "If you go around a corner, the wheel will slide against the side of the track and grind, and that can cause a fire."

But, before determining a fire's cause, he needs to find out where it started. At the scene of a burn, he's often greeted by a sea of black, which can sometimes span a hundred thousand acres. The ignition point could be the size of a fingernail. To find it, he works backward. Burn patterns in grass, remnants of shrubs and trees, stains on rocks, heat marks on fences. Moving delicately around the crime scene, he plants small colored flags. Red indicates the advancing flame. Yellow, flanking fire. Blue, fire that moves against the wind. White, the origin. In structural fires, the origin is often the hottest point, and much of the evidence is obliterated. Wildfires are different. A cigarette can survive the wildfire it started. Crouch has one in his office collection. A book of matches can also survive. Crouch has one of those, too —proof of arson.

On I-84, Crouch passed a blown tire on the shoulder. His truck's thermometer read ninety-eight degrees. It hadn't rained in weeks. A few miles south, a blown tire had started the previous fire he investigated. It burned about five hundred acres of hillside. He found the cause, but he didn't find a suspect.

Fire cause and fire intensity are two different things. "It can be super dry to the point where you could fart and you'd start a fire, but if there's no spark there's no fire," he said. This year, with a light winter snowpack, record heat, and a drought, the rangeland is set to blow. But, although the valley to the north was covered in a haze from forest fires out west, he hadn't seen that many fires. "It's all cyclical," he said. "Except for acres burned. Every year, that average goes up."

At mile marker three hundred and twenty-two, smoke rose from behind a guardrail. Behind it was privately owned land. Four different firefighting groups showed up, and by the time Crouch arrived the Baker Rural Fire Department had put out the flames, leaving a strip of dark ash along the highway. The wind was blowing to the northwest.

Crouch walked up to the Baker Rural fire chief, Sean Lee, who held a thick red hose next to the highway. They looked down the slope at a car that lay, crushed and carbonized, at the heel of the fire. Two firefighters walked around it warily. The driver stood by the side of the road, nearly unharmed. He had refused medical attention. Into his radio, Crouch said, "Looks to be about an acre, long and skinny along the guardrail." He looked at the car again. "Sometimes it's obvious," he said, smiling. ♦

Poems

- “I wonder if I will miss the moss”
- “Windy Day”

[September 20, 2021 Issue](#)

I wonder if I will miss the moss

By [Jane Mead](#)

September 13, 2021

I wonder if I will miss the moss
after I fly off as much as I miss it now
just thinking about leaving.

There were stones of many colors.
There were sticks holding both
lichen and moss.
There were red gates with old
hand-forged hardware.
There were fields of dry grass
smelling of first rain
then of new mud. There was mud,
and there was the walking,
all the beautiful walking,
and it alone filled me—
the smells, the scratchy grass heads.
All the sleeping under bushes,
once waking to vultures above, peering down
with their bent heads the way they do,
caricatures of interest and curiosity.
Once too a lizard.
Once too a kangaroo rat.
Once too a rat.
They did not say I belonged to them,
but I did.

Whenever the experiment on and of
my life begins to draw to a close
I'll go back to the place that held me
and be held. It's O.K. I think

I did what I could. I think
I sang some, I think I held my hand out.

—*Jane Mead (1958-2019)*

September 20, 2021 Issue

Windy Day

By [Charles Simic](#)

September 13, 2021

Two pairs of underwear,
One white and the other pink,
Flew up and down
On the laundry line,
Telling the whole world
They are madly in love.

Pop Music

- Saint Etienne's Nineties Nostalgia

The band's new album, "I've Been Trying to Tell You," conjures the complexity of an era often romanticized as one of hope and optimism.

By [Hua Hsu](#)

The animating force of pop music is youth. Many of the great musical revolutions and upheavals have been the result of teen-agers experiencing the world for the first time, capturing the sensation of discovery, and making art of their new intimacies and feelings. But it's not just the experience of youth in real time that inspires popular music; it's also the memory of what it once felt like to be young. The yearning to recover youth's extremes—the highs and lows, the startling breadth of one's imagination when one had the energy to take it all in at once—also makes for a strong muse.

For thirty years, Saint Etienne, a British trio consisting of Bob Stanley, Sarah Cracknell, and Pete Wiggs, has specialized in a nostalgic, time-travelling approach to pop. Stanley was a music journalist in the late eighties, when he and Wiggs, his childhood friend, began experimenting with samplers. Their first single, "Only Love Can Break Your Heart," was a fluky success. It featured the singer Moira Lambert reimagining a swooning, laid-back number by Neil Young as a piece of swinging, slowed-down house music. The song was a major hit and became a blueprint for the group's style over the next decade, grafting club rhythms or hip-hop-inspired beat collages onto lyrics that were twee and sentimental.

By 1991, Stanley and Wiggs had invited Cracknell to join the band as a singer. Their 1993 album, "So Tough," was a masterpiece of nineties sample culture. Cracknell's versatile singing blended plaintive folk with the sounds of sixties girl groups and the luscious sirens of house music. In the decade that followed, they released a series of albums that were like portals—some to the past, some to futures that never came. Yet their manic rhythms and slice-of-life lyrics were deeply attuned to the sensation of living in the present, figuring yourself out, casting around for your tribe.

Saint Etienne's new album, "I've Been Trying to Tell You," released last week, is an attempt to conjure the feeling of the late nineteen-nineties. A strain of contemporary nostalgia has romanticized these years as a period of hope and optimism, after the Cold War ended and before the Internet became a totalizing force, when the rise of New Labour in the U.K. and the Clintons

in the U.S. made some believe that liberal democracy might sweep the planet. The band's memory of the period is more complicated. Saint Etienne's scavenging of the past once felt wistful and crisp, but here it feels hazy and ethereal. The band mines the era's pop hits for glimmers of a glossy past—spare lyrics from old hits waft in the air—but everything sounds a bit spooky. The song “Music Again” opens the album with what seems to be a stately, fusty harpsichord loop. Upon closer inspection, one finds that it’s a sample of the British girl group Honeyz’ 1998 hit “Love of a Lifetime” slowed down to a hypnotic crawl. On previous albums, Cracknell made intricate references to moments and places, as if reading from a diary. On this track, it sounds as if she were singing along to the radio, repeating a mysterious line to herself over and over: “Never had a way to go.”

The track “Fonteyn” loops the opening of the Lighthouse Family’s 1997 dance-pop hit “Raincloud,” recasting the original’s euphoric rush as swirly, dub-influenced hip-hop. “Pond House” stretches out a sample of Natalie Imbruglia’s overlooked 2001 track “Beauty on the Fire.” “Here it comes again,” Imbruglia repeats atop a floaty bass line and a drizzle of pianos. It’s dreamy and haunting, a bit like those YouTube clips that depict familiar tracks played in abandoned shopping malls. One of the most mesmerizing songs is “Little K,” which is built on Samantha Mumba’s 2000 song “Til the Night Becomes the Day.” Mumba’s uplifting anthem gets re-created as an epic slow burn, the original’s majestic harps and strings cresting and falling toward a glorious crash. It feels like an attempt to live inside the texture of Mumba’s sunny exuberance a moment longer.

In 2013, Stanley published “Yeah! Yeah! Yeah!: The Story of Pop Music from Bill Haley to Beyoncé,” an idiosyncratic celebration of the “permanent state of flux” that is pop music. In one evocative section, he defends the First Class’s long-forgotten 1974 novelty hit “Beach Baby,” which has generally been derided as a Beach Boys ripoff; Stanley calls it “the work of a committed pop fan, wanting to give something back, trying to amplify his love” for his heroes. This perfectly captures Saint Etienne’s ethos. The group’s pastiches index a history of listening, clinging to the thrill of hearing things for the first time. On previous records, they plumbed memories that were awestruck and childlike. “I’ve Been Trying to Tell You” involves a darker nostalgia. The samples stop around 2001, and it seems as if the group is trying to recover a pre-9/11 hope for politics and society.

In recent years, Saint Etienne has focussed much of its fascination on secondhand memories of postwar England, making music about quadrants of London razed for the 2012 Olympics and composing a concept album around neighbors in an apartment building. Its new album is accompanied by an impressionistic film by Alasdair McLellan, which features a cast of stunningly attractive young people travelling through Britain. They skip stones as container ships drift by, an image of cool stasis alongside the busy thrum of global trade. Steam wafts from a power plant in the countryside, while young men have the time of their lives in a roaring river. Images of Stonehenge are juxtaposed with the curves and valleys of a graffiti-splattered skate park—both spectacles of human daring. At night, twentysomethings rave in the headlights of an old sedan. They are young, and wherever they end up feels like the most exciting place on earth, which is the way it should be.

In “Yeah! Yeah! Yeah!,” Stanley writes that “great pop” is about “tension, opposition, progress, and fear of progress.” As listeners, we build our sense of music’s development around whatever is available to us. In Stanley’s time, this meant a record collection; a well-curated one was like a small universe of your own creation. But music discovery looks very different now: we are inundated with endless streams of content. We tend to believe that doing away with physical objects has made our grasp of past music more comprehensive. It’s easy to think everything is on the Internet, somewhere, waiting to be rediscovered. But there are always names missing. In August, it was announced that much of the late singer Aaliyah’s back catalogue was coming to streaming platforms, presumably timed to capitalize on the twentieth anniversary of her death. (For years, the only album available was her R. Kelly-produced début, “Age Ain’t Nothing but a Number.”) And the hip-hop group De La Soul also revealed that, after many years of record-label limbo, it had finally brokered a deal to bring its classic albums from the late eighties through 2001 to the streaming platforms.

Before these announcements, if you were to piece together the history of hip-hop according to Spotify guides and playlists alone, it would have been as if these artists had never existed. One of the frustrations of relying on streaming services, and their ostensible infinitude, is how easily they can make entire swaths of the musical past disappear. Pop music is built on the memory of discovery. As our sense of the audible past moves entirely

online, and our sense of history grows more reliant on what platforms make available to us, we're susceptible to forgetting. Saint Etienne's history isn't everyone's, and the places its members fetishize might seem strange to those with little interest in English provincialism. But their work, which indexes lives spent listening to long-wave radio in the seventies, studying European pop charts, and having their minds blown by hip-hop and club music, encourages us to view the possibilities of memory anew. It's music about loving music so much you need to make something as homage. ♦

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Profiles

- [How Colm Tóibín Burrowed Inside Thomas Mann's Head](#)

In writing his new novel, the Irish author spent years tracing the secret yearnings of Mann—who, he says, played a lifelong “game between what was revealed and what was concealed.”

