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HOLIDAYS

The Shofar of Dreams

How a rabbi made history on Mount Sinai

BY STUART HALPERN

While we usually associate the blowing of the shofar with the High Holidays, sometimes it's more about *where* it's blown than *when*. So it was in 1956 that Rabbi Shlomo Goren received a knock at his door from a man from Tel Aviv who had recently returned from abroad and held an object wrapped in rags. The man, a shofar maker, had received instructions in a dream. "Go to Turkey," his dream instructed him. "And buy a large ram's horn. Make it into a shofar for Rabbi Goren to blow on Mount Sinai."

Goren was born Shlomo Goronchick in Zambrov, Poland. His parents, Hasidim, had sold their belongings and moved to Israel. Their relatives, who stayed in Europe, were murdered by the Nazis. Upon becoming chief rabbi of the Israeli Defense Forces, Goronchick had been encouraged by David Ben-Gurion to Hebraicize his name. "Take off the 'chick' and be 'Goren,'" the prime minister advised. A last name meaning "threshing floor," the hard surface on which grain was separated from useless straw during biblical times, turned out to be fitting for a man with unyielding determination and a sense of purpose resembling that of the ancient prophets.

Unwrapping the rags, the shofar

maker presented Goren with this Turkish shofar, meant to be blown where Moses received the two tablets.

At that point in time, not even the chief rabbi of the IDF presumed that Israel would take over the Sinai Desert, and the Saint Catherine area containing Jebel Musa, known as "the Mountain of Moses."

"You must be mistaken," Rabbi Goren insisted. "Perhaps you misunderstood your dream and the shofar is for blowing on the Temple Mount or at



UPCOMING HOLIDAY

Rosh Hashanah
The Jewish New Year



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Shelsky's in Brooklyn isn't just where I buy Jewish food. It's where my whole family connects to our shared identity.

BY JAMIE BETESH CARTER



the Kotel.” (Rabbi Goren was confident that the Old City of Jerusalem, home of the Temple Mount and the Kotel, then under Jordanian control, would one day be under Israeli sovereignty.)

The man insisted there had been no misunderstanding.

Six months later, the IDF captured the Sinai Desert.

Before the Sinai was returned to Egypt in negotiations, Rabbi Goren climbed 3,300 steps to fulfill the man's dream. Ignoring an IDF Personnel Department order not to scale the mountain, he had driven through the night, rested at a local

monastery, and before dawn began to ascend, accompanied by three other men.

Writing in his memoir, Rabbi Goren recounts:

I felt a deep and overwhelming sense of history. This was the second time in history that a shofar had been blown on Mt. Sinai. The first time, it was Moses who blew it—“and the voice of the shofar sounded louder and louder; Moses speaks and God answers him by a voice” (Exodus 19:19). Now, after thousands of years, I had merited going up Mt. Sinai and blowing the shofar.

Eleven years later, Rabbi Goren found himself on the cusp of liberating Judaism's holiest site. Though his responsibilities lay more in the realm of faith than of fighting, Rabbi Goren had headed directly into battle.

“I have to cross the lines with the first company that goes across,” he told the 11th Brigade commander, as Goren recounts in his autobiography. The commander hesitated, responding that he needed clearance from the chief of staff to allow the rabbi to take on the enemy gunmen.

“You don't need any confirmation,” Goren replied. “I'm going on the first troop carrier that crosses the lines.” So Goren went. Like a shepherd heading into battle with a sling and a prayer against a sword-wielding giant, Goren grabbed a Torah scroll and a shofar.

At 4 p.m., his carrier suffered a direct hit. His shofar was burned. Everyone else besides Goren was injured, including the driver, who had shrapnel lodged in his neck. Goren swiftly took a handkerchief out of his pocket, wrapped it around the wound, and dragged the driver out of harm's way. An ambulance came to take the wounded to the hospital. Goren stayed in the field. He borrowed a helmet from a wounded combat engineer. In his haste heading to the front, Goren had neglected to take protective gear with him, and his hat had been burned by the shell, along with the shofar.

As he recounted later:

I was no longer in the carrier and was alone in the field with the *sefer*

Torah. One side of the field was a swath of ripe grain and the other side was a field of thorns. The Egyptians fired at us incessantly and fires broke out in the field. I was afraid for the *sefer Torah* and for my life. I dug a deep impression in the ground so that I could protect my head and a deeper impression under my chest, so that I could hold onto the *sefer Torah* and lean on it. I was sure I would not get out of there alive, and I thought that if I reached the next world, I would be coming with a *sefer Torah* in my arms.

Somehow, Goren survived an onslaught of heavy fire overhead, and when the sun set, he made his way back to the IDF camp. The driver, who had survived, couldn't believe Goren had somehow made it out alive.

Goren then realized he needed a new hat. Paying 10 liras for an officer's cap at command headquarters, he anxiously awaited the next opportunity to head back into battle. When brigade commander Motta Gur was given the order to take the Old City, Goren sprinted straight toward the Lions' Gate. Paratroopers were spread out along both sides of the road, with heavy artillery raining down incessantly. At the gate, a bus was on fire, and a tank had stalled.

“Rabbi Goren, you'll get yourself killed,” a battalion commander shouted. “Come with us and stick close to the wall.”

“I'm the highest-ranking officer here,” the chief rabbi, also a lieutenant colonel, replied. “You can't make me do anything.”

Feeling like he was “flying,” Goren headed to the Old City home of his father-in-law, Rabbi David Cohen, a saintly figure known as the Nazir due to his asceticism and piety. Cohen had a small synagogue attached to his apartment. It was 4:30 in the morning.

“I need your shofar,” Goren told his startled father-in-law. “We are going to liberate the Kotel!”

Goren had in mind the biblical practice of blowing a horn in battle. In the book of Numbers, God instructs the Israelites: “and if you go to war in your land, against the enemy that oppresses

you, then you shall blow an alarm with the trumpets; and you shall be remembered before the Lord your God and you shall be saved from your enemies.”

Drawing closer to the Lions’ Gate, Goren began blowing the shofar. The Israeli troops reached the tank that had been stuck, blocking the entrance to the Temple Mount. So Goren climbed it and slid down the other side. Making his way to the site of the Temple, in between blasting the shofar, he prayed-shouted to the soldiers, “In the name of God, take action and succeed. In the name of God, liberate Jerusalem, go up and be successful.”

