The Relevance of the Old Testament for Contemporary Ethics

John J. Collins

Divinity School Yale University New Haven, CT USA

E-mail: john.j.collins@yale.edu

DOI: 10.25784/jeac.v1i0.97



Abstract

The Old Testament has a rather bad reputation, because of its intolerant and violent attitudes on many issues. It is indeed a product of another age, and many of its assumptions are untenable in the modern world. Nonetheless it remains important for discussions of ethics, primarily for two reasons: One is the fact that it exhibits a passion for justice that is unparalleled in world literature. The other is that it is the oldest layer of one of the major traditions that shaped western culture for two thousand years.

The Old Testament, or Hebrew Bible, has a mixed reputation in the modern world. At one end of the spectrum we have iconic reverence, symbolized by the campaign of a judge in Alabama to have a monument bearing the Ten Commandments in his courtroom, representing the moral foundations of law.1 At the other extreme we have the tirade of the "new atheist" biologist Richard Dawkins, declaring that "the God of the Old Testament is arguably the most unpleasant character in all fiction: jealous and proud of it; a petty, unjust, unforgiving control-freak; a vindictive, bloodthirsty ethnic cleanser; a misogynistic, homophobic, racist, infanticidal, genocidal, filicidal, pestilential, megalomaniacal, sadomasochistic, capriciously malevolent bully."2 It is easy enough to discount these positions as extreme, and as failing to take account of the Old Testament as a whole. But in fact the legacy of the Old Testament is a mixed one and neither its defenders nor its detractors are without basis.

Richard Dawkins is not alone in laying the ills of western civilization at the feet of the Hebrew Bible. The catalogue of charges is long. Most people have come to accept the fact that the Bible is patriarchal, and depicts women in a subordi-

nate role, although a professor was fired a few years ago from a theological school in Tennessee for saying so.³ The New Testament is scarcely better on that score, at least in the Pastoral Epistles, which tell women to be silent and forbid them to teach.⁴ The Book of Leviticus prescribes the death penalty for anyone who lies with a man as with a woman.⁵ Despite the inspiring story of the liberation of Israelite slaves from Egypt, the Hebrew Bible does not outlaw slavery, and prescribes only modest improvements in the way even Hebrew slaves should be treated.⁶ Again, the New Testament concurs, telling slaves to obey their masters.⁷ The story of the chosen people, and their promised land, is a mandate for religious intolerance and violence. When the Israelites come into the land they are told to "utterly destroy" the peoples they find there: "make no covenant with them and show them

¹ ESTEPA, "Who is Alabama Republican Roy Moore? 5 Things to Know." Moore was removed from office in 2003 for refusing to implement a court order to remove a statue of the ten commandments, which he had set up in his courtroom.

DAWKINS, The God Delusion, 31.

³ ROLLSTON, "The Marginalization of Women: A Biblical Value We Don't Like to Talk About." Rollston was fired from Emmanuel Christian Seminary in Tennessee. He now teaches at the George Washington University in Washington, D. C.

¹ Timothy 2:11–12. See BALCH, "Household Codes," 318–20.

⁵ Leviticus 18:22; 20:13. The Hebrew expression is "the lyings of a woman." The precise meaning of this phrase is disputed. See FRIEDMAN and DOLANSKY, The Bible Now, 21–24.

⁶ WRIGHT, "'She Shall Not Go free as Male Slaves Do:' Developing Views about Slavery and Gender in the Laws of the Hebrew Bible," 125–42.

⁷ Col 3:22; Eph 6:5; 1 Tim 6:1–2; 1 Peter 2:18–21.

no mercy. Do not intermarry with them ... This is how you must deal with them: break down their altars, smash their pillars, hew down their sacred poles, and burn their idols with fire. For you are a people holy to the Lord your God; the Lord your God has chosen you out of all the peoples on earth to be his people his treasured possession" (Deut 7:2–6). The historian Lynn White argued that the root of our ecological crisis lay in the command in Genesis to "fill the earth and subdue it and have dominion over the fish of the sea and over the birds of the air and over every living thing that moves upon the earth" (Gen 1:28).