By [D. T. Max](#)

Content

The Irish writer Colm Tóibín is a busy man. Since he published his first novel, “[The South](#),” at thirty-five, in 1990, he has written eleven more books of fiction. He has also published three reported books, three collections of essays, dozens of introductions to other writers’ work, prefaces to art catalogues, an opera libretto, plays, poems, and so many reviews that it’s surprising when a week goes by and he hasn’t been in at least one of the New York, London, or Dublin papers. When I asked Tóibín—the name is pronounced “cuh-lem toe-bean”—how many articles he had written, he could only guess. “I suppose thousands might be accurate,” he said, adding that his level of output used to be more common among writers: “Anthony Burgess, whom I knew slightly, used to write a thousand words a day. He produced a great amount of literary journalism, as well as the novels.” But, unlike Burgess, Tóibín gravitates to assignments demanding considerable diligence. Reviewing [a recent biography](#) of Fernando Pessoa, by Richard Zenith, Tóibín read the eleven-hundred-page text and three translations of Pessoa’s “[The Book of Disquiet](#).” Tóibín sometimes assimilates his subject to the point that the writer in question begins to sound like one of his own characters. [His Pessoa essay](#), published in August in the *London Review of Books*, begins, “As he grew older, Fernando Pessoa became less visible, as though he were inexorably being subsumed by dreams and shadows.”

“I have absolute curiosity and total commitment,” Tóibín, who is sixty-six, told me. He described his appetite for pickup work to me as a form of intellectual *fomo*. “You learn a huge amount by opening yourself to things that are going on,” he explained, offering as a case in point his new novel, “[The Magician](#),” a fictionalization of Thomas Mann’s life. “I could not have done the book had I not foolishly taken on three biographies of Mann in 1995 that were all *this size*,” he said, spreading his hands far apart. There are many other demands on Tóibín’s time: he is a literature professor at Columbia University and the chancellor of the University of Liverpool (“You have no idea how beautiful the robes are”). He occasionally helps

curate exhibits for the Morgan Library & Museum, in Manhattan, and, with his agent, Peter Straus, he runs a small publishing imprint in Dublin, Tuskar Rock Press. “I really enjoy anything that’s going on,” he told me, adding, “If there was a circus, I’d join it.”

When many novelists are done writing for the day, they want to be alone. Tóibín wants company. At literary festivals, he is a charming presence—modest, attentive, and eager to entertain the audience. “A novel is a thousand details,” he likes to say. “A long novel is two thousand details.” He has distanced himself from the trend for autofiction by declaring, “The page you face is not a mirror. It is blank.” Richard Ford told me, “Colm’s the best on his feet of any writer I know.” Once the panels end, Tóibín is up for an escapade. Ford went on, “He’s great fun and naughty, not constantly watching his back.” Last year, Tóibín and Damon Galgut, the South African writer, attended a festival in Cape Town. When Tóibín asked him what would be fun to see, Galgut suggested that they visit the Owl House, a work of outsider art ten hours away, in the Eastern Cape. Off they went on an almost nine-hundred-mile round trip, completed in four or five days. Tóibín was not much impressed by the art, but along the way he did a mischievous imitation of a novelist they both know, played with the idea of a foreign-language film with subtitles that told a completely unrelated story, and discussed why baboons have red buttocks. “It was an absolute lark,” Tóibín told me. Michael Ondaatje recalls running into Tóibín in 2005, after a five-day literary festival in Toronto. Tóibín told him that, during the event, he’d written a short story in his hotel room. Ondaatje exclaimed, “But . . . you were *everywhere!*”

Tóibín’s appetite for social life is reminiscent of one of his idols, [Henry James](#), who accepted a hundred and seven invitations to dinner in London during the winter season of 1878-79. Tóibín thinks that his own record occurred in 1981, during his years as a journalist in Dublin: almost every night, he said, he was “out drinking with friends and hanging out in every pub, going to every art thing.” In part, Tóibín is searching, like James, for an anecdote that will grow into a story. The germ can lie fallow in his mind for a long time. His best-known novel, “[Brooklyn](#)”—which was published in 2009, and later was adapted into a film starring [Saoirse Ronan](#)—took its inspiration from a chance comment made by a visitor paying a condolence call after the death of his father, more than forty years earlier, when Tóibín

was twelve and growing up near the Irish coast, south of Dublin. “One evening, a woman came and said her daughter had gone to Brooklyn and showed us all these letters,” he recalled. “When she was gone, I heard people saying that the daughter had come back from America and not told anyone she’d married there.”

I asked Tóibín several times why he enjoyed being so busy—was it a way to escape “the dark side of his soul,” as his Mann character muses in the new novel? Tóibín resists analysis in general. Once, when I inquired if he was happy, he answered, “I don’t know what you mean by ‘happy.’” This time, he initially quoted the musical “Oklahoma!”: “‘I’m just a girl who can’t say no.’” But I pressed him, and eventually he said, “I think I’m sort of sad, and I’m not sad when I’m out with people—the sadness just sort of goes, departs, leaves me.” I wasn’t sure if I’d achieved a breakthrough or been rewarded for my persistence. Tóibín tries to please, if he can.

The patterns of human relations never cease to interest him. He mentioned to me once, in an offhand way, that he can tell a priest in Ireland is gay if he spots a coffee grinder in his kitchen. In 1999, he went to Yaddo, the artists’ colony in upstate New York. “*I loved that table,*” he said of the small dining room where writers gathered during the winter session. “The entire way it worked—the structure of the dinner, and who was talking to whom.” He went on, “Remember, Wallace Stevens says, in ‘Notes Toward a Supreme Fiction,’ ‘It must give pleasure.’ At those kinds of places, there are people who live in fear of the dinner. But I got nothing but pleasure.”

Literary talk, for Tóibín, blends into gossip. He loves to share stories about well-known people—one about the Queen of England’s fear of restaurants, another about how nervous a certain writer was at a prize event that they both attended—but, like the best gossips, he tells many stories in which he mocks himself. He once told me about meeting the novelist [Edward St. Aubyn](#), who comes from an aristocratic family, at a literary party and mentioning to him that their names—Tóibín and St. Aubyn—suggested a shared lineage. Indeed, they “were probably cousins.” St. Aubyn, Tóibín recalled, “looked at me, like, ‘*What* could you possibly be talking about?’” Another time, in Dublin, Tóibín was entering Fitzwilliam Square, a beautiful gated park that he can visit because he owns a town house nearby. A prominent society lady spotted him, and, as Tóibín remembers it, she called

out, “Look at the socialist with the key to his private park!” Tóibín, laughing, told me, “She got me—I mean, she absolutely had me!”

When he’s about to gossip, he waves the tips of his fingers, as if summoning magic, and his head, with its tuft of gray hair, leans in, with a grin under his beetled brows. He starts in a hushed tone, but by the end of a fun story his voice is louder and more Irish. A curse word or two often escapes. When he is done, his face has the look of having let go something that had to come out.

Tóibín’s conversation is generally so ebullient, and so prone to dart from topic to topic, that it can be disorienting to reënter the tamped-down world of his books, where people are careful in conversation, each utterance fraught with importance. Tóibín’s novels typically depict an unfinished battle between those who know what they feel and those who don’t, between those who have found a taut peace within themselves and those who remain unsettled. His prose relies on economical gestures and moments of listening, and is largely shorn of metaphor and explanation. In an e-mail, Tessa Hadley marvelled at Tóibín’s ability, “with that striking minimum expressiveness,” to “stick so faithfully to the inner qualities of his places and his characters.”

Tóibín, aware that stories of stifled desire can turn into melodramas, is vigilant about sentimentality. For a paperback edition of “The South,” a love story about two Irish expats who meet in Barcelona, he changed two sentences at the end, which, he felt, had made the conclusion too soft. He said, “There was one moment where it looked like they were going to be happy forever. What I had was slightly too sugary.” What looks in the hardback version like a consummating trip to bed becomes, in the revision, another night of waiting by the fire.



"Ladies and gentlemen, this is your captain speaking, and this is your captain siinnngiiinnng."
Cartoon by Asher Perlman

Perhaps to quell the ambient noise, Tóibín typically sets his fiction in the past. He told me that, in rural Ireland, phone lines remained rare until the nineteen-eighties—allowing him to plausibly maintain the drop-in visit as his governing plot device. What drives the story forward is the realization that the most important things have been left unspoken. In “Brooklyn,” nobody ever tells the young protagonist, Eilis Lacey, that she is being sent to America; she learns it by inference:

“Parts of Brooklyn,” Father Flood replied, “are just like Ireland. They’re full of Irish.” He crossed his legs and sipped his tea from the china cup and said nothing for a while. The silence that descended made it clear to Eilis what the others were thinking.

Tóibín told me that he learned this approach to narrative from growing up in Ireland. “I felt it was a Catholic thing,” he said. He summarized his childhood by citing another sentence from “Brooklyn”: “They could do everything except say out loud what it was they were thinking.” But his delicate understanding of Irish manners turned out to have a broader application when he wrote [The Master](#), his fictionalization of the life of Henry James, published in 2004. Tóibín loves the psychological nuance of James’s characters, and the tracing of thoughts that are not quite voiced. James’s work, he said, is dominated by the theme of “holding something in.”

He explained, “In ‘Portrait of a Lady,’ ‘Wings of the Dove,’ ‘The Ambassadors,’ and ‘The Golden Bowl,’ there’s a secret that’s not known, and when it becomes known it will be explosive.” Tóibín ascribed his appetite for this theme to having been “brought up in a provincial place where your sexuality is not just a secret but unmentionable—you never get over it.” In “The Master,” James sublimates a longing for men through his writing. Tóibín, credibly, gives him sexual encounters that he may not have had. “I was very careful with every sentence,” he said of the erotic passages. “I cut, added, cut.” The novel’s portrait of a creative mind at work struck other writers as uncanny. Cynthia Ozick declared that Tóibín’s “rendering of the first hints, or sensations, of the tales as they form in James’s thoughts is itself an instance of writer’s wizardry.”

Seventeen years later, Tóibín has turned his attention to another classic author. Tóibín was attracted to Thomas Mann’s work because of its narrative intimacy. Although Mann wrote in the third person, he could, Tóibín said, “enter the consciousness of a single individual and pursue it relentlessly and intensely.” It might be revelatory, he decided, to subject Mann to Mann’s own method.

In some ways, Mann is James with a German accent: another sexually repressed artist who did not let himself behave as he wished. But James may not have allowed himself even the thought of sexual attraction to men. Mann, born three decades later, scattered far more obvious indications of his desires: he published an overtly homoerotic novella, “[Death in Venice](#)”; he left behind diaries that acknowledged his attraction to men, stipulating that they could be made public twenty years after his death.