The Old City was recaptured by the IDF. Jerusalem was reunified.

When the dust had settled, Goren headed from the Temple Mount down to the Kotel. A minyan was gathered. There the rabbi recited Kaddish for the soldiers who had fallen in battle. Someone made an audio recording. Paratroopers can be heard crying as the prayer ends. Goren then blew the shofar.

After having nearly ascended to heaven with a Torah scroll in his arms, Goren

returned to Mount Sinai. He began writing a *sefer Torah* there. Completed two years later at the same spot, the Torah now sits in the ark in the Komemiyut Avraham synagogue in Tel Aviv.

In a halachic essay examining the nature of Rosh Hashanah, Rabbi Goren mentions a millennia-old debate regarding the nature of the holiday, in which the shofar blasts are the central ritual. Perhaps, as some rabbis have suggested, one’s emotional register on the holiday should be crying, even mourning. After all, as Rabbi Alan Lew’s now-classic reflection on the High Holidays put it, picturing ourselves being inscribed in the Book of Life—or the alternative—makes the prospect of death real. And for this, we are often completely unprepared. We might not luck out when we forget to wear a helmet. As Lew puts it, there “are the times when the solid ground we thought we stood on disappears beneath our feet, leaving us reeling and heartbroken.” The siren call of the shofar becomes the wailing Kaddish for the fallen.

The second rabbinic perspective is

the exact opposite. Rosh Hashanah, seen from this angle, is a celebratory renewal, meant to be accompanied by festive food and drink. A clarion call to covenant, the shofar harks back to Sinai’s revelation, immortally inscribed in the *sefer Torah*. The Torah, as an ancient rabbinic teaching has it, was God’s blueprint for the world. And the world’s birthday is Rosh Hashanah. We are meant to rejoice in the shofar’s celebratory sound.

Perhaps somewhere in the ditch, clutching the scroll with bullets overhead, or between ankle-aching steps up the mountain where Moses once moved, Rabbi Goren pondered this debate. Likely, had an authority figure, be it military or rabbinic, offered an attempt to settle the matter, Rabbi Goren would have plowed ahead with his own opposing view. But maybe that’s the point. Both heartbreaking and heavenly, symbolizing sacrifice and spiritual success, the shofar’s sound calls, ever still. ■

This article was originally published on September 13, 2023.

HOLIDAYS

Keeping Beekeeping in the Family

Jonathan Landes and his son Asher both keep bees, and help others to do the same—whether it’s in the Berkshires or Melbourne, Australia

BY NOMI KALTMANN

About a decade ago, Jonathan Landes, a father of three from Melbourne, Australia, took a trip to visit his son in the U.S. that changed his life.

“My son Asher got into beekeeping 10 years ago,” Landes recalled. “We’d gone over [to the U.S.] to visit

him and he was working on a rooftop farm. He told me, ‘Dad, you’ve got to get into it.’”

After watching his son create buzzing colonies of honeybees on Staten Island, Landes was hooked. Upon his return to Melbourne a few weeks later, Landes gathered up four of his lifelong friends and founded a small urban beekeeping company called Chevra

Honey, named for the Hebrew and Yiddish word for a society or close-knit group.

“There were five of us, a *chevra*,” he said. “We knew each other from [decades back] in youth movement. We thought the name was quite cute. And it stuck.”

The idea was simple: In a city like Melbourne, where most people tend to live in houses with ample space and backyards, the *chevra* would help to set up beehives to encourage urban beekeeping.

The hives Landes sets up are made of good quality wood. Successful placement in the urban environment requires significant considerations.

“You say hello and go meet the person [who wants to host the hive]. You do an evaluation of the garden and neighborhood. You have to ask questions, such as if there is anyone who is allergic to bees. You ask who the usual visitors to the house are, or if they have pets,”



Rosh Hashanah FAQ

Everything you ever wanted to know about the holiday

WHAT IS ROSH HASHANAH?

It's the holiday that marks the Jewish new year. To celebrate, we eat apples and honey.

WHEN IS ROSH HASHANAH?

Rosh Hashanah 2023 begins at sundown Friday, September 15, ending at sundown on Sunday, September 17.

WHAT'S IT ALL ABOUT?

Since the holiday is commonly called the "Jewish New Year," one would think Rosh Hashanah would mark the first day of the first month of the Hebrew calendar. It doesn't: Tishrei, on the first day of which we celebrate this major holiday, is the calendar's seventh month. Why, then, is it given the distinction of marking the new year?

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he said, listing the checklist he runs through with prospective hosts. "It's not like a cat or another pet. People can get stressed about bees. You must be able to manage the colony."

To have a successful hive, the bees should not be too crowded and the weather has to be right. Bees prefer dry heat, and if it is too windy and rainy, it can affect the amount of honey produced by a hive.

Today, a decade on, Chevra Honey manages around 40 hives around Melbourne that produce high quality, organic, kosher-certified local honey. On average, each hive produces around 22 pounds of honey per season.

"Beekeeping suits me," said Landes. "I

really enjoy it. People are so nice. They are very engaged in making the urban environment healthy with bees. It's a really good gig."

Every spring, Landes starts to make his rounds of all the hives he manages. The honey produced by these hives is stocked in a range of local groceries including kosher stores, high-end organic groceries, and local delis. Landes also operates a small "honesty shop" from his home, where passersby can purchase the honey-based products produced from the hives he manages, including organic honeys, beeswax lip balms, and giftboxes.

"The honey that is in the suburbs is a floral mixture, a midrange honey with midrange colors like a really light amber to dark brown," he said. "It's an amalgam of all the trees and shrubs in the suburbs. If you were to take your beehives where there are state forests where there are only red river gum growing by the river, the honey will be red river gum honey. That's how you can name it. But in the suburbs, where honey comes from lots of different sources, it's an amalgam of different nectars."

By far the busiest time of the year for Chevra Honey is the lead up to Rosh Hashanah, where Landes collects honey from all the urban beehives he manages. This honey is then packaged and sold for the holiday. In addition to supplying shops and corporate orders, Landes supplies two local synagogues with honey, and he helps his local rabbi jar honey.

The meaning he finds in beekeeping is long lasting.

"Initially it was about bees and honey," he said. "During COVID it was a nice meeting point for people. The other Sunday we had a gathering, for 30 people who carry our hives. People feel comfortable that we are doing this and that its part of the community, there is a sense of honesty about it. I'm working in this little area; it gives me some sort of value in what I do. It's small stuff, but for me it's meaningful. I think that plays a role."