Each of these charges can be qualified to a degree. The subordination of women in Genesis is a feature of fallen humanity after Adam and Eve eat the forbidden fruit. 10 The condemnation of homosexual relations is found only in Leviticus in the Hebrew Bible, in a very narrow strand of priestly theology, intermingled with other rules about improper mixing, some of which are routinely dismissed as irrelevant to the modern world.11 If Lynn White had read more of the Old Testament he might have discovered the sabbatical laws, which prescribe that people, animals, and even the land should be allowed to rest regularly. Even the draconian actions against the inhabitants of the land are confined to one phase of Israel's supposed history. The Israelites were more often the victims of violence than its perpetrators. The Book of Leviticus also calls on people to love their neighbor as themselves (Lev 19:18). Even if the neighbor envisioned was primarily the fellow-Israelite, as the context would seem to suggest, 12 this commandment provides the basis for an inner-biblical critique of some of the more offensive parts of the biblical legacy. ¹³ Nonetheless, these considerations do not warrant a dismissal of the charges. The Bible can be, and often has been, used in ways that are harmful to people and to nature. At the least, it has to be used with care.

So why should this text live? It was written more than two thousand years ago. Why should we think it has any relevance to the modern world?

⁸ See my book, Does the Bible Justify Violence; PAKKALA, Intolerant Monolatry in the Deuteronomistic History.

To my mind, there are primarily two reasons why the Old Testament still deserves our attention. One is the fact that it exhibits a passion for justice that is unparalleled in world literature. The other is that it is the oldest layer of one of the major traditions that shaped western culture for two thousand years.

1. The idea of justice

The people who wrote the Old Testament were not philosophers, and they did not have a very sophisticated theory of justice. They simply inherited the common idea of justice that had prevailed in the Ancient Near East from the second millennium. ¹⁴ It was articulated already by Hammurabi in the 18th century BCE, roughly 500 years before Moses:

Anum and Enlil named me, to promote the welfare of the people,

me Hammurabi, the devout, god-fearing prince, to cause justice to prevail in the land, to destroy the wicked and the evil that the strong might not oppress the weak. 15

Or again:

The great gods called me, so that I became the beneficent shepherd

Whose scepter is righteous ...

In order that the strong might not oppress the weak, That justice might be dealt to the orphan and the widow.¹⁶

How far Hammurabi or any other king concerned himself with the welfare of the orphan and the widow, we do not know. But at least they knew that that was what they should be concerned with. The rich and powerful in society did not especially need the protection of the king. The essence of justice was that the strong should not oppress the weak.

The kings of Israel and Judah subscribed to the same ideal:

Give the king your justice (*mishpat*), O God,

and your righteousness (tsedaqah) to the king's son.

May he judge your people with righteousness, and your poor with justice ...

May he defend the cause of the poor of the people,

give deliverance to the needy and crush the oppressor (Psalm 72:1-4).

This was not a social contract between ruler and ruled. It was part of the divine cosmic order, which the king was expected to uphold. It is said of God that "righteousness and justice are the foundation of your throne" (Psalm 89:14), and the king was his agent on earth. Nonetheless, it is amply

WHITE, "The Historical Roots of our Ecological Crisis," 1203– 07.

¹⁰ TRIBLE, God and the Rhetoric of Sexuality, 126–28.

For example, you shall not put on a garment made of two different materials (Lev 19:19).

¹² Lev 19:17–18: "You shall not hate in your heart anyone of your kin ... You shall not take vengeance or bear a grudge against any of your people." For an argument for a more inclusive meaning see FRIEDMAN, "Love Your Neighbor: Only Israelites or Everyone?," 48–53.

¹³ The neighbor cannot be only the fellow-Israelite. Lev 19:34 tells the Israelites to "love the alien as yourself, for you were aliens in the land of Egypt."

¹⁴ See especially Weinfeld, Social Justice in Ancient Israel and in the Ancient Near East.

PRITCHARD, Ancient Near Eastern Texts Relating to the Old Testament, 164, emphasis added.

¹⁶ Ibid., 178, emphasis added.

clear, especially from the prophetic books, that Israel and Judah were rife with injustice throughout their history.

2. The prophetic critique

The classic biblical preaching against injustice is found in the Prophets, especially in those of the eighth century BCE, Isaiah, Amos and Micah, but also in Jeremiah at the beginning of the sixth century.¹⁷ Some of their critiques still seem all too relevant today.