Nevertheless, Tóibín is sure that both James and Mann became fiction writers because of thwarted desire. They also shared the experience of losing their homes. When Mann was young, he was forced to leave Lübeck after his father died and the family business was liquidated; James spent much of his life as a voluntary exile, shuttling from house to house in America and Europe. A sense of uprootedness, Tóibín explained to me, “is connected in some way or another to the idea of repressed sexuality.” He went on, “You’re watchful, you’re outside the group, attempting to get into the group. You learn to imagine *yourself*—to see yourself in different ways, to see

yourself from outside, to look at the world as though it were strange rather than as something you can take for granted.”

In early August, I went to see Tóibín in the Highland Park neighborhood of Los Angeles. He shares a home there with his partner of ten years, Hedi El Kholti, an editor of the literary press *Semiotext(e)*. Tóibín often transplants himself to one of his four other residences: the Dublin town house near the private park; a vacation home some seventy-five miles south of Dublin, not far from where he grew up; a refurbished barn in the Catalan Pyrenees, which he bought with some friends in the nineties; and a sparsely furnished apartment near Columbia University, which the school has given him for his semester of teaching each spring.

The house in Highland Park is his favorite, because El Kholti is there, he told me. And, he said, “I love the mornings here—the big high sky, the silence in the calm suburbs. It means you can wake in the morning and have nothing else to think about except what you’re working on.” In each of his homes, Tóibín has a favored location to work. In the Dublin house, it’s on the third floor, through a doorway he had contractors narrow, so that the desk could not be removed. He [told the *Guardian*](#) that he wants to be immured in the room when he dies, “or a bit before.”

El Kholti’s house has an opaque-glass garage door. The property has four small yucca trees. Tóibín came out to greet me in a seafoam-green linen shirt and dark-blue shorts. He showed me a hammock at the side of the house, strung low between two trees, and confided, “I can read here, and watch people go by—the dog walkers—and hear what they say.” If he climbs in the hammock by 9 a.m., he said, he can read an entire three-hundred-page book that he is reviewing in one sitting. Recent months had been exceptionally productive, he told me. El Kholti is at the center of a small but energetic community of art theorists and writers in L.A. He sometimes entertains guests at the house; there are also parties and openings to attend, and Tóibín comes along. [The pandemic](#), Tóibín admitted with some relief, had put a halt to all that, freeing up more time for him to work. He told me that previously he had been able to write seven hundred words in the morning and seven hundred in the afternoon; now, in the evenings, he produced another seven hundred words. He noted, “That’s when I wrote a book of poems, plus forty

thousand words of the new novel”—a sequel to “Brooklyn”—“plus the revisions of ‘The Magician.’”

He took me into his study. He writes first drafts in longhand, in bound notebooks, filling the right-facing pages with his squat, forward-leaning script. The only thing that he would divulge about the “Brooklyn” sequel is that it is set closer to the present. As he flipped through the notebook, I glimpsed some dialogue:

“How do you know this?”
“He told me.”
“No one else knows.”
“I don’t know.”
“Does my mother know?”
“I don’t think so.”

The left-facing pages of the notebooks are used for small emendations: word changes, questions to himself about usage and facts. Most of them were blank. Sometimes, he said, he could basically finish a novel in one draft.

Once Tóibín has figured out what he calls “the rhythm” of a novel, he told me, he doesn’t do much rewriting. A book’s style, he said, “has to seem unforced and natural.” If he has not found the proper rhythm, he explained, “the rewriting within a rhythm will *emphatically* not solve the problem.” Singing out of key, he pointed out, cannot rescue a bad song. If a book is not going well, he puts it away and starts over later. The process of improvement has to come organically, with time. He told me that he has a complete novel—about a German academic in contemporary New York—sitting in a drawer, awaiting clarity. Tóibín pulled out another notebook and showed me an example of his creative process having come to a dead end. It was a story called “Rescue”: he’d started it in November, 2010, and though it was complete in his mind, he could not get the tone right. He read the opening to me, in his pleasing tenor voice:

They sat opposite each other as the light outside dwindled. She knew that she would soon have to go.

“All I think about when I’m away from you is where we’ve just been.” He nodded towards the bedroom door. “All I want is for us to be like

this, saying nothing doing nothing. And how nice it would be if I could just pick up a newspaper and a book—”

“—And ignore me?”

“And ignore you.” He smiled. “Yes, I would love to be able to ignore you, but I would like you to be in the room while I did so.”

“Ignoring you in return?”

“Being close. That’s all. Being close and always preparing to go.”

He put it down. “Oh, there’s something too arch about the whole thing, the attempt to be Jamesian,” he said. He added with a laugh, “And ‘dwindled’ is *awful*.”

Tóibín is humorous even when he is serious. El Kholti is serious even when he laughs. He stepped in to offer me some tea, and then returned to the darkened room where he had been working. Their intellectual lives remain mostly separate. I confirmed my guess that Tóibín had never looked at El Kholti’s eight-volume edition of correspondence by Guy Debord, the Marxist theoretician. In Tóibín’s other homes, he has hundreds of classical CDs, but in Highland Park he has just a few LPs in a console in the living room; they are overwhelmed by El Kholti’s hip collection of records.

El Kholti had recently been playing Italo disco and Pet Shop Boys, Tóibín said, and the sounds were bringing back bad memories of the eighties for him: “I was always wearing the wrong clothes. I remember those times as being really frightening because I never knew how to look like that.” He added, “The gay world is terribly judgmental.”

Tóibín’s life at El Kholti’s house is at once coddled and constrained. El Kholti does the cooking, and Tóibín told me that he had never used a washing machine; until recently, he had never even “knowingly made a bed”—though it was possible there had been times when the sheets “would be so tossed that it would come right on its own.” Tóibín doesn’t like to drive in L.A., so he goes where El Kholti takes him. Tóibín says that he doesn’t have a house key; if the door is locked, he waits outside for El Kholti to come home. (El Kholti says that his partner exaggerates his dependence on him.)



"Don't overthink it—any wish that's not about reversing climate change is pretty pointless anyhow."
Cartoon by Karl Stevens

The only place Tóibín knows how to get to on his own is a park with some tennis courts about a mile away. We decided to go there, in my rental car. Before we left, El Kholti pulled out Tóibín’s tennis clothes. He warned me to watch out for the high lobs that Tóibín liked to hit, saying that his partner was “merciless.”

Tóibín said to him, playfully, “Is that a bad thing?”

When we arrived at the courts, it was ninety degrees. Tóibín, who has a large babyish head and jowls, is short, with a powerful upper body and skinny muscled legs. He handily covered the court, sometimes shovelling the ball over, sometimes hitting with a heavy slice. “That’s from the sixties,” he said, adding that he’d learned to play as a boy in Ireland.

During a pause for water, he told me what it was like to play tennis with [Pedro Almodóvar](#): “He’s like a wall. He simply returns the ball very hard. He always hits it in and it’s absolutely without style. It’s fascinating because it goes against our idea of him.” He admires Almodóvar and sees parallels between them—“two gay men from provincial Catholic countries” with a keen interest in women’s lives. Almodóvar once optioned a story of Tóibín’s about two Pakistani immigrants in Barcelona—a young man and an older barber—who fall in love; in the director’s 2019 film, “[Dolor y Gloria](#),” a

Spanish-language copy of “The Master” sits atop a pile of books on the protagonist’s nightstand. Tóibín explained how he first came to be interested in what he called the “textured domestic lives of women”: “If my aunts were there and my mother was there, there would be excitement of some sort, no matter what they were talking about. The men, on the other hand, would often just talk about sport.”

We agreed that Tóibín would practice serving to me for a while. Most times, he threw the ball low and then swatted at it hard, but occasionally he tried a sneaky soft serve, which would bounce twice before I could get to it. He was clearly up to something, and I asked him to share his strategy. Tóibín told me he had once met [Roger Federer](#): “I had only one question for him —‘What is your view on the second serve?’ He told me that you must get the ball in—that is primary—but it is essential that you don’t use the same tactics all the time. Every third time you do a second serve, you must take a risk or offer a surprise.” If I returned a shot, he would often hit one of the high lobs that drove El Kholti crazy.

Some of Tóibín’s serves were successful, but many went long or slapped the net. He returned to the line again and again to try. I could see the toughness that underlies Tóibín’s garrulity—and the stubbornness. He never tossed the ball much above his ear, and when I suggested that he might get better results by throwing the ball higher he irritably replied, “It’s important for me not to think about it too much.”

When we returned to the house—having made sure that El Kholti was there to open the door—a new anthology of modern poetry had arrived in our absence. El Kholti had opened the package and left it on the kitchen table. “It’s a very good book,” Tóibín said, looking at it with delight. “There was a recent essay in *The New York Review of Books* that said that Berryman is out of the canon. I thought the piece was extreme. This puts him back in. The first poem in the anthology is one of the Dream Songs.” The significance of the gesture, he declared, “would be lost on no one.”

Tóibín was born to a political family in Enniscorthy, a town south of Dublin, in 1955. After his grandfather participated in the 1916 Easter Rebellion, the English interned him in Wales; during the civil war of the nineteen-twenties, an uncle of Tóibín’s used to go to Dublin to meet with the Irish Republican

Brotherhood, to decide on which Anglo-Irish houses they should burn down. “My uncle would look innocent enough,” Tóibín recalled. “People would think he was going into the National Library or somewhere to do some studying.” He heard these stories in his youth, though the participants wouldn’t speak of them. After the Irish Free State was established, in 1922, Tóibín’s family supported Fianna Fáil, the conservative Catholic party that held power for much of the next sixty years.

In the Ireland of Tóibín’s childhood, every conversation had a text and a subtext. The crucial moment, which he returns to repeatedly in his fiction, occurred in 1963, when he was eight. His father, who taught history at the local Christian Brothers school, suffered a brain aneurysm, and Colm’s mother took her husband to Dublin for treatment, sending her two youngest children—Colm and his brother Niall—to live with an aunt and her family in the rural county of Kildare, an hour and a half away. For the next three months, the boys didn’t hear from their mother.

After his mother came home with his father to Enniscorthy and regathered the family, Colm developed a stammer that he still has traces of. (When he is tired, he cannot say his own name.) At the time, he knew that he felt hurt, but he did not know why. “There was no actual *problem* that you can name,” he told me. So he said nothing: “It took its toll all the more because there was no reference to it.” He did badly in school—his family called him Thirty-one, a reference to his lowly position in his class. In 1967, when Tóibín was twelve, his father died.

Three years later, he was sent to a Catholic boarding school, and he loved being away from the gimlet gaze of his home town. He was allowed to skip sports and go to the library instead. He learned to smoke and drink, and he began to write poems. A priest read one of them and urged him to become a writer. “Don’t let it go,” he told Tóibín.