Landes' son, whose full name is Asher Landes Silverwolff, chuckled when he recalled how his dad got hooked on keeping bees. "I started it," he said. "He came and visited me in Staten Island and then he started his Chevra Honey."

Landes Silverwolff is still into urban beekeeping today, and lives with his wife and child at the Isabella Freedman Jewish Retreat Center in the Berkshires, where he runs the Bee Resonance Project.

These days, he makes his livelihood from the bees.

"We came up to the Berkshires to do a farming apprenticeship. To cultivate our relationship with the earth. To learn how to do urban farming," he said. "I was done with the city life. And ready to breathe the fresh air and cultivate the earth."

As part of his new business, he manages around 100 hives in the area.

"We manage hives for private residents for farms and organizations," said Landes Silverwolff. "So, folks will hire us to install an apiary. I will take care of it and be responsible for it. They get the benefit of the honey. They get the surplus of honey and the ecological pollination and being part of the greater hive. It's a movement standing for the bees."

Landes Silverwolff is proud of the honey he cultivates through the bees he cares for.

"Its local ethical well-cared-for honey. It's real. It tastes real," he said. "When you buy honey in the supermarket, it's liquid, it's cooked. It gets pasteurized and you lose all the beneficial bacteria. The medicine. My honey tastes like the flowers of the season and the region."

Like his dad, his busy time will take place around Rosh Hashanah, and he is keen to continue educating community about the importance of caring for bees.

"At the moment, it's the most vulnerable time in our recent relationship with the bees," he said. "There is more environmental pressure on the bees. Whether its pollution, air pollution, water pollution, exposure to pesticides, insecticides, neonicotinoids that get washed into our waterways. There has never been more pressure. Folks can hire us to install and take care of bees. That's what we are doing. It's really beautiful that I can support the hives. They are my hives. My community." ■

This article was originally published on September 12, 2023.

THE REST

→ Google is facing what may be one of the **biggest legal challenges in the company's history as an antitrust case brought by the Justice Department and several state attorneys begins in federal court** on Tuesday. In the first major monopoly case against a Silicon Valley giant in more than two decades (the last one was against Microsoft), the government argues that Google has illegally partnered with other tech companies such as Apple and Samsung to become the default search engine on billions of devices and computers, using massive payouts to ensure partners choose Google over rivals like DuckDuckGo and Microsoft's Bing. Google will try to convince the courts that it's being penalized for being popular and simply better than its competition.

→ Congressmen Brad Wenstrup and Mike Turner, who respectively chair the Select Subcommittee on the Coronavirus Pandemic and the Permanent Select Committee on Intelligence, **sent a letter on Tuesday to Director William J. Burns of the Central Intelligence Agency demanding more information on the CIA's initial investigation into COVID-19's origins.** The congressmen claim to be in contact with a "multi-decade," "senior-level" Agency whistleblower who alleges that the CIA's COVID Discovery Team initially leaned 6-1 in favor of a Wuhan lab origin for the virus but that the Agency paid them off "to come to the eventual public determination of uncertainty." The FBI and the Department of Energy have both concluded in their own investigations that a lab leak was the most likely origin of the pandemic.

→ In addition to allowing a **\$6 billion transfer of funds to the Iranian government, albeit only to be used for "humanitarian trade," the United States will also release five Iranian nationals in exchange for "five wrongfully held Americans,"** a White House spokeswoman said on Monday. Not everyone is happy with the deal, including Sen. Chuck Grassley (R-IA), who wrote on X, formerly Twitter, "It's ridiculous for [the United States] to be blackmailed into paying \$6B for hostages which will help indirectly finance the number 1 foreign policy of Iran: terrorism." In the waiver on sanctions that will allow banks to transfer the Iranian cash, Secretary of State Antony Blinken wrote, "I determine that it is in the national security interest of the United States to waive the imposition of sanctions."

→ North Korean leader **Kim Jong Un traveled by train on Wednesday to meet Russian President Vladimir Putin to discuss military cooperation and future collaboration on satellite construction projects between the neighboring nations.** While the leaders met at Russia's Vostochny Cosmodrome, the primary launch site for several Russian space missions, North Korea test-launched two short-range ballistic missiles into the Sea of Japan. Both Great Britain and the United States have warned North Korea about selling weapons to Russia. According to state media reports, Putin shared an old Korean proverb with Kim: "Good clothes are those that are new, but old friends are best friends." He added, "And our people say: an old friend is better than two new ones."

THE BIG STORY

The U.S. Court of Appeals for the Fifth Circuit ruled on Friday that the Biden administration violated the First Amendment by pressuring tech platforms to delete or suppress content on a range of issues including the 2020 election, COVID-19 vaccines, and the U.S. withdrawal from Afghanistan. An earlier injunction issued in July by a U.S. district court had temporarily banned several federal agencies from communicating with tech platforms, but the latest ruling replaces that with a more specific order stating that the White House, the FBI, and the CDC will no longer be allowed to "coerce or significantly encourage social-media companies to remove, delete, suppress, or reduce, including through altering their algorithms, posted social-media content containing protected free speech."

The ruling could serve as the foundation for an effort to codify limits on the government's power to influence social media companies and control the flow of information to the public. No doubt any future action will cite the court's finding that the White House had potentially "coerced the platforms to make their moderation decisions by way of intimidating messages and threats of adverse consequences" and that the administration had "significantly encouraged the platforms' decisions by commandeering their decision-making processes, both in violation of the First Amendment."

—Sean Cooper

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One Day More

Moving to Israel translated to losing the ‘second day’ of most Jewish holidays in addition gaining perspective on their practice

BY EPHRAIM FRUCHTER

Growing up Orthodox outside the Land of Israel meant observing a second day for most Jewish holidays. But making *aliyah* has meant recalibrating clocks and expectations. Phrases like “first day” and “second day” are now, for me, more an anachronism of place than of time.

As the High Holiday season approaches, sentimental reflections upon celebrating *chagim* in the Diaspora repeatedly make landing. But the winding path of adjustment (or readjustment?) to Israel also weaves together with the spiritual jet lag I feel between my childhood home and my Homeland.