Amos tirades against dishonest business practices, then as now often coupled with the trappings of religious observance:

Hear this, you that trample on the needy,

And bring ruin to the poor of the land,

Saying 'when will the new moon be over so that we may sell grain

And the Sabbath, so that we may offer wheat for sale?

We will make the ephah small and the shekel great,

And practice deceit with false balances,

Buying the poor for silver,

And the needy for a pair of sandals,

And selling the refuse of the wheat' (Amos 8:4-6).

As in all ancient Near Eastern discourse on the subject of justice, the issue here is the exploitation of the poor, who are viewed as expendable in the pursuit of profit. It is sometimes claimed that the objective here is distributive justice, to redistribute social goods and social power.¹⁸ But this is true only to a limited degree. At no point do the prophets advocate equal distribution of wealth or challenge an order where some people have more than others. It is assumed that "there will never cease to be people in need on the earth" (Deut 15:11). The problem for the prophets is that the poor are deprived of the necessities of life and degraded to a subhuman condition. The rich "trample the head of the poor into the dust of the earth and push the afflicted out of the way" (Amos 2:7). There is always a question as to what the threshold is, what should be deemed sufficient for the poor. But the examples cited by Amos and the other prophets seem clear enough. If people have to sell themselves into slavery to cover their debts, or get food to eat, that is surely unac-

Moreover, it is a problem when the gap between rich and poor becomes disproportionate. Amos rails against

those who are at ease in Zion, and those who feel secure on Mt. Samaria ... those who lie on beds of ivory, and lounge on their couches,

¹⁷ BIRCH, Let Justice Roll Down. The Old Testament, Ethics and Christian Life, 259–69; PLEINS, The Social Visions of the Hebrew Bible. A Theological Introduction, 213–416; HOUSTON, Contending for Justice. Ideologies and Theologies of Social Justice in the Old Testament, 52–98.

and eat lambs from the flock, and calves from the stall, who sing idle songs to the sound of the harp, and like David improvise on musical instruments, who drink wine from bowls, and anoint themselves with the finest oils, but are not grieved over the ruin of Joseph (Amos 6:1-6).

The point here is not necessarily that beds of ivory and bowls of wine are bad in themselves, ¹⁹ but that they make a painful contrast with the "ruin of Joseph," or the poverty of Israelite peasants. Similarly, Amos's younger contemporary, Isaiah, rails against those who "add house to house, who add field to field, until there is room for no one but you, and you are left to live alone in the midst of the land" (Isa 5:8). They could add field to field because the poor had to forfeit their ancestral plots to pay their debts. Again, the gap between rich and poor is part of the problem. The prophets see society organically, and the fact that the balance of society is out of joint is what brings it to ruin.

3. The centrality of justice

For the Hebrew Bible, no value is more central or fundamental than the demand for social justice. Demands for cultic worship pale in significance, to the point that it sometimes seems as if the prophets reject the ritual cult.²⁰

"With what shall I come before the Lord," asks the prophet Micah, "and bow myself before God on high?" (Micah 6:6). He considers burnt offerings or rams, or calves, and even raises the possibility of human sacrifice:

Shall I give my firstborn for my transgression, the fruit of my body for the sin of my soul?

But then he brushes these options aside:

He has told you, O mortal, what is good; And what does the Lord require of you But to do justice, and to love kindness And to walk humbly with your God? (Micah 6:8).

Similarly, Amos declares:

I hate, I despise your festivals,

And I take no delight in your solemn assemblies.

Even though you offer me your burnt offerings and grain offerings

I will not accept them;

And the offerings of well-being of your fatted animals

I will not look upon.

Take away from me the noise of your songs;

I will not listen to the melody of your harps.

But let justice roll down like waters,

And righteousness like an ever-flowing stream (Amos 5:21–4).

¹⁸ Brueggemann, Theology of the Old Testament. Testimony, Dispute, Advocacy, 736–37.

For an interesting attempt to question Amos's value judgments, see CLINES, "Metacommenting Amos," 76–93.

²⁰ Unterman, Justice for All. How the Jewish Bible Revolutionized Ethics, 85–108 ("The Primacy of Morality over Ritual: A Prophetic Innovation").