During the summers, he went to an art colony in nearby Gorey. His cultural education had begun at home—his mother loved Yeats and painting and played Beethoven in the house—but it blossomed at the colony. He also began to understand his sexual orientation. He told me that others saw him as gay before he did: “There were other gay people there, and they would know by the way you looked and the way you moved.” When I asked him if

he told his family, he paraphrased a witticism that he'd put into his novel "[The Blackwater Lightship](#)," which is set in a coastal town ten miles from Enniscorthy: " ‘Have I come out to my parents as homosexual? My brothers and sisters haven’t even come out as heterosexual! ’ " He laughed and explained what it was like to be a young gay man in Ireland in the seventies. "It wasn’t as though you lived in a climate of fear," he said. "You lived in a climate of silence. All of us learned to live in our compartments."

In 1972, he enrolled in University College Dublin. He majored in history and literature and initially planned to become a civil servant. But, on a whim, he moved to Barcelona. "I arrive the 24th of September, 1975," he recalled. "Franco dies 20th November." Tóibín suddenly found himself in the midst of a sexual and political revolution. A lover from that time, Miguel Rasero, a painter, said of Tóibín, "He was very much an *observador*, as if he were scrutinizing the rest of us to our very core." Tóibín told me, "The place was wild. You could be just on your way home, thinking about nothing, and suddenly you’d get someone looking at you."

The sex scenes in Tóibín’s novels are decorous: people make love; the man’s organ is a "penis." He recalled that when his second novel—"a [The Heather Blazing](#)," about an Irish judge sifting through memories of his youth—won a British literary prize, an official at the ceremony greeted him by saying, "We were expecting someone older." He explained to me his theory of writing about sex: "I suppose it's that the more you deal with the mechanics, and the less you deal with the feelings, the more the feelings will emerge. But I think that about prose in general." And yet, Tóibín said, there's a side of him that likes to shock: "I have this feeling that the less you know about me the better, and every so often I want to break this in the most dramatic way you can think of, by writing something so private."

And so, in 2005, in *The Dublin Review*, he published a story, "[Barcelona, 1975](#)," about the first orgy that he attended, when he was twenty, at the house of an older painter. "The story is entirely real," Tóibín told me. When the narrator and a friend of the painter’s pair up, the narrator, in his youthful inexperience, is painfully aggressive. The friend, using only hand signals, guides him to a gentler approach. The narrator slows down, and is gratified when his partner ends up seeming "both hurt and happy at the same time."

Tóibín enjoyed the orgy, but was fascinated by its unspoken rules. He was amazed to learn that you chose only one partner and stayed with him all night. “I had no idea—imagine that!” he told me. This is the sort of detail that he loves, and that is key to his literary style—he is always looking for the moment when one implicit code of behavior runs up against another. But he was not yet a writer. “There was too much else going on,” he recalled. “There was a lot of drinking, a lot of wasting time.” To get by, he taught English.

In 1978, he tired of Barcelona and returned to Ireland. He began writing for *In Dublin*, the city’s equivalent of the *Village Voice*. The journalist Fintan O’Toole, who worked with Tóibín then, remembers him as an unwashed bohemian who wore the same clothes day to day and was missing one of his front teeth. O’Toole recalls Tóibín looking “not quite homeless,” but close.

Tóibín quickly became a good reporter, known for his tenacity and his stylish prose. Four years later, when he was twenty-seven, he was appointed the editor of *Magill*, a national political monthly. He was adamantly in favor of divorce, contraception, abortion, and gay rights in a retrograde country, but as editor he was also very interested in understanding political clout. He liked to quote a maxim attributed to Indira Gandhi: “Politics is the art of acquiring, holding, and wielding power.” He drank heavily, and had a difficult relationship with his boss. Tóibín was unafraid of conflict. Once, in 1985, he angered the head of the Dublin mob. The gangster decided to send him a message, and planted a loaded sawed-off shotgun in Tóibín’s apartment. But the apartment was so dishevelled that Tóibín didn’t find the weapon for months.



"I don't know if I can do 'Gilmore Girls' today. I'm not sure I'm feeling up for anything involving witty yet poignant repartee."
Cartoon by Maddie Dai

Tóibín's nonfiction style was influenced by the New Journalism techniques of [Norman Mailer](#) and [Joan Didion](#). "I would start at an angle to the story, and tended to leave it open-ended," he said. The idea of writing a novel began to feel inevitable. Soon after he started at *Magill*, Tóibín began using spare moments to experiment with fiction. He immediately saw that it was the right form for him. "In all our DNA, there's one form that belongs to us," he said, adding, "The novel is the only form where you can really work with what someone is thinking, and what they're saying, and show the distance between those two things. And, in the Ireland I inhabited, that was a crucial part of my life."

Among Tóibín's large group of straight friends, it was noted that he would occasionally duck away. Once, when he went to Mexico with Beatrice Monti, the founder of the Santa Maddalena literary retreat, to attend Francisco Goldman's wedding, both friends knew what to expect. Goldman recalls, "She asked me if I could find people to show her around Mexico City, because Colm was about to disappear for a few days."

The scenario for "The South" came about in highly Jamesian fashion. One day in 1982, as Tóibín got on a train in Dublin to see his family in Enniscorthy, he noticed another passenger. She seemed different from the usual County Wexford commuter: poised, better dressed, and "rich—not

gaudy rich, but old rich.” He took her for a Protestant: “I wondered who she was, and she stayed in my mind.”

Soon afterward, Tóibín began imagining the life of a wealthy Irish Protestant woman who travels to Barcelona in the nineteen-fifties and meets a group of painters, one of whom fought on the Republican side in the Spanish Civil War. After three years of writing at night and on weekends, the manuscript was finally done. He showed it to O’Toole, who recalls being “just staggered”: “It was obvious from the first twenty pages Colm was an artist.” Tóibín is not as enthusiastic about his first work. “If you look at it, you see that the sentence structure is more or less taken from Didion,” he said.

“The South” was accepted by Serpent’s Tail, a small press based in London, and published in 1990. Viking Penguin acquired the American rights, and, in the *Washington Post*, Barbara Probst Solomon [hailed Tóibín](#) as an “amazing” new talent, astutely noting that what made the novel distinctive was “the tremendous amount Tóibín leaves unsaid.”

Tóibín came to the U.S. at his own expense to promote the book. He’d had his tooth fixed and his hygiene had improved, and he looked handsome, even dashing. He was also an appealing performer, with a resonant Irish accent. Tóibín possesses an unusual ability to reenter the landscapes he has imagined. He reads as if telling the story for the first time, and his pauses match your breaths.

After “The South,” more Tóibín novels arrived in rapid succession. He told me that he has never experienced writer’s block. Initially, the novels offered variations on his Irish heritage, on the interplay between secrets and lies. In 1996, he published “[The Story of the Night](#),” about a young man pinned down by his secret homosexuality and by the societal corruption of Argentina in the years of the junta. It was Tóibín’s first novel with a gay character. Three years later, he published “The Blackwater Lightship,” which centers on a young Irishman dying of *aids*. It was short-listed for the Booker Prize. Soon afterward, Tóibín returned to Dublin after making appearances in London and New York, where he’d been doing “some piece of self-promoting.” At his town house, the refrigerator was bare, so he went out to buy groceries. Suddenly, he noticed cars honking their horns and

flashing their lights. “Eventually, a car stops and a young man gets out,” Tóibín recalled. “He goes like this at me”—he raised his arms in the air, as if he were an exultant fan at a soccer game—“ ‘Yah! Yah!’ ” His countrymen were saluting the Booker acknowledgment. Later, his mother sent him a long letter consisting entirely of the names of people in Enniscorthy who had congratulated her.

Tóibín first read Thomas Mann’s “[Buddenbrooks](#)” when he was in his late teens. He was immediately struck by the plot’s parallels with his own life: a father dies and leaves behind a widow with an artistic child. Later, he was struck by another parallel. Mann, too, had to leave his old life, becoming a watcher in foreign places. “Losing a whole place, for a writer, is hugely traumatic but really rich,” Tóibín said. “The rooms you’ll never walk into again is something I think I know I am interested in.” He revisited “Buddenbrooks,” and happily made his way through “Death in Venice,” “[The Magic Mountain](#),” and “[Doctor Faustus](#). ” In 1995, a published excerpt of “The Story of the Night,” the Argentina novel, effectively outed him, changing what journal editors approached him to write about. “I became their sort of pet queer,” he told me. He didn’t mind—he was sick of reviewing books on Ireland. So when the *London Review of Books* asked him to write about a trio of new biographies of Mann that made use of Mann’s journals, which had appeared earlier in Germany, he said yes. Tóibín was gripped. “It isn’t as if we’d known this all along,” he told me. “We hadn’t. I really started to think about it.” He saw for the first time that “Mann had been withholding so much, and concealing so much.” He now understood Mann’s body of work to be “a game between what was revealed and what was concealed.” “Death in Venice” revealed; the Biblical tetralogy “[Joseph and His Brothers](#)” concealed. Tóibín said, “It’s a very gay-closet thing to do, this current that someone can see and someone else can’t see.” This was a conflict, reminiscent of the secrets of Ireland, that he could dramatize.

But a related idea—examining the contrails of Henry James’s repressed sexuality—came together more quickly, and Tóibín published that novel in 2004. He thought of turning right away to “The Magician.” Instead, he decided to write again about something closer to his roots. “I felt I’d done enough posh people,” he told me. “It was almost a class issue.” And so he started “Brooklyn,” which required him to push beyond his traditional Irish

knowledge and do research on the immigrant experience in America. His transplanted characters love the Brooklyn Dodgers, and Tóibín knew nothing about baseball. One day, Francisco Goldman took him to Montero, an old longshoreman's bar in Brooklyn, to watch a televised playoff game. The Yankees' starting pitcher was Andy Pettitte, and there were many closeups of him on the mound. "Oh, my God," Tóibín kept calling out to Goldman, in a loud voice. "He's so beautiful! Do you know anyone who knows him?" By the fifth inning, Goldman had ushered Tóibín out.

As the years passed, Tóibín continued to think about Mann. When he received a Los Angeles *Times* Book Prize for "The Master," in 2005, he asked the newspaper to arrange for him to visit the house that Mann had built in Pacific Palisades after fleeing Europe, in 1942. The house, which Mann named Seven Palms, was then in private hands; it is now a residence for scholars, owned by the German government. Tóibín felt Mann's steely presence in the house, particularly noticing the back stairs that allowed the novelist to enter and leave his study without bumping into his wife and children. He took notice of the bright sunlight and the palm trees. Mann had grown up in a dreary northern German city, but his mother was from Brazil. "It struck me how close it would have been to a dream he might have had of his mother," Tóibín remembers.