The primary symbol of *yontif* in exile was, most prominently, all those extra hours for activities. When it came to spiritual pursuits, staying up all night learning during “the time of the Giving of our Torah” meant that when I awoke, the holiday wasn’t already practically over. The very existence of raucous Simchat Torah *shabbatons* in my high school years depended on those bonus 24 hours. And two evenings for retelling the story of the Exodus at Passover created space for more shtick, cute *divrei Torah*, and melodious singing without the lurking pressure to hastily squeeze everything in.

With the excess time for mundane matters, opening a box of Risk or Monopoly didn’t seem preposterous, since I had an additional day on the horizon. There was absolutely no way I could have gotten sweet carpet burn if I couldn’t play competitive knee hockey with my cousins for two straight days. Ultimately, there was a certain quality to quantity. Allowing myself to become enveloped by extended holiness surely

led to an appreciation of its advantages. (But thankfully, the Rabbis never ruminated on a two-day Yom Kippur-fest.)

All this does not preclude the particular drawbacks I faced as a resident of *chutz la’aretz*. For one thing, in the spirit of what King Hezekiah’s scholars recorded, “If you find honey, eat only what you need, lest you fill yourself and throw it up.” (Proverbs 25:16) The two and sometimes three days of feasting—when a holiday fell on a Thursday and Friday, which then led directly into Shabbat—frequently left me feeling overindulged and reluctant to even look at food. Now imagine the symptoms from the ever more popular catered hotel getaway. Furthermore, the pleasure in long afternoon walks, or dancing on Simchat Torah, was tempered by the knowledge that sweat generated today would stick around tomorrow and the next day. The specter of subsisting on Axe spray for cleanliness was a lurking menace. When the occasion for *chol hamoyed* trips arrived, there were usually fewer days to spare. So each Rosh Hashanah, when even in Israel two days are observed, I vainly comforted myself with the thought that “at least now they will understand how the other side lives.”

Before making *aliyah*, I visited Israel for a *regel* or two. Each time, my religious practice during the second day of a holiday represented an attempt to grapple with the fact that yes, I was in the Promised Land, but only as a window-shopper. At first, I was sentenced by the family rabbi to even keep “two days” in Israel, accompanied by an awkward second Seder with Israeli cousins curiously looking on. Later, I was condemned to the bizarre “one-and-a-half days” club, which always required

clarification that no, it didn’t mean I could turn lights on after noon, even if in all other respects I wasn’t glorifying the day with special blessings or prayers. All the while, I was left to be envious of my luckier friends who got to pretend to be locals and enjoy another day of *chol hamoed* for *tiyulim*. The resulting unpleasant sensations of outsider-ness in place of the expected warm and fuzzy ones left an indelible mark.

After I moved to Israel, visiting family abroad who hadn’t made the move entailed a mirror ordeal in strangerhood and alienation. Clearly, fulfilling the ceremonial and positive commandments for the second day was no longer necessary. So I decided to enjoy a few extra glasses of wine the second night of Passover. However, I strictly avoided messing with everyone else’s holy day vibes, even if they preferred I did, which always required clarification that no, being Israeli now didn’t mean that I can turn the light on for them. The wandering melody sung between the verses of *birkat kohanim*, generally only outside Israel, embodied this tension. Having strolled among the melody every *yom tov* of my youth, I was transported to familiar territory upon hearing it again in the diasporic time zone. However, it was like reuniting with a former high school friend. On a rational and intellectual level, I accepted the jovial reality of the encounter. Yet, it was impossible to ignore the seemingly unbridgeable chasm of diverging paths and narratives spawned by years of separation. Instead of a place I wished to belong to but didn’t, this was a place where I once belonged but had chosen to leave.

If according to Rabbi Abraham Joshua Heschel, in his book *The Sabbath*, the Jewish people build palaces in time, the communities of Israel and the Diaspora reside in very different wings. For one thing, if calendrical uncertainty first arose out of ineffectual torch communication (Mishnah Rosh Hashanah 2:2), it has since inflated into its own corpus, and therefore its own exclusive Umwelt. For two day-ers, the surrounding environment and culture can be at best indifferent and at worst hostile to the festival atmosphere. Certainly, the contemporary tendency to congregate

in suburbia allows for the veneer of a wider societal celebration. But even this seal is not hermetic. Internally, the disconnect from the agricultural cycle in Israel, caused by both modern living and the local climate, cannot be ignored. Snow in the sukkah and before the Seder are not improbable. I have been told the discrepancy is even greater in the Southern Hemisphere. Something just feels off. We need to sync (resync?) our celebrations.

In the contentious first-century sectarian debate between the Pharisees and Boethusians regarding the correct date of Shavuot, an elderly Boethusian justified the yearly fixing

of the festival on Sunday by claiming that Moses enshrined a long weekend (Shabbat followed by Shavuot on Sunday) to maximize the enjoyment of the Jewish people (Menachot 65b). While any American expat can testify to the benefits of an extra day for errands, the Talmudic discussion outrightly rejects this approach. Based on this, Israelis might characterize the acceptance and tolerance of the holiday arrangement in exile as settling for a comfortable but compensatory *galut* mediocrity. A possible response might resort to Geonic claims of Sinaitic or prophetic precedence for two days of *chag* (Otzar Geonim Beitzah 4b) to pardon a

preference for the unique aspects of this “double time.” In addition, as we are now is not the only way to be. The ever-evolving relationship between a people and their God necessarily carries the baggage of unplanned detours and the passport stamps from places far, far away. It is all part of the package.

So this year, spray on extra deodorant, pile on some more dessert, and take pleasure in the beauty of those amplified moments with your family and friends. There’s still more awaiting tomorrow. ■

This article was originally published on September 15, 2023.

NEWS & POLITICS

Just Say No

How we can prevent COVID mandates from coming back

BY JENIN YOUNES

A recent uptick in COVID-19 cases, accompanied by the predictable hysterical media coverage, has spurred nationwide chatter about a possible return to pandemic restrictions, from school closures to mask mandates. This is not baseless supposition, as schools, universities, and hospital systems across the nation have recently reinstated masking and quarantine requirements. Sen. Ed Markey, D-Mass., recently reinstated a mask mandate in his Capitol Hill offices, while MSNBC pundit Mehdi Hassan has been working overtime to convince his audience that school closures did not actually harm children—a formidable task given the evidence refuting his claims.