We should probably not conclude that the prophets rejected the sacrificial cult entirely. Such a rejection would be hard to conceive of in the eighth century BCE. But they certainly questioned its value and significance. Amos reminded his listeners that Israel could not have offered large numbers of sheep and cattle in its time in the wilderness, and that God had been with them nonetheless (5:25). Moreover, generous offerings to the cult made people feel that they were pleasing God and blinded them to the social problems. In that sense, the cult was more a hindrance than a help. For the prophets, and indeed also for the laws of Moses, nothing was more important than social justice.

Of special relevance for our times is the fact that the Hebrew Bible typically modifies the common ancient Near Eastern concern for the widow and orphan, by adding another marginal figure, the alien. We find this already in Exodus 22:21: "You shall not wrong an alien, or abuse a widow or an orphan."

The concern for aliens is distinctive to Israel in the ancient Near East. ²¹ Biblical law distinguishes between the resident alien (*ger*) and the foreigner (*nokri*). In the laws of Deuteronomy and Leviticus, the alien is often mentioned with the poor. Special care should be taken to pay the alien for his labor, "for he is poor and urgently depends on it" (Deut 24:14–15). The gleanings at the edges of the field should be left for the poor and the alien (Lev 19:9–10; Lev 23:22).

The concern for the alien is repeatedly grounded in Israel's own experience. Abraham was a resident alien in the land of Canaan, depending on the kindness of the local population (Gen 23:4). Most frequently, the Israelites are reminded that "you were aliens in the land of Egypt" (Exod 22:20). Accordingly, they should "know the soul of the alien," for they have experienced what it is to be an alien. In that sense, concern for the alien is an instance of the Golden Rule, to do unto others as you would have them do unto you. Care for the alien and other vulnerable members of society is a fundamental human obligation. God is the guarantor and protector of such people. God, we are told, "watches over the alien; He encourages the orphan and widow" (Psalm 146:9). Even more forcefully, Deuteronomy proclaims that God "executes justice for the orphan and the widow, and loves the aliens, providing them food and clothing. You shall also love the alien, for you were aliens in the land of Egypt" (Deut 10:18).

It may seem a short step from passages like these to affirming that aliens, and widows and orphans, have rights under biblical law. If people have an obligation to treat the poor and the alien in a certain way, does that not imply that they have a right to be treated that way?²² Indeed, René Cas-

sin, who received the Nobel Peace prize for his work in drafting the Declaration of Human Rights, adopted by the United Nations in 1948, wrote: "the concept of human rights comes from the Bible, from the Old Testament, from the Ten Commandments." Perhaps, but this is not the biblical way of putting it. Society has an obligation to provide for such people, as part of its obligation to God. It is not clear that aliens would have a legal claim under Israelite law. They could only appeal to the compassion of a judge, and the force of Israelite tradition. But the obligation on the society is none the less for that.

Neither does the obligation of society towards its marginal members derive from positive law.²⁵ Some of the conduct condemned by the prophets involves breaking laws (e.g. the dishonest trading in Amos), but some does not. Even if the rich of Judah were acting quite legally in adding house to house and field to field, their actions were unconscionable in the context of the poverty of their compatriots. While this may not quite amount to an Aristotelian view of justice, social equilibrium is definitely a consideration. It rests not so much on positive covenantal law as on an intuition into the order of nature, or of creation.²⁶ This is also true of some of the best-known stories illustrating the problem of injustice in the Hebrew Bible. Take for example 2 Samuel 11, where the prophet Nathan confronts King David for having Uriah the Hittite killed and taking his wife Bathsheba. Nathan famously tells the king a story about a rich man who took a poor man's little ewe lamb to make a meal for his guest, although that was all the poor man had. David is outraged, not because a law had been violated but because the action was patently unjust. The prophet is then able to entrap the king, by telling him "you are the man." Equally, in the story of Naboth's vineyard, in 1 Kings 21, Elijah's condemnation of King Ahab is not a technical judgment on a legal case but outrage at an action that was obviously unjust because of the abuse of royal power.

4. Identity and tradition

The argument that Israelites should love the alien because they were aliens in the land of Egypt brings us to the second reason why the Old Testament remains important. It tells a story that is fundamental to the identity of the Jewish people

²¹ Unterman, Justice for All. How the Jewish Bible Revolutionized Ethics, 44–65.

WOLTERSTORFF, Justice. Rights and Wrongs, 90.