About a decade ago, he had a stint teaching at Princeton, where Mann and his wife had first moved after coming to America, and he got to walk through the house where they had lived. While touring Europe for "Brooklyn," he visited Lübeck. Four years later, he was at an arts festival in Paraty, Brazil, to read again from "Brooklyn," and he took a side trip to see the house where Mann's mother grew up. Though Tóibín was not yet writing the novel, he was, he told me, "always adding to it in my head."

In 2017, he was enduring a rare rough patch with his writing: he had just put aside his novel about the German academic in New York. He went on vacation with El Kholti in Havana and woke up, as he recalls it, with "a bad rum hangover." As the signature tune from "Buena Vista Social Club" wafted ceaselessly up to his hotel room, he asked himself, "Why am I such a disaster?" In a moment of "absolute clarity," he thought of "The Magician," and told himself, "The reason you're postponing it is you're afraid of it." He decided to begin writing it at once.

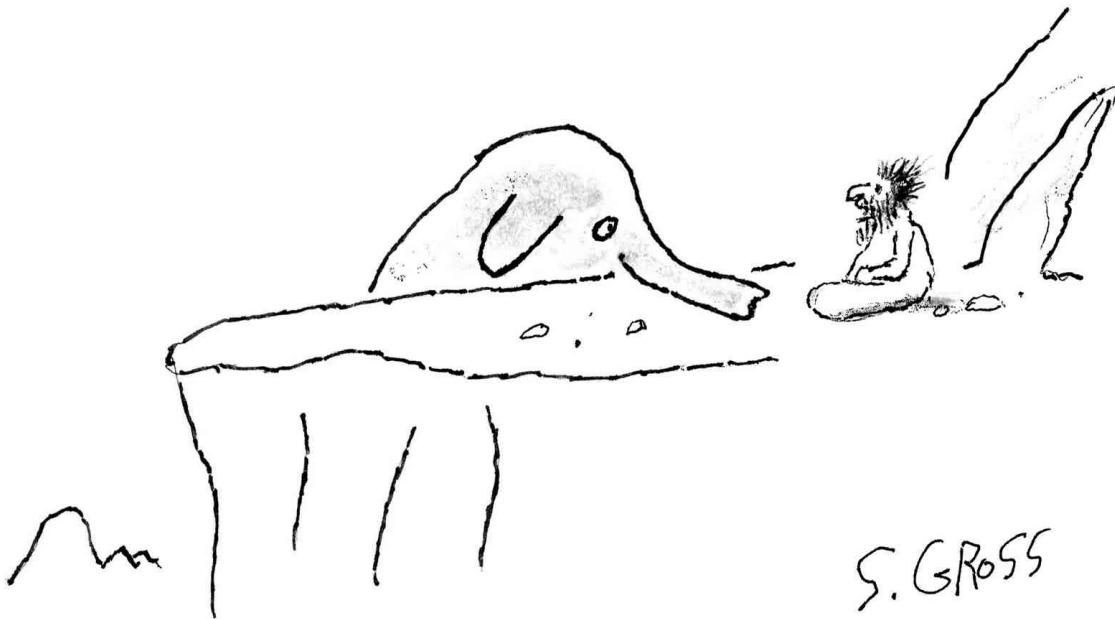
A novelistic portrait of Mann would involve some technical hurdles for Tóibín. There were six children he would have to keep straight. He read no German and knew little about Germany. He was quite sure that Mann desired men, but he wasn't sure what else he was sure of. "Mann was hard to understand," he told me. "The personality was fluid, and there was no pinning him down." And Mann lived a far bigger public life than any character he had written about. He was first a German nationalist, then an enemy of Hitler's and a friend of Roosevelt's, and finally a target of the F.B.I. "You're dealing with epic material," he said. "And these are subjects that I'd rather not deal with." But his greatest fear, he remembers, was that writing the book was so important to him that he was "afraid of it being over."

The writing came quickly, and by June, 2018, he had completed four chapters. Then he learned that he had cancer.

The disease had originated in one of Tóibín's testicles, but his doctors soon found that it had spread to his lungs and his liver. He began chemotherapy, which left him unable to read, let alone write, for the first time in his life. Only after he began taking steroids did he have just enough focus to write. His treatment lasted six months, during which he composed two poems.

By the end of 2018, his oncologists had told him that the cancer was in remission. In January, 2019, he began teaching his regular semester of literature classes at Columbia. He told few people in New York about his illness. It was a relief, he said, to have "no one asking me how I was." Tóibín told me that he generally maintains a low profile at Columbia, noting that young gay students are not particularly drawn to his classes: "Whatever aura I have, it's not as a gay guru—I'm not Edmund White. 'My mother's reading your book'—I get that a lot."

Tóibín told me that he never works on his novels in New York—he wasn't sure why—but he flew to L.A. at every opportunity and fervently resumed his efforts on "The Magician." He composed on a computer for the first time, to speed the process. "I don't think I said to myself, 'Look, I might only have six months,' but I felt like I had a window." (The cancer has not come back.)



"There's no room for an elephant up here."
Cartoon by Sam Gross

Parts of the book presented a familiar challenge to Tóibín. Like James, Mann was—to quote a passage from “The Magician”—a “bourgeois, cosmopolitan, balanced, unpassionate” artist. But, because Mann was more comfortable with his attraction to men than James was—at least privately—Tóibín could be bolder in connecting his erotic life and his literary life. In one sequence in “The Magician,” Mann is working on “Buddenbrooks” in Italy, and starts daydreaming about handsome young men he has spied on the street; he recognizes, with satisfaction, that “the flushed vitality he felt was making its way into the very scene he was composing.” Even Mann’s wife and children—some of whom were queer themselves—accept his sexuality as an engine of his creativity. Tóibín conjures a touching scene from late in Mann’s life, when he is struggling to write fiction: at a Swiss hotel, his wife sets up a solo luncheon for Mann, so that his imagination can be enlivened by the presence of a waiter whom she knows he finds attractive.

In Tóibín’s portrait, Mann is less oppressed by his desire for men than by his rancorous children—who frequently criticize him for being too timid in denouncing fascism—and by political upheavals that he cannot control. Mann was obsessed with keeping his books in print in Germany, and this apparently made him reluctant to antagonize the Nazi regime, even as he and

his family fell under direct threat. Tóibín told me that he made sure not to judge Mann by contemporary standards, adding, “If you start judging him, he comes out very badly.”

The biggest strategic question was how deeply Tóibín would saturate himself in the dense intellectual world of Mann, whose novels are suffused with the ideas of such thinkers as Schopenhauer and Nietzsche. Irony, parody, and philosophical discourse had become especially important to Mann’s work by the time he moved to Los Angeles. His 1947 novel, “Doctor Faustus,” swirls around abstract questions about the nature of music, and many of the ideas championed by the demoniac fictional composer Adrian Leverkühn resemble those of Arnold Schoenberg, the Austrian modernist known for his bracingly atonal scores. Mann’s portrait of Leverkühn was shaped by exchanges that Mann had with the theorist Theodor Adorno about Schoenberg’s compositional methods.

Tóibín knew that he could nimbly capture Mann’s erotic yearnings and his conflicts with his children; but could he make repartee about abstract ideas come alive on the page? El Kholti’s writers at *Semiotext(e)* might excel at this, but he didn’t. Tóibín studied up, and, in extensive passages, he gamely tried to capture the back-and-forth between Adorno and Mann. But when he sent the manuscript to his editors—Mary Mount, in London, and Nan Graham, in New York—they told him that this material stopped the novel in its tracks. He reread the pages and reluctantly agreed. “They look like me showing off,” he told me now. He could see inside Mann’s talent, but this didn’t mean that they shared the same gifts as writers. “My book is about the intimate life of a man and family,” he said. “The reader has a right to say, Get on with a story. And it’s often a very good thing to say to yourself, too.”

“They call this the Sunny Southeast,” Tóibín said, with a laugh. We were at the beach, under a hazy sky, outside the Irish town of Blackwater—a short drive from where Tóibín grew up. He summered here as a child and built a vacation home nearby after “The Master” won a hundred-thousand-euro prize, the International *impac* Dublin Literary Award. The house is cluttered but neat—Tóibín has someone come to clean—and it is full of well-chosen furniture and art, a far cry from his bohemian days in Dublin. (“Colm has good rugs,” Beatrice Monti told me.) It was the longest day of the year, and

the Irish Sea had a metallic tint. The waves were tiny but insistent, like uncoöperative children.

Tóibín walked along the beach in a linen jacket and long pants, looking like a figure from the nineteen-fifties, which was in keeping with the town's ambience. On the drive down from Dublin, we'd passed a restaurant advertising ballroom dancing. Tóibín stopped drinking after the cancer treatment, but as he strolled along it was still easy to imagine a flask in his jacket pocket.

He pointed out a road sign that called the beach Ballyconnigar. Locals have always called it Cush. He explained, "The name comes from *cois*"—"beside," in Irish, as in "beside the sea." Tóibín likes to walk when he talks, but when he arrives at an observation that particularly interests him he stops, and then you have to walk back to him to hear it. At one point on our walk, he spoke admiringly about "[The Queen's Throat](#)," a book by the queer theorist Wayne Koestenbaum. Tóibín then shared his annoyance with the voguish use of "queer" to describe any kind of deviation from social norms: "It's become a very broad term, and I find it useless most of the time."

Gesturing at the chilly surf, he noted that such beaches had been recurring literary territory for him. In eight of his novels, he said, "someone takes a swim in cold water and hesitates before they go in." (Mann goes for a dip in the Baltic.) Tóibín then admitted that he hadn't been aware of this pattern until recently, when Bernard Schwartz, the director of the Unterberg Poetry Center, at the 92nd Street Y, noted it to him.

We went up a steep hill and continued along paths that he'd known since childhood. They were lined by dense fields of heather and exuded the smell of cut grass. He pointed out wild fuchsia and gorse by name. In "The Heather Blazing," a cousin of the protagonist lives in a house half of which has fallen off a cliff and onto the beach below. We passed the remains of the house that had inspired Tóibín. He was pleased to come upon his literary symbol again. "You can see how they made the walls out of mud, dirt, whatever they had," he said. We then walked by a house with a crumbling white stucco wall: during his boyhood, this was his family's summer house. He mentioned that one of the subsequent owners had let him in to see the

bedroom where he once slept. We continued up rutted dirt lanes. Occasionally, a car passed, the driver's eyes craning to see who we were. Most of the people here were local, and still knew Tóibín or his family.

We came across an old friend of Tóibín's, and Tóibín greeted him with the mild affability he wears like a uniform when he is home. The man's face covering, combined with the local accent, made his deep voice unintelligible to me, and so Tóibín translated: the man was saying that he'd once worked in construction in New York. Tóibín was pleased with the evident parallels to "Brooklyn." He asked after a house the man's nephew had recently built. They discussed the weather. The man's replies had the guardedness I had come to associate with the region, but after they parted Tóibín told a different story: his old friend was losing his memory, he said, and might not have remembered him at all. "For me, it's a disaster," Tóibín said. "It's another piece of erosion."