People living in hub cities and other blue jurisdictions have reason to worry that their political leaders might turn back the clock on pandemic

restrictions ahead of the 2024 election cycle. Despite scads of legal challenges from individuals and groups negatively impacted by lockdowns and vaccine requirements, the law still offers little protection. Mandates levied by state and local governments tended to survive lawsuits due to the Constitution’s allocation of police power to the states, so courts have given governors and state legislatures the green light to continue inflicting pandemic theater on their constituents. Whether or not the Biden administration will attempt to implement mandates at the federal level—as some have speculated despite the presidential proclamation ending the COVID-19 emergency this past May—is another matter. In contrast to state and local COVID-19 restrictions, most federal mandates imposed by presidential decree have not withstood legal challenges. Thus, for Americans who are more concerned about COVID-19 tyranny than the virus itself, there is reason

to be hopeful that even if restrictions return, they won’t be as totalizing and intrusive as the last round.

First and foremost, President Biden’s vaccine mandates, which he instituted through executive orders in the fall of 2021, were by and large a failure (apart from the mandate for health care workers at facilities that receive federal funds). The president attempted to use federal statutes obviously meant to serve entirely different purposes to compel vaccine-hesitant Americans to get the shot. Altogether, the mandates applied to around 100 million Americans.

One of the most extensive involved the administration’s instrumentalization of the Occupational Safety and Health Act (OSHA) to force private companies that employed 100 or more people to require vaccination or frequent testing as a condition of continued employment. Preliminarily enjoining the mandate, the Supreme Court recognized that the president lacked this authority, since Congress had only authorized OSHA to regulate *workplace* safety, not impose “broad public health measures” that were “untethered, in any causal sense, from the workplace.”

The White House’s misuse of the Procurement Act to force all employees of federal contractors to receive a COVID-19 inoculation met a similar fate. The act’s stated purpose is to provide for the “economical and efficient”

procurement of government contracts. Several United States Courts of Appeals rightly held that Congress, in enacting this statute, clearly did not intend to provide for the federal executive to impose vaccination on one-fifth of the nation's workforce. Thus, Biden had exceeded his delegated powers. Likewise, a 10-judge majority of the 5th Circuit Court of Appeals upheld a district court's ruling preliminarily enjoining the federal employees' vaccine mandate. While as a technical matter the decision addressed jurisdiction, in determining that the plaintiffs could bring their case in federal court, the ruling set the groundwork for a successful challenge on the merits of the claims, and was widely seen as a victory for the plaintiffs.

Vaccine mandates were not the only pandemic restriction imposed through federal executive decree to be preliminarily enjoined. When, in July 2020, Congress failed to renew an emergency act halting evictions from properties that participated in federal assistance programs or were subject to federally backed loans, the Centers for Disease Control and Prevention (CDC), an agency within the Department of Health and Human Services (HHS), extended the moratorium and broadened it to include all residential properties nationwide. In an unprecedented move, the CDC even provided for criminal penalties for noncompliant landlords. The CDC's dubious statutory justification for this sweeping order was its authority to "make and enforce such regulations as in [the surgeon general's] judgment are necessary to prevent the introduction, transmission, or spread of communicable diseases[.]" According to the agency, the eviction moratorium was necessary because economic hardship during the pandemic meant many tenants could no longer afford to pay rent, and forcing them out of their homes would disseminate COVID-19.

From a practical and moral standpoint, the policy was a fiasco. Noncorporate, middle-class landlords could not afford mortgages and repairs without tenants' rent. In many instances, tenants did not default out of necessity, but rather because they could get away

“We need politicians with practical plans to avoid a replay of restrictions—especially given that most COVID-19 mandates proved not only useless, but harmful.”

with it. For example, a *Washington Post* article featured a Hawaii waitress who lost her job due to business closures and could not stay afloat using rent from small condos she owned since her tenants simply didn't pay.

The Supreme Court, in *Alabama Association of Realtors v. HHS*, rightly found that the CDC had exceeded the authority delegated to it by Congress and struck down the moratorium. The court explained in conclusion that: “[O]ur system does not permit agencies to act unlawfully even in pursuit of desirable ends It is up to Congress, not the CDC, to decide whether the public interest merits further action here.”

Similar principles came into play when the CDC was taken to court over its public transportation mask mandate. A district court judge in Florida held that the agency lacked power to compel travelers throughout the nation to wear masks on public transit. (The 11th Circuit Court of Appeals dismissed the case, dodging the merits because the government represented that the administration would not attempt to reimpose the mandate.)

Very recently, the Fifth Circuit held that the Food and Drug Administration (FDA) had unlawfully interfered with doctors' ability to prescribe ivermectin to patients to treat COVID-19

symptoms. Three doctors had challenged FDA tweets ordering Americans to stop taking the medication, which is a commonly used anti-parasitic drug that has been met with controversy in the COVID-19 context. (Some hypothesize that vaccine companies and their allies orchestrated hostility to the drug because its efficacy threatened their profit margins.) They alleged that the FDA's stance had caused them to suffer adverse professional consequences, including loss of admitting privileges at hospitals and positions at medical schools, as well as referrals to medical boards. The Fifth Circuit agreed, declaring that “[n]othing in the [enabling] Act's plain text authorizes FDA to issue medical advice or recommendations ... while FDA cites plenty of statutory authority allowing it to issue *information*, it never identifies even colorable authority allowing it to make medical *recommendations* (at least without notice and comment.”

All of the decisions discussed above are based on a common principle: Generally speaking, the president of the United States and his executive agencies do not have the constitutional authority to impose public health mandates through executive decree. Congressional acts are a different story, though. As the Supreme Court insinuated in *Alabama Association*, the same public health measures instituted properly, through the legislative process, would probably pass constitutional muster.

Thus, Americans who oppose public health tyranny would be wise to elect national representatives who not only share their concerns, but have practical plans to pass legislation that would protect Americans against future restrictions—especially given that most COVID-19 mandates proved not only useless, but harmful.

Unlike the successful challenges to federal mandates, however, efforts to block COVID restrictions at the state and local levels have been less successful. That is because state and local governments have broad authority (known as “police power” embodied in the Constitution's 10th Amendment) to pass laws and regulations to address a perceived public health crisis. A prime

culprit for the current state of affairs is a case from 1905 known as *Jacobson v. Massachusetts*. Henning Jacobson, a pastor in Cambridge, had defied a law requiring residents of his township to receive a smallpox vaccine during an outbreak of the disease. The Supreme Court rejected Jacobson's due process challenge. The law was a proper exercise of Massachusetts' 10th Amendment police power, the court explained, and did not violate Jacobson's constitutional rights. [T]he police power of a state must be held to embrace, at least, such reasonable regulations established directly by legislative enactment as will protect the public health and safety."