²³ CASSIN, "Religions et droits de l'homme," 98, trans. ISHAY, The History of Human Rights, 19. For an attempt by a biblical scholar to find a precedent for human rights in the Hebrew Bible, specifically in Deuteronomy, see Otto, "Human Rights: The Influence of the Hebrew Bible."

BARR, "Ancient Biblical Laws and Modern Human Rights," 21–33 (especially 24–25).

²⁵ Pace O'DONOVAN, The Desire of the Nations, 39. See the discussion by WOLTERSTORFF, Justice. Rights and Wrongs, 68–75.

²⁶ See especially Barton, Ethics in Ancient Israel, 94–126 ("The Moral Order"); Barr, Biblical Faith and Natural, 58–101.

but has also been appropriated by Christians for the last two thousand years. That is the story of a people formed by the experience of slavery and exile. The implication, spelled out several times in the Old Testament, is that a people so identified should have empathy with slaves and aliens, and treat the less fortunate of the earth in the way they would have liked to be treated themselves. The story of the Exodus is especially resonant in this respect and remains one of the great human stories of hope in the face of oppression.

The story of the Exodus is presented in the Old Testament as the prelude to the covenant. ²⁷ It is because God has delivered Israel from slavery that Israel is obligated to keep the commandments of the covenant. Moreover, the Book of Deuteronomy is insistent that each generation should appropriate the covenant for itself: "Not with our ancestors did the Lord make this covenant, but with us, who are all of us here alive today" (Deut 5:3). The Old Testament or Hebrew Bible sketches out the way of life in which the covenant is supposed to be embodied. That embodiment, however, is neither systematic nor univocal, and it often falls short of its own ideals. It rather takes the form of an unfolding tradition.

The Bible, in its different forms, is the most fundamental layer of Jewish and Christian tradition. As such, it has a major role in shaping these traditions. A person who found nothing to affirm in the Bible would have no reason to identify as Jewish or Christian at all. But this does not mean that those who stand in the Jewish or Christian tradition must affirm everything in their respective scriptures. Rather, what a tradition does is provide a context for thought and argument that shapes to a great degree the questions we consider important. It also urges on us basic principles, but these must be conceived broadly and not reduced to dogmatic stands on specific issues.

Far from being a systematic, unified treatise, the Bible has the character of a running argument. Beginning with the opening chapters of Genesis, different viewpoints are juxtaposed and not resolved. The Torah or Pentateuch binds together quite different theologies in Leviticus and Deuteronomy. The New Testament embraces different attitudes to the Jewish Law and many other topics. This is not simply a matter of juxtaposing different viewpoints. The prophets are sharply critical even of fundamental traditions. Amos suggests that the Exodus is no different from the movements of other peoples (Amos 9:7). Jeremiah mocks those who place their trust in the temple of the Lord (Jer 7:4) and says that the Law of the Lord has been turned into falsehood by the lying pen of the scribes (Jer 8:8). Jesus freely supersedes that which "was said to them of old," in the Sermon on the Mount (e.g. Matt 5:21).

Criticism of received tradition is itself a biblical value. Some of the most fruitful work on biblical theology in recent years has looked to dialogical models to capture this sense of ongoing debate.²⁸ The Bible is not a book of definitive answers. Ethical issues always depend on context. That is why the sweeping commandments of the Decalogue are followed by laws that take specific circumstances into account: if X, then Y, but if Z, the decision may be different.²⁹ The consensus of contemporary scholarship is that neither the great Mesopotamian law "codes," such as that of Hammurabi, nor the biblical law codes functioned as statutory law or were binding on judges. 30 Judges relied on their sense of the mores of a community rather than on written law. Written laws are never cited as decisive in trial scenes, and sometimes cases are decided in contradiction of what is written. Law collections were descriptive rather than prescriptive. Accordingly, some scholars refer to the laws of Exodus as "wisdom laws," with the implication that they functioned in a way similar to Proverbs: they helped inform the wise person but did not determine right conduct automatically.31 As Qoheleth (Ecclesiastes) said, there is a season for everything, a time to kill as well as a time to heal, a time to hate as well as a time to love (Qoh 3:1-8). The tradition informs our decisions by illustrating options, but it does not make our decisions for us.