We continued along, and came to a low house behind a newly staked fence. Tóibín told me to peer through. "Look at that corner bedroom window," he said. The house looked much like the others we'd passed: gray stucco chipping off, an empty yard, a bench. I wasn't sure what fictional scene had been inspired by its confines. Then Tóibín spoke, with a babyish smile on his face: "That is where I was conceived."

Once, when Tóibín and I were discussing why he can't work on his novels in New York—perhaps, he said, it was because he felt lonely there—he confided that he actually does write some fiction in the city. At the end of each semester at Columbia, he writes a story from scratch: a "brutally dark depressing story, just a misery." He went on, "The story just *crowds in* on you. There's no need for these stories." He ticked off these short works, which included "[One Minus One](#)," an unsparing account of his mother's death, which appeared in this magazine in 2007.

I asked him why he wrote only unhappy stories in New York. He first turned, as he often does, to metaphor and quotation. "It's like tar melting in the hot sun," he said. "It's like Joan Baez: 'I'll be damned. Here comes your ghost again.' " He paused and re-started, trying to think harder. "It's in some way about the isolation of being away from home and putting off whatever real life is going to happen." Suddenly, he was seized by the idea that not

understanding his motives was the very thing that spurred him to keep going. Although his creativity depended on a code, he said, it was best not to try to break that code if he wanted the magic to keep working.

“It’s like playing tennis,” he observed. “If you tried to think too much, you’d hit the ball out. You hit this ball you think is going to be a winner—and it just goes out. If you’re writing a story, it’s the same problem if you start thinking, *What does the story mean?* Stop that! Get an image. Follow an object.” He grew more emphatic as he continued, and his fingers waved: “Follow the thing to see where it will take you—or follow the rhythm. But don’t try to wrest meaning from it. If you think too much, you’re fucked.” ♦

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Reading Dept.

- [From “2 Dope Queens” to the Best-Seller List](#)

[September 20, 2021 Issue](#)

From “2 Dope Queens” to the Best-Seller List

The actress, comedian, and author Phoebe Robinson can add “publishing mogul” to her bio, now that she’s started her own imprint, Tiny Reparations Books.

By [Sheila Yasmin Marikar](#)

September 13, 2021

The number of celebrity-backed lines of skin care and CBD could fill a Costco. Phoebe Robinson, the actress, comedian, and author, recently identified a more niche market.



Phoebe Robinson Illustration by João Fazenda

“I wasn’t planning on launching an imprint,” she said the other day, of her pandemic activities, on a walk through Williamsburg. She had on a sleeveless lavender plaid blouse with matching shorts and Kelly-green kitten-heel sandals. “But then #PublishingPaidMe happened.” She was referring to the social-media campaign, started last year, that exposed racial

disparities in the publishing industry. It made Robinson remember her experience, back in 2015, of shopping her first essay collection, “You Can’t Touch My Hair.” The refrain from most outlets: “This isn’t relatable. Nobody wants this.” Plume, a division of Penguin Random House, sang a different tune; the book became a *Times* best-seller in 2016.

Her forthcoming essay collection, “Please Don’t Sit on My Bed in Your Outside Clothes,” will be the first work published by Tiny Reparations Books, her new imprint with Plume; ten more titles are in the pipeline, all by début authors from underrepresented groups. “A lot of times, whether you’re a woman, a person of color, or in the queer community, people are, like, ‘Oh, we’re taking a chance with this blah-blah-blah,’ ” she said. “I don’t feel like I’m taking a chance. These are writers who have worked really hard on their manuscripts. It’s just recognizing talent.”

She added, “I do have to be mindful of what will sell and what won’t sell. And be mindful about advances. I can’t just be, like, ‘I’m gonna give everyone a million dollars.’ ”

Robinson grew up in Ohio intent on moving to New York City. (She never learned to drive.) After studying screenwriting at the Pratt Institute, she worked in administrative roles at independent movie-production houses. When an employer folded, in 2008, she told herself, “This is a sign.” She had started taking standup classes and began to prioritize open mikes. She started a WNYC podcast, “2 Dope Queens,” with the actress and comedian Jessica Williams, and worked her way into writing for “Portlandia” and acting in “I Love Dick.” Her first solo comedy special premières this fall, on HBO Max. “A lot of people tell me, ‘You’re starting to break out,’ ” she said. “I’m, like, ‘Bitch, I’m almost forty.’ ”

Her heels clicked down the sidewalk; across the street, a construction worker watched her pass and whirred his power drill. Robinson whipped around and said, fiercely, “Oh, wow! Has that ever worked for you?”

She prefers to appraise the opposite sex on Instagram, via weekly posts hashtags #ThirstyThursday. A recent tribute to Paul Rudd: “We don’t know Paul’s opinions on anything and the universe rewarded him with collagen that won’t quit. He’s 52 and looks 22. Meanwhile, Mitch

McConnell is trifling and looks like he took roll call at the Battle of Gettysburg.”

“It’s fun and silly,” she said. “Social media can’t just be this thing where everyone is yelling opinions and hot takes.” It’s also a team effort; she employs three specialists from a company called Swim Social. “So many people have teams but don’t say it,” she said. “It’s like when these celebs say, ‘I’m able to have a TV show and be a mom.’ Yeah, because you have a nanny. Just say you have a nanny.”

Instagram is also how she was courted by her boyfriend, a tour manager for rock bands who goes by the handle BritishBaekoff. Robinson refers to him as Bae. They met at a U2 concert. “I didn’t make the best first impression,” she said. “I only cared about U2.”

She opened the door to Brooklinen, a purveyor of bed and bath products. “I am loving this sage,” she said, picking up a bundle of dried leaves in a pink ceramic bowl. “I think we want to start saging. We’ve become that couple.” Scented candles tailored to different times of day—“Magic Hour,” “Nightcap”—were assessed.

A sales associate approached. “There’s also a sample set, if you wanted to get all of them.”

“There is?” Robinson exclaimed. “Why would you tell me that?”

Candles rung up and bagged, Robinson drifted to another display: a nightstand stacked with books and a canary-yellow alarm clock. “A friend of mine said that I have to stop using my phone as an alarm,” she said. “So I can have twenty minutes in the morning without being, like, Twitter, New York Times, breaking news.”

The associate went to the back to look for one of the clocks. She returned empty-handed. “We’re all sold out,” she said. The floor model was not for sale. “We also have some other ones,” she added, “but they’re not as fun.”

Robinson nodded. “Thanks for having my back, boo.” ♦

Shouts & Murmurs

- We Can Make It Work

[September 20, 2021 Issue](#)

We Can Make It Work

By [Brian Koppelman](#)

September 13, 2021

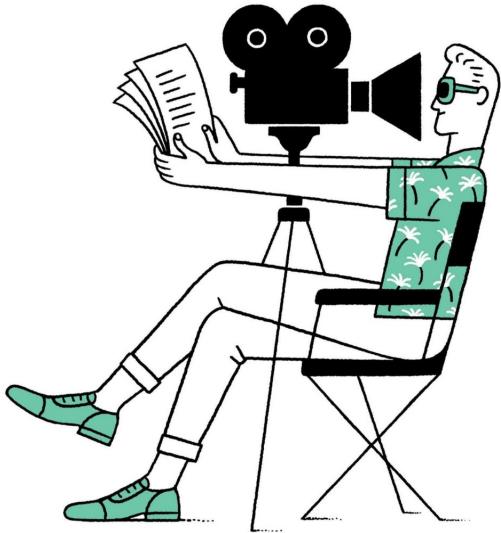


Illustration by Luci Gutiérrez

Got the script.

Sorry to leave you hanging so close to production on the series.

The good news is that, on the creative side, we can make it work.

There are a few small scheduling issues related to Grant's other commitments, but, if the Guys really want him, we think that we can make it work.

The show would just need to fly him in and out. Nightly. His time is precious right now, because he's got family issues.

He's not with the family. He's in Vegas. Far away from them. But it really clears his head to be there. What with the girls and the gambling and so forth.

So, that's schedule. There's also the money.

Grant does want to make this work creatively. And the schedule stuff can be solved. But we are really going to have to make the money work in order for this to happen. We know you have other deals in place. And we don't want to upset the apple cart, so all we need on that front is favored nations plus ten.

The good news is we want to make it happen. Grant wants to. And, from the note the Guys wrote to Grant when they sent the script, it seems like they also want to make it work.

Which is great. Because the agency wants to make it work. And, as Grant's manager, I also want to make it work.

As far as credit. We know that the Guys plan to do end credits. But Grant is a main-titles piece of talent. We will need to make that work somehow.

Since the other actors have all agreed to end credits, one idea is to change the title of the show itself, so that it has Grant's name in it. It doesn't have to be the first word in the title, but something along the lines of "Grant's Shenandoah Charade" might make this work. You let us know if there's another way to skin this particular pony.

The North Star for our team is always Grant's creative engagement. And, as we said, on that count we do want to make this work.

He has the script in hand and is prepared to commit to engaging.

He does have notes.

Most of them are things that can be solved and chewed up into bite-sized morsels "on the day," perhaps during the first two hours of blocking. Also, there's his gift for improv. Which the Guys should get ready for in the best way.

But there are two threshold creative notes that need to be resolved up front, before we get into the schedule, money, and credit stuff, so that the tail isn't wagging the lion here.

First: As currently scripted, Grant's character doesn't appear until Episode 10—of twelve. Our concern isn't the size of the part but that, as it's written now, he dies in Episode 11.

Is there a way that the series could sort of tease this, to make the role more enticing to play? The idea here is to open the series with Grant getting speared through the heart, and then wrap around, like Morgan did on Season 2 of "The Crown."

Can we make that work?

Second: Does he have to die? The notion being that we (read: the audience) could *think* he dies in Episode 11, but then, at the end of Episode 12, the last thing we see is him removing the spear and suturing himself.

Let me know when the Guys can fly to Tanzania to grab a quick jam session with Grant, to vibe on the character arc.

Once we settle the business stuff, we can set this meeting.

And, at that point, he will read the script. ♦

More Humor

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Tables for Two

- [Goose Barnacles and Basque Cooking at Haizea](#)

[September 20, 2021 Issue](#)

Goose Barnacles and Basque Cooking at Haizea

At his tiny SoHo restaurant, the chef Mikel de Luis offers strikingly composed plates of croquettes, Kobe-beef tartare, and seafood that looks like it just jumped out of the ocean.