Courts have since relied on *Jacobson* to justify upholding most state and local public health mandates, from vaccine requirements imposed by state employers to mask mandates to school and business closures—not only those enacted by legislatures. Attempts to distinguish or revisit *Jacobson* on various salient grounds, such as the relative lethality of smallpox compared to COVID-19, evolving societal recognition of rights

to bodily autonomy, or the fact that the law in question had been passed through the legislative process as opposed to executive decree, usually fail. Instead of engaging in reasoned analysis, courts reflexively apply *Jacobson* and wash their hands of further analysis.

There are some exceptions to this general rule, most notably in the First Amendment context (the First Amendment provides for Americans' rights to speak and practice religion without government infringement). Having earlier denied a church's challenge to California Gov. Newsom's executive order restricting public gatherings, in November 2020 the Supreme Court struck down an executive order issued by former New York Gov. Andrew Cuomo severely limiting church attendance. The order violated the First Amendment's Free Exercise Clause, the court held. In a now oft-quoted line, Justice Gorsuch opined in concurrence that "Government is not free to disregard the First Amendment in times of crisis." In another hopeful decision, a district court judge in California preliminarily enjoined a state

law prohibiting doctors from dispensing advice or treatment to patients that departs from the "contemporary scientific consensus" on COVID-19. The 9th Circuit Court of Appeals, which heard argument on the constitutionality of the law this past July, appears poised to hold that it presents due process and First Amendment problems.

The common theme underpinning these challenges to state level COVID-19 restrictions, however, is that they implicate enumerated First Amendment rights to free speech and free exercise—in other words, rights that the Constitution explicitly protects. If Americans want to safeguard other liberties, such as the rights to bodily autonomy, to decline medical treatment, and to run a business or to attend school, they should turn to the legislative process. The courts cannot be relied upon to protect our rights to leave our homes, run our businesses, send our children to school, and breathe unhindered. ■

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ARTS & LETTERS

Reading Babel in Odessa During Wartime

Part one of a series on Ukrainian Jewish writers

BY EDWARD SEROTTA

The problem with reading Isaac Babel's *Odessa Stories* in Odessa is that once this master of pithy descriptions and colorful characters has painted a picture for you, you can't unsee it. You just can't look at people in bars and restaurants here and not imagine them as something out of Babel.

I'm not saying, of course, that this

young and vibrant city doesn't look like everywhere else in Europe, even during the ongoing full-scale Russian invasion of Ukraine, with teenage couples strolling along Deribasovskaya Street at night in black T-shirts, as interchangeable as Zara mannequins. But there I was in Kinka, one of Odessa's most popular Georgian restaurants, rereading Boris Dralyuk's brilliant translation of *Odessa Stories* while trying to flag down a

waiter. That's when I came upon a description of Benya Krik, Babel's favorite Odessa gangster, who walked into a meeting wearing an orange suite and diamond cuffs.

I looked up to see two long-legged young women in tight black dresses slink into the booth next to me, and following them was a very tall, well-muscled man with a smartly trimmed beard, arms covered in tattoos, and he was sporting a single diamond earring. He was also dressed completely in white linen and the second he took his place, the waiter scurried over to take their order. Straight outta Babel, I thought.

Later that night, the news feed on my phone showed that Ihor Kolomoisky, one of Ukraine's richest oligarchs, had just been detained the same evening on corruption charges. And what name did Kolomoisky like to use to describe himself? Benya. As in Benya Krik.

Fact does sometime follow fiction, but in Ukraine, facts matter. A few hours

later, 25 Russian drones attacked Odessa, of which 23 were shot down, and two hit a storage depot south of town. The sirens wailed through the small hours of the night.

This all took place on the first day of a meandering trip through wartime Ukraine, my plan being to visit a half dozen cities (or more) where Jewish writers came from. Of course, considering the incredible number of Jewish men and women who were born and wrote in and about the cities of modern day Ukraine, I'm not going to get very far. Besides, it's become really difficult to get a seat or bed on any train, and the buses are even more crowded.

I am beginning here in Odessa and am concentrating solely on Babel, even though Ze'ev Jabotinsky paints a nostalgic portrait of the city in his novel *The Five* (back when he called himself Vladimir). Sholem Aleichem did a bit of scribbling here, too. Contemporary poets like Ilya Kamininsky (now in the U.S. at Princeton) and Ludmila Kheronska, also have much to offer.

I have been to Odessa a half dozen times before, three of those visits in wartime. Although the 20th century had been brutal to her, this international port city still sports a mix of ethnicities and nationalities, although nothing like it once had. I'm told that around a third of the prewar population of 1 million fled when the full-scale invasion began last year, while families running from Mariupol, Kherson, and Mykolaiv have resettled in Odessa. Quite a few prewar Odessa families have also moved back. A teacher I know here, Natalia Handler, took her 9-year-old son to Germany in the early weeks of the war, "but he wasn't making friends, he was going to school online in Ukrainian, and he really hated the food. He kept telling me every day, 'I want my borscht!' so we came back."

The Jewish community may be small—no one could give me an exact figure—but they have two Jewish community centers and, of course, more than one synagogue. The Joint Distribution Committee is quite active, supporting food deliveries and running social programs for families and the elderly,

“He kept telling me every day, ‘I want my borscht!’ so we came back.”

as is Chabad. The Claims Conference sees to it that every Holocaust survivor is looked after.

Back at the turn of the last century, Babel claimed half of Odessa was Jewish, but it was actually around a third. Some 125,000 Jews lived here then although some statistics show upward of 140,000. The Holocaust, of course, decimated the Jewish population, and the Romanian army was every bit as murderous as the Germans when they entered the city in October 1941. By that time, Babel was already dead; he took a bullet to the head in a Moscow prison in January 1940.

Isaac Babel's literary output is, compared to most writers, remarkably thin, on a similar scale as Bruno Schulz, though historian Richard Lourie calls Babel "arguably the greatest short story writer of the [20th] century." His reputation rests on the 35 short pieces in *Red Cavalry* and the 13 in *Odessa Stories*. Both books were serialized throughout the 1920s and '30s and both have been recently translated by the Odessa-born, Los Angeles-based Boris Dralyuk and published by Pushkin Press.