Equally, criticism of one's own society is a biblical value. The Hebrew prophets provide a blistering critique of Israelite and Judean society. Amos saw northern Israel as a sinful kingdom that God would wipe off the face of the earth (Amos 9:9). His contemporary Isaiah saw the southern kingdom of Judah as a "sinful nation, people laden with iniquity, offspring who do evil, children who deal corruptly," (Isa 1:4) and saw the devastation of the land by the Assyrians as divine punishment. The blessings of the covenant were predicated on righteous behavior. It is ironic then that some Christians brook no criticism of modern Israel, and that they consider support for the state of Israel as a basic biblical principle. ³² No doubt, people who care about the Bible

²⁷ For a lucid exposition of the logic of the covenant see LEVENSON, Sinai and Zion: An Entry into the Jewish Bible, 15–86.

NEWSOM, "Bakhtin, The Bible, and Dialogic Truth;"
BRUEGGEMANN, Theology of the Old Testament. Testimony, Dispute, Advocacy.
E.g. Exod 22:2: "If a thief is found breaking in, and is beaten to

E.g. Exod 22:2: "If a thief is found breaking in, and is beaten to death, no bloodguilt is incurred; but if it happens after sunrise, bloodguilt is incurred."

³⁰ BERMAN, "The History of Legal Theory and the Study of Biblical Law;" LeFebvre, Collections, Codes and Torah. The Recharacterization of Israel's Written Law, 1–54.

³¹ JACKSON, Wisdom-Laws. A Study of the Mishpatim of Exodus 21:1–22:16.

³² E.g. the Wall Street Journal, October 18. 2012, in advance of the U. S. presidential election, ran an advertisement by the Billy Graham Evangelistic Association: "It is vitally important that we

should wish Israel well, but if they are at all guided by biblical principles they should insist that the welfare of Israel, and its claim to its land, depends on the practice of justice.³³ There is nothing biblical about unconditional support for Israel, or for any other government or state for that matter.

There is much in the Bible to inspire and challenge the modern world. It remains a relevant resource on political and social issues, if it is used judiciously. It should be clear, however, that the mere fact that something is found in the Bible is in itself no guarantee of anything. Interpreters remain responsible for what they take from the Bible. Biblical values must be sifted and evaluated, and the Bible itself provides broad criteria by which to do so. To treat the Bible as a magical book of answers to modern problems is a perversion and a refusal to grapple with it seriously.

Critics of the Old Testament accuse its defenders of cherry-picking its good parts, to offset the parts that have been used as warrants for intolerance and violence. The cherry picking is not arbitrary, however. Already in antiquity people realized that the Bible teaches many different things and that some carry more moral weight than others. The Gospel of Mark recounts an exchange between Jesus and one of the scribes (Mark 12:28-34). The scribe asked him "which commandment is the first of all?" Jesus answered: "The first is 'Hear O Israel: The Lord our God, the Lord is one; you shall love the Lord your God with all your heart and with all your mind, and with all your strength.' The second is this: 'you shall love your neighbor as yourself.' There is no other commandment greater than these." The Gospel of Matthew adds: "on these two commandments hang all the law and the prophets" (Matt 22:40). Here Jesus combined the Shema ("Hear O Israel") from Deut 6:4-5 and the command to love one's neighbor in Lev 19:18. Other Jewish teachers of the time had similar teachings. Not everything in the Bible lives up to this ideal, but the ideal still remains compelling, and provides a criterion by which other biblical teachings can be tested.

Walter Benjamin famously said that there is no document of civilization that is not at the same time a document of barbarism.³⁴ This is as true of the Bible as it is of any other document. Even the Exodus is the prelude to conquest of Canaan. But cultural documents should not be discarded for that reason. Because of the reverence in which it has been held for two thousand years, the Bible is an exceptionally powerful source of effective rhetoric. That rhetoric can be

cast our ballots for candidates who base their decisions on biblical principles and support the nation of Israel."

used "for the cause of truth and to defend the right;" (Ps 45:4) it should not be abandoned to those who would use it in the cause of bigotry. And if it also reminds us of the barbarism in our past, and even in our present, this too can be salutary. The Old Testament is important as a reminder that our history, and indeed our present, is flawed, even as it also reminds us of the higher ideals to which we should aspire.

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³³ SIMON, Seek Peace and Pursue It.

³⁴ Benjamin, "Theses on the Philosophy of History. Thesis 7," 393.

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