By [Shauna Lyon](#)

September 10, 2021



The chef Mikel de Luis—who grew up in Bilbao, Spain, and was a mentee of the many-Michelin-starred Spanish chef Martín Berasategui—was, in mid-March, 2020, ready to open Haizea, a tiny Basque- and Catalan-inflected restaurant, on a quiet street in SoHo. Luis's plan, which also incorporated group dinners based on *txokos*—social cooking clubs, popular in the Basque country since the eighteen-hundreds, that traditionally comprised only men but now include women—met its match when the pandemic forced restaurants to close.



Kobe-beef tartare comes with crème fraîche, a quail egg, and foie gras.

In May, 2020, Luis, eager to start cooking, began offering takeout and delivery; after restrictions lifted, a month later, he built a terrace and invited some influencers in the hope of spreading the word that Haizea was, finally, open for in-person (outdoor) dining. For those walking up Sullivan Street in a pandemic daze, unaware of any such influencers, Haizea seemed to appear out of nowhere, a warm, lively spot with an ambitious menu teeming with tapas' greatest hits, heavy on the seafood—a beacon of new life.



Tender octopus, seasoned with smoky Spanish paprika, sits atop a dense and creamy potato foam.

Courting influencers may sound cliché, but it proved to be an essential move, as word did, indeed, spread, on Instagram and beyond, that there was some expert seasonal Basque-style cooking happening at Haizea. The images told a dramatic story, featuring a parade of strikingly composed plates of croquettes (filled with cheese or octopus, arranged with aioli and micro-watercress), Kobe-beef tartare (coarsely chopped and served with crème fraîche, a quail egg, and foie gras for good measure), and seafood, much of it sourced from Spain, that looked like it had just jumped out of the ocean—scallops with bright-orange roe, head-on shrimp, langoustines and lobsters, alone or all together, in a fisherman’s brothy rice dish called *arroz caldoso*.

On a recent visit, a friend and I were led to the marble-topped bar in the back, which seats eight people (for *txoko* feasts, featuring the whole menu) but that night was kept to two socially distanced parties of two. When faced with questions, our waitress said, “It’s my first day. I’ll bring the chef.” Luis appeared—high-tops, white chef’s coat, black-rimmed glasses—and, pouring us glasses of ruby-hued Spanish rosé, rattled off ingredients: potato, Iberico ham, Mahon cheese, toast. “You’ll start with that.” We smiled and attempted to order white asparagus, scallops, and toasted angel-hair pasta, but Luis shook his head. “The octopus. The baby clams. You like, yes? Lamb chops—I’ll give you extra. O.K.?” O.K.!



Luis simmers goose barnacles with bay leaves and serves them chilled.

He was right, about all of it. The *pintxos* of ham, potato, and melted cheese on crisp squares of flatbread brought wishes of a much larger sandwich. Tender octopus, smoky with Spanish paprika, atop the best kind of potato foam, dense and creamy, was presented on a slab of tree trunk. Luis hadn't mentioned that baby eels came with the clams, but there they were, wispy white strands mingling innocuously with scores of fingernail-size coquinas, bathed in a buttery parsley-flecked, garlic-laden *txakoli*-wine sauce, with bread for sopping. Dainty lamb chops were seared to a crunch, tender and juicy inside.



Seared lamb chops are accompanied by Padrón peppers and potato.

We had heard that Haizea served goose barnacles—bowls of what look like red-tipped dragon toenails, captioned “Percebes from the north of Spain” on Instagram—but they weren’t on the menu. Did they have any? Luis, his eyes wide with excitement, said, “Do we have barnacles? Yes, we have them! They are very expensive.” Could we try them? “You know why they’re so expensive? Because people kill themselves to get them. They wait for the tide, they have thirty seconds before a wave comes, they dive down, then *clack-clack-clack*, they get them.”

Jonathan Swift’s quote “He was a bold man that first eat an oyster” will also apply to the barnacle. Luis simmers them with bay leaves, then chills them on ice. For the first-timer, a tutorial: twist off the toenail-looking part, slip back the gray, wrinkled casing, close your eyes, and bite. Firm, bouncy, chewy, they taste of the sea. (*Dishes \$3.50-\$42.*) ♦

The Current Cinema

- Guilt and Numbness in “The Card Counter”

[September 20, 2021 Issue](#)

Guilt and Numbness in “The Card Counter”

Paul Schrader’s obsession with sin and redemption is palpable in a film starring Oscar Isaac as a veteran haunted by his experiences in the Iraq War, but against the strong moral backdrop the characters seem adrift.

By [Anthony Lane](#)

September 10, 2021



In preparation for Paul Schrader’s latest film, “The Card Counter,” I revisited one of his finest works, “Light Sleeper,” from 1992. It was about a man—reticent, inward, and ascetic—who spoke to us in voice-over and wrote down his thoughts in a diary. At one point, we saw him from above, stretched out at full length on his bed. All these things are true of the new movie, too, and the parallels don’t end there. The throbbing score of “Light Sleeper” was by Michael Been, whose son, Robert Levon Been, is one of the composers on “The Card Counter,” and Willem Dafoe appears in both films. To claim that Schrader is stuck in a groove would be unjust; it would be

fairer to say that he is no less driven than his hermetic heroes. He has become the national laureate of loneliness.

Consider the guy at the heart of “The Card Counter.” He calls himself William Tell (Oscar Isaac), though his last name was formerly Tillich. (Are we seriously meant to recall Paul Tillich, the Protestant theologian and philosopher? Don’t bet against it.) In traditional Schrader fashion, William has a knack for hiding as much as he reveals. “It was in prison I learned to count cards,” he declares, and we’re left wondering what led to his incarceration. Now a free man, he drives from city to city, and from one casino to the next. He plays blackjack, roulette, and poker, preferring low stakes—“I keep to modest goals”—and filling us in on his methods for each game. With roulette, he advises a straight choice of red or black; don’t mess around with the numbers. “You win, you walk away,” he says. “You lose, you walk away.”

Beyond the tables, William seeks to purge his life of risk. He stays in motels (“Single, one night”), pays in cash, and, once inside a room, encases the furniture in dust sheets and twine. Either he’s protecting himself from germs and dirt or else he’s emulating the labors of Christo and Jeanne-Claude, the artists who used to wrap slightly larger objects, like the Berlin Reichstag. There’s certainly a bizarre aesthetic compulsion here, and the director of photography, Alexander Dynan, mutes the lighting until a flowered bedspread emits only a ghost of color. William’s clothes are no brighter; his black leather jacket, gray shirt, and black tie are, I suspect, a funereal nod to the outfits worn by Steve McQueen as the poker ace in “The Cincinnati Kid” (1965). Stripped to the waist, William shows the maxim tattooed across his shoulder blades: “I trust my life to Providence, I trust my soul to Grace.” He has boxed himself into solitary confinement, so what will it take to breach the walls?

The answer is: three meetings, with three very different people. The first is La Linda (Tiffany Haddish), who admires William and invites him to join a stable of gamblers that she runs. She is the movie’s only source of warmth, and a foil to the hero’s existential chill. “If you don’t play for money, why do you play at all?” she says to William. “It passes the time,” he replies. The second person he comes across is John Gordo (Dafoe), a gruff old grouch who, we learn, was once a private contractor; during the war on terror, in

hellholes such as Abu Ghraib, he drilled American soldiers in the art of interrogation. William was one of those soldiers. (In his phrase, he got to “surf the craziness.”) Having been photographed in the act of degrading the inmates, he was jailed. Gordo, by contrast, went unpunished—a dereliction of natural law that haunts a kid named Cirk (Tye Sheridan), the third person of interest, whose father served and sinned alongside William, and suffered the consequences. Cirk, angry and restless, has Gordo in his sights.

What’s discomforting about “The Card Counter” is that Schrader builds this strong moral backdrop for his characters and then allows them to drift about in front of it. William takes Cirk under his wing, not so much to teach him professional tricks as simply to have him around. They engage in mutual inquisition. “How long is it since you got laid?” the younger man asks. “How long is it since you’ve seen your mother?” the older one replies, clinching the prize for the weirdest repartee of 2021. The tale is tautly told, and the director’s abiding themes—unkindly summarized by a friend of mine as “SupersinfulCalvinisticguiltandexpiation!”—are present and correct. Yet an air of randomness seems to settle upon the proceedings. It’s hard to decide whether William and Cirk are goading themselves toward a moment of crisis because they absolutely must, and because their wounded souls can go in no other direction, or because they have to do *something* to stop themselves from slackening and dwindling into a vacuum.

Whatever else this movie may be, it’s a portrait of American desolation. I’m not sure that its two main strands—the gambling plot, with La Linda, and the revenge plot, against Gordo—are successfully tied together, but their combined effect is, without question, to sink the viewer’s heart. As the camera roams the floors of various casinos, and rises to survey the pastures of green baize, we realize that we can no longer say what town we’re in, or whether it’s day or night; nor, in regard to the customers, can we tell the hopeful from the hopeless, as they measure out their lives in cards and chips. The world outside is equally beggared of joy; there’s one shot, of Cirk and William talking beside a motel pool, on a damp day, with an endless train clattering by in the distance, that could send the U.S. tourist industry into permanent decline.

If all *that* sounds like bad news, wait for the flashbacks. To an extent, they represent a departure for Schrader. Think of his protagonists, like the

pleasure merchant of “American Gigolo” (1980) and the priest in “First Reformed” (2017)—or Travis Bickle, in Martin Scorsese’s “Taxi Driver” (1976), which Schrader wrote in ten days, and which he says “jumped out of my head like an animal.” As a rule, these men set forth from the here and now, hustled onward by their own momentum. We sense the weight of the past (Travis’s combat service in Vietnam, for instance), so much so that we don’t need to see it in action. In “The Card Counter,” however, William is besieged by visions of the torture chamber where he and Gordo, years ago, plied their trade. These are filmed in bulging wide-angle, as if they were pressing up against the curve of William’s eyeballs. Perhaps that is why, as this unhappy movie reaches its violent dénouement, the camera pulls away, withdrawing gently from the cries and groans of pain. Enough is enough.

Every bit as peripatetic as “The Card Counter,” but a whole lot peppier in tone, is “The Nowhere Inn,” a new documentary, of sorts, directed by Bill Benz. Much of it takes place on the road, in hotel rooms and on tour buses, in the company of Annie Clark—the singer, songwriter, multi-instrumentalist, style queen, slippery customer, and good sport, who performs under the sobriquet, or *nom de guitare*, of St. Vincent. A typical scene finds her strolling into a venue, ahead of a gig, with her face on the posters outside, and being turned away by the security guy. “I don’t know who you are,” he says to her. Join the club.