In *Red Cavalry*, the chubby, bespectacled Babel was embedded with Semyon Budyonny's pro-Bolshevik Cossacks, who fought the Polish army in 1920 in today's western Ukraine. It was clear the

soldiers Babel accompanied were far more interested in looting, torturing, and killing than they were in anyone's ideology. Jewish families were set upon to be raped and tortured—by all sides. At times, Babel was lucky enough to get away with his own life. Clearly, this was a man who enjoyed taking risks, or was addicted to risk.

Babel's descriptions of wartime atrocities resonate today, especially when we read what Russians have done in Mariupol, Bucha, and other cities. Soldiers were just as insane in their brutality a century ago. In *Red Cavalry*, Babel does not spare us.

Budyonny hated Babel with a passion and did everything he could to have him arrested once he began publishing, but Babel was a protégé of the Soviet great Maxim Gorky, who advised Babel in his first ventures in journalism and stood up for him as long as he lived. Gorky died in 1936, but Babel was already well out of favor by then.

Odessa Stories is an altogether different book. "Odessa Stories is like a love letter to a time that vanished after the Revolution," Igor Potocki, a 72-year-old poet and novelist told me as we sat in a café on Derebaska Street. "That world ended, but Babel kept it with him when he moved to Moscow. These were the stories that kept him coming back here, at least in his memory."

To get a fuller picture of Babel, I went to see Olena Yavorska in Odessa's Museum of Literature, just behind the ornate opera house.

With most of the museum's windows boarded up and its exhibitions covered over, wrapped in plastic or removed, Olena met with me and my translator, Anastasia Herasymchuk, then ushered us into an office with masking tape X-ing out the windows and every surface covered with books, manuscripts,

ISRAEL & THE MIDDLE EAST

The Jewish State and its neighbors at tabletmag.com/sections/israel-middle-east

and piles of yellowed newspapers and dog-eared magazines. Olena moved a few books off of what might have been a chair and as I wedged into it, she took her place across from me, fired up her computer and turned a large monitor so it would face the two of us.

As Olena clicked on and enlarged documents and photographs, she began. “You could say that Babel was at two carnivals. There was the carnival of death, which is *Red Cavalry*, and the carnival of life, *Odessa Stories*.” She paused for a moment and said, like a proud Odessan, “I do have to say he exaggerated about the criminality here.”

Babel was born in Odessa in 1894. His father, Emmanuel, was a merchant who took the family to Nikyolaiv (Mykolaiv in Ukrainian) for a few years, then brought them back to Odessa, where he sold farming equipment. Olena pulled up one of his advertisements on her monitor.

Babel fell in love with Moldovanka, one of the poorest parts of town and where his grandmother lived. This would be the setting for part of *Odessa Stories*, while the rest of the book describes, fictionalized, his own growing up as a musically untalented lad who couldn’t swim or identify a single plant or flower. But he had a facility for memorizing things, and he loved going to school.

Here is how Babel describes those first school days: “We went from shop to shop buying my festive supplies—a pencil box, a piggybank, a satchel, new pasteboard-bound textbooks and notebooks in glossy wrappers. No one responds to the newness of new things like children. They shudder at the smell of them, like dogs on a hare’s trail, and experience a kind of madness that later, as adults, we come to call inspiration.”

Then there are the gangsters who come alive in *Odessa Stories*, and here is

“No one responds to the newness of new things like children. They shudder at the smell of them, like dogs on a hare’s trail.”

Benya Krik talking to someone’s mother, after he kills her son, “Aunt Pesya, if you want my life, you can have it, but everyone makes mistakes, even God. That’s what it was, aunt Pesya—a huge mistake. But wasn’t it a mistake on God’s part to put the Jews in Russia, where they suffer as if they’re in hell? I ask you, why not have the Jews live in Switzerland, with nothing but top-quality lakes, mountain air and Frenchmen as far as the eye can see? Everyone makes mistakes, even God.”

As *Guardian* book reviewer Nicholas Lezard wrote when he was reading *Odessa Stories*. “And with this, we’re hooked.”

Several reviewers have likened Babel’s Jewish gangsters to characters from a Tarantino film, but Boris Dralyuk reminds us that Babel was born the same year as Dashiell Hammett, whose tough guy characters speak a similar gangster lingo to Benya Krik, aka “the King.”

‘Listen, Eichbaum,’ said the King, ‘when you die, I’ll bury you at the First Jewish Cemetery, right by the gates. I’ll put up a tombstone of pink marble, Eichbaum. I’ll make you an Elder of the Brodsky Synagogue. I’ll abandon my profession, Eichbaum, and we’ll partner up in business. We’ll have two hundred cows, Eichbaum. I’ll kill all the other dairymen. No

thief will walk down the street where you live. I’ll build you a dacha by the beach, at the sixteenth tram stop ... And remember, Eichbaum, you weren’t no rabbi in your youth either. Just between us, that will didn’t forge itself, did it? And you’ll have the King for a son.’

Olena told me that Babel became immensely popular with the reading public in the 1920s and ’30s. First, soldiers loved his dispatches, and throughout the 1920s he worked on bound editions of both *Red Cavalry* and *Odessa Stories*. He polished each story down to its nub, wasting not a word.

Babel, who only grew pudgier and balder as he aged, never stopped being attracted to women, and women loved him back. His first wife, Yevgenia Gronfein, left him because of his infidelities and moved to Belgium in 1925, although Babel continued to visit her and they had a daughter, Nathalie. His second wife was a Russian actress, and his third was an engineer in the Moscow subway system, Antonina Pirozhkova. They met in 1932 and lived together after 1934, although they never formally married. Their daughter Lidiya was born in 1937.

According to Pirozhkova, whose book, *By His Side*, is the closest thing we have to a Babel biography, Babel met NKVD chief Genrikh Yagoda in 1934 and asked him, “Tell me, how should someone act if he falls into your men’s paws?”

“Deny everything,” Yagoda said immediately. “Whatever the charges, just say no and keep saying no. If one denies everything, we are powerless.”

Some advice. Yagoda, a genuine butcher, was arrested, tried, and shot in 1938. He was replaced by Nikolai Yezhov, who continued massacring hundreds of thousands of people and sending many more to the gulag. Yezhov’s wife, Evgenia, had known Babel before her marriage and, according to some, had an affair with him. Olena thinks not, but says they were friends.

As Yezhov’s star sputtered, and Stalin planned to have him tried and shot, Evgenia took poison in an asylum and died there in November 1938. Her husband was arrested in April 1939 and was

HISTORY

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tried and shot on Feb. 4, 1940. He was replaced by an equally monstrous killer, Lavrenty Beria, who managed to send hundreds of thousands more innocents to their deaths before taking a bullet in his own head shortly after Stalin died in 1953.

From Pirozhkova, we learn that on the night of May 15, 1939, NKVD agents arrested Babel at his dacha outside Moscow, and he and his wife were driven into the city. En route, Babel quipped to his guards, “I guess you don’t get much sleep, do you?” The car brought them to the dreaded Lubyanka prison, where Babel kissed his wife, told her he would see her soon, and walked inside without looking back. Pirozhkova was free to go home.

From what we now know by reading the transcripts Vitaly Shentalinsky discovered many years later, Babel tried to take Yagoda’s advice. At first he denied everything. But two decades earlier, he had witnessed how Cossacks beat the life out of one man after another. A few days after his initial interrogation—and probably after being tortured—he signed every confession put in front of him: He was in the pay of the Austrians and the French and was also a Trotskyite.

Babel’s trial took place on Jan. 26, 1940, in one of Beria’s offices, although Olena does not think Beria was present. The trial lasted 20 minutes. His last words were: “I am innocent. I have never been a spy. I never allowed any action against the Soviet Union. I accused myself falsely. I was forced to make false accusations against myself and others. ... I am asking for only one thing—let me finish my work. ...”

Babel was shot at 1:30 the next morning. Similarly to Bruno Schulz, who had written a novel that was lost when

an SS officer shot him in Drohobych in 1942, the NKVD confiscated a cache of Babel’s writing that has never been found.

Babel’s wife continued to live in hope he would return from the camps. After all, a great many did. Antonina Pirozhkova did not learn her husband was dead until 1954, 14 years after the fact.

Olena Yavorska told me Babel was rehabilitated in 1954, but more as a literary character than a writer. Only later, in the 1980s, did the writings of Isaac Babel make their way back into libraries, bookshops, and magazines. Olena said that in the 1990s, she and her colleagues discovered an unpublished story about Odessa. They had its pages pasted on a board in the museum and as people heard about it, they would crowd around the pages to read them, just to come back into contact with this martyred Odessa native.

We talked on, and after three hours, Olena turned off her computer. She took Anastasia and me through the gilded, empty rooms with plywood covering their windows, then we stepped out into the sculpture garden. There was a small statue of Catherine the Great, who was holding a book. “It’s a Russian-Ukrainian dictionary,” she said smiling. Next to her was a small statue of Catherine’s court favorite, Grigory Potemkin. He was also holding a book: *Red Cavalry*, by Babel.

“We do have a sense of humor, you know.”

I told her that Odessans were known for their jokes. And with that, this very serious academic blinked as if she were downloading a new program and said, “So, an Odessa Jew, a fascist, and a communist are riding on a plane. Suddenly God is standing in front of them and grants each of them one wish. The

fascist says, ‘I want all the communists dead.’ The communist says, ‘and I want all the fascists dead.’ The Odessa Jew listens, sighs, and says, ‘I’ll have a cup of tea, please.’”

Olena walked us over to the edge of the garden so we could look below at the empty port, which hopefully will see more grain flow from it soon. “That reminds me of another one,” she says. “An old Odessa Jew is miserable here and he tells his best friend he wants to leave. His friend pulls out a huge map of the world, points to New York and says, ‘Well then, why not go to New York, like so many other Jews from here.’ The Odessa Jew says, ‘Couldn’t do it. Too much disparity between rich and poor. Terrible race relations. Can’t go there.’

The friend then points to the Middle East. ‘Israel! You can go to Israel.’ ‘Nothing doing,’ the Odessa Jew says. ‘Terrible relations with the Palestinians. Too much friction between the Orthodox and secular.’ His friend sighs and says, ‘Well that’s it. Where do you want to go?’ The Odessa Jew scratches his head, shrugs and says, ‘Got another map?’”

That evening, my third and last in Odessa, Deribasovskaya Street was filled as usual with students and young families. If there was a war going on, I couldn’t feel it. Dozens of young guys wearing motorcycle helmets with food delivery backpacks strapped to their backs stood ready to be handed their orders; around the corner a half dozen ponies and horses stood ready to take children for rides. I picked up a take-out order at Kinka, then headed for the Stalinist train station and took the night train north. ■

This article was originally published on September 13, 2023.

STONE COLD TRUTH

Tablet

lite against everyone else.... **College is pointless...** No one’s having babies a problem... The vaccine-hesitant are not who you think... Abandoning political affiliation is a sign of sanity... The divide today isn’t between left

Hoppin' John & Collards

BY RACHEL GORDIN BARNETT & LYSSA KLIGMAN HARVEY

INGREDIENTS

- 4 cups fresh or frozen black-eyed peas, red peas, or field peas**
- 1½ cups uncooked Carolina Gold rice**
- 8 cups chicken stock**
- 3 tablespoons olive oil**
- 1 large onion, chopped**
- Kosher salt, pepper, and garlic powder to taste**
- Hot sauce to taste**

PREPARATION

Step 1

Soak the fresh peas overnight. Drain. Put the peas in a saucepan, give a heavy shake of salt, and cover with 5 cups of chicken broth. Bring to a good boil. Turn the heat down to medium low. Simmer for about 40 minutes (about 20 minutes if using frozen peas). Drain the liquid once it has cooked.

Step 2

Heat the oil in a medium saucepan and sauté the rice until toasted. Add 3 cups of chicken broth and a heavy shake of salt and bring to a boil. Turn the heat down to medium low. Let simmer for 20 minutes.

Step 3

Cover the bottom of a large skillet with low sides with olive oil. Add the onions, and cook until caramelized, soft, and brown. Once the onions are cooked, add the rice and peas to the skillet of onions. Add salt, pepper, garlic powder, and a few drops of hot sauce, and stir. Serve warm. Does not freeze well, but leftovers only get better!

Yield: Serves 6 to 8

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