What would William Tell, the monochrome man, make of Clark? She kicks off the movie in cat’s-eye sunglasses—shades of Susan Sarandon in “Thelma and Louise” (1991), though Clark’s are rimmed in pink. She plays the piano in a pants suit of acid lime; dunk her in gin, and you’d have an instant gimlet. If her onstage costume of flamboyant orange, with tall boots and a furry choker, makes you desperate to see her *off stage*, in the wild, your wish is granted. Here she is, caught in flagrante with a Scrabble board. “Double double word score,” she says with pride.

Such is the conceit that propels this cool and silly film. (It’s actually one film packed inside another. Call it a docu-fantasy.) Beneath the sheen of her dramatic persona, Clark is nice, approachable, and certifiably non-alien—a major setback for her friend Carrie Brownstein, who is shooting a movie about her, and yearns for a hook or a hot tip. “Is there a way to heighten it a little? You’re nerdy and normal in real life,” Brownstein says. The second

half of “The Nowhere Inn” consists of Clark’s response to that challenge. Announcing that “I can be St. Vincent all the time,” she blossoms into a diva.

As you’d imagine, the entire shebang is so naggingly self-referential, and so noisy with in-jokes, that it should, by rights, disappear up its own trombone. But there’s a saving grace: this is a funny movie. Clark, who grew up in Dallas, enjoys a twanging Texan sing-along with her extended family, brushing aside Brownstein’s petty complaint that it’s not her actual family at all. Qua rock star, Clark sprawls in bed with Dakota Johnson (because, you know, isn’t that what rock stars are supposed to do?), to the utter confusion of Brownstein, who can’t get hold of an intimacy coördinator at short notice. Most pointed of all, pricking the bubble of celebrity reverence, is the scene in which Clark, in full St. Vincent mode, refuses to have her photograph taken with a fan, and stalks off. “That kind of honesty is *so* refreshing,” the fan says, gazing after her in bliss. “Finally, a woman speaking her truth.” In your dreams. ♦

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The Theatre

- Shades of Beckett in “Pass Over”

The first play to open on Broadway since the shutdown, about two down-and-out young Black men on a barren block, is a strange fit for the moment at hand.

By [Vinson Cunningham](#)

“Pass Over,” by Antoinette Chinonye Nwandum, opens on a stark and uninviting nocturnal tableau. Above a huge metallic street lamp stretch several crisscrossing beams of white light. On the ground, there’s a loose tire, a milk crate, and a big oil drum where, in a different story, a homeless person might draw heat from a fire. The result of this arrangement—which remains essentially untouched throughout the play, until a radical change occurs in the final moments—is a haunted, paranoid feeling.

In some ways, the set—designed by Wilson Chin for this production, at the August Wilson, directed by Danya Taymor—and the play itself are a strange fit for the moment at hand. “Pass Over” is the first play to open on Broadway after nearly seventeen *COVID*-harrowed months. For this notionally celebratory occasion, you might expect a kind of jubilee, some dancing in the aisles, an attempt at escape. Instead, we get this further immersion in our troubles, this barren block and its two main inhabitants—Moses (Jon Michael Hill) and Kitch (Namir Smallwood), both Black, both down and out, each happy only when engaging in ribald banter, and otherwise lost and incredibly afraid. With the set, “Pass Over” tells the crowd to get ready for a bummer.

Earlier this summer, when Broadway’s opening-night dates were announced, it was still possible to imagine a gratefully carefree autumn. People would get the shots and shed their masks, and we’d return to shows and return to our lives, out of the woods. Those first few nights back in Times Square—for which I have developed unlikely feelings of nostalgia—would be the beginning of the end of a war. Instead, we got a muddle. Nobody knows when to expect a real reprieve, or whether to relax in the presence of a body in the next seat. Each month, hope threatens to make us look like suckers. The night I saw “Pass Over,” the audience gave long, emotional ovations before the show even started; a voice over the speakers welcomed us back to Broadway and basked in the expected applause. I found the clapping sweet, but also crushingly sad—a premature and somewhat forced catharsis.

Broadway is back, but we—“we” in the broad, communal sense on which all theatre depends—are still puzzling our way through. Moses and Kitch are stuck, too, and that is the play’s engine. They speak in a ritualized, repetitive dialogue, which, by the evidence of their careful verbal choreography, we understand they perform each day:

KITCH:

whats good
my nigga

MOSES:

man
you know

KITCH:

you know
i know

MOSES:

you know
i know
you know

Moses declares his plans to “git my ass up off dis block” and to set off for a “promised land” of champagne, lobster rolls, and caviar. It’s obvious, though, that this dream has so far been just another part of the patter—nothing on which to stake too much hope or expectation. The chill I started to get upon each utterance of the phrase “up off dis block” is like the one I get when I hear myself forecast a time “after the pandemic.”

The play’s pattern of waiting and circling is its closest resemblance to Samuel Beckett’s “Waiting for Godot,” which Nwandum has cited as inspiration for “Pass Over.” Present, too, is a hint of the placeless existentialism in “Godot.” That strand might be more apparent when reading the script than when watching the show: in Nwandum’s script, the setting is described as

the river’s edge

but also a ghetto street
but also a desert city built by slaves
(and also the new world to come ((worlds without end)))

Yet the “Godot” adjacency goes only so far. “Pass Over” doesn’t really feel timeless or placeless or, despite its many references to the Bible, distant from this-worldly matters. If not for those stage directions, I’d think of the play as taking place in the hyper-present, on a Hell’s Kitchen street not far from the theatre. “Pass Over” strikes me, instead, as a piece of heightened realism, like Eugene O’Neill’s “The Iceman Cometh,” another showcase for inert pipe-dreaming and masculine shiftlessness delivered at an antic register. Nwandum’s language is spun from vernacular Black English that often resembles verse. There are shades of Suzan-Lori Parks’s high-flung collages of dialogue, as true in sound as in sense.

Kitch and Moses play against each other in a kinetic slapstick, giving even their most tired and least convincing volleys the feeling of inspired improvisation. Smallwood’s Kitch is like a little brother, and acolyte, of Hill’s Moses. It’s Moses’s job, as his name suggests, to lead the pair as they “pass over” into the promised land. It’s Smallwood’s job, through Kitch, to keep the audience uncomfortably laughing. Smallwood moves with dancerly precision, turning physical comedy into a ballet. He falls and gapes and makes his expressive eyes ogle. When Kitch is scared—sometimes, mid-conversation, he and Moses freeze as they recall the police violence that hems them in—we see the terror wash across him. Smallwood—helped along by Taymor, who recently directed Will Arbery’s “Heroes of the Fourth Turning” and Jeremy O. Harris’s “Daddy,” and is quickly becoming one of our foremost arrangers of bodies telling secrets in the dark—makes watching live performance a promised land of its own.

To the extent that this sonorous play is a kind of song—of longing, of loss, and of what comes after—its constant refrain is the word “nigga.” By my count, it appears in the script two hundred and sixty-seven times, a feat of obsessive density perhaps matched only by certain episodes of the classic standup-comedy show “Def Comedy Jam.” The audience laughed nervously almost every time the word—as distinguished from “nigger,” which is said only three times, by a white policeman named Ossifer (Gabriel Ebert)—was repeated, as if they’d been stranded at a Martin Lawrence show and were

straining not to reveal themselves as uncomfortable. Nwandum’s “niggas” are like Pinter’s pauses—ways to keep time, to hear one phrase ending and another fitfully gearing up.

Ebert plays two white characters, the only people who intrude on Moses and Kitch’s world. One is an aristocratic eccentric named Mister, who comes bearing a picnic basket whose contents Kitch can’t resist. Mister claims to have ended up on the block after getting lost, but his presence grows stranger by the moment. Ossifer, the cop, is a stock baddie, tossing N-bombs and waiting for opportunities for violence. A confrontation gone wrong between him and Moses and Kitch precipitates the apocalyptic ending of “Pass Over,” which troubles the meaning of the play’s title, stretching it past its overt allusion to Exodus and into the hinterlands between life and death.

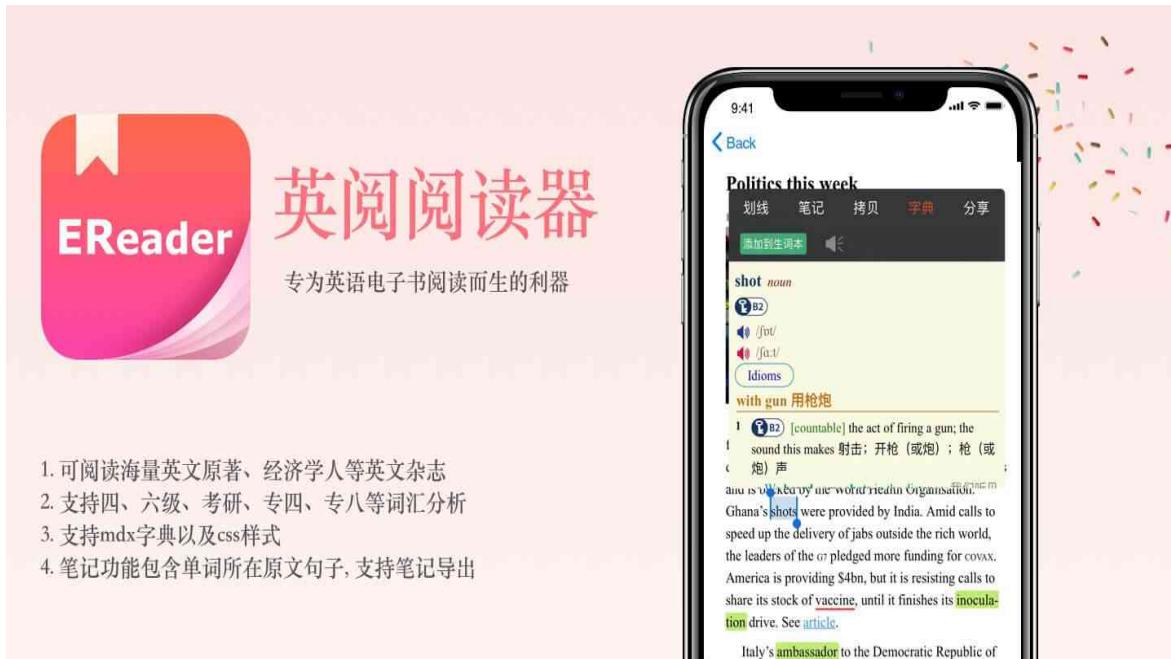
The piece is a strange causal chain, an uneasy meditation on action. It sometimes feels offensive, and sometimes confoundingly silly: two Black guys stand around dreaming and hoping and stalling and kidding, until some white men come to stir things up and cause a cataclysm. The weak wait for the strong—their motion is all response, no initiation. Jesus is on the mainline, as the old church song goes—these guys would know it well—but nobody knows what to order when they get him on the phone. Everything’s in flux but also makes for light fare. Whatever’s been wrong, it’s all still happening. ♦

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