

The Novelty of Orthodoxy



Natan Slifkin

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Introduction

The term “Orthodoxy,” as applied to a certain approach within Judaism, is somewhat of a misnomer. Throughout Jewish history, with the prominent exception of Maimonides, Judaism always rated devotion to halachic observance above allegiance to dogma.¹ Nevertheless, the term was apparently borrowed from Christianity and ultimately used to describe Jews that, following the challenges of modernity, emancipation and the *haskalah*, remained loyal to traditional Jewish beliefs and practices.

The Orthodox themselves viewed themselves as simply authentically continuing the ways of old. Originally, historians viewed them in the same way, considering them less interesting than more visibly new forms of Judaism such as the *haskalah* and Reform. But beginning with the work of Joseph Ben-David² and Jacob Katz,³ it was realized in academic circles that all this was nothing more than a fiction, a romantic fantasy. The very act of being loyal to tradition in the face of the massive changes of the eighteenth century forced the creation of a new type of Judaism. It was *traditionalist* rather than traditional.

¹ For extensive discussion of this point, see Menachem Kellner, *Must a Jew Believe Anything?* (Oxford, UK: Littman 1999).

² Joseph Ben-David, “The Beginnings of Modern Jewish Society in Hungary in the First Half of the Nineteenth Century,” (1952; reprinted in *Jewish History* 11:1 (Spring 1997) pp. 57-97.

³ Jacob Katz, “Orthodoxy in Historical Perspective,” in P. Y. Medding (ed.), *Studies in Contemporary Jewry* (Bloomington: Indiana University Press, 1986), vol. 2, pp. 3-17.

The novelty of Orthodox Judaism can be demonstrated by carefully comparing it with the traditional Judaism that preceded it. Another way of illustrating it is by contrasting it with the traditional Judaism which continued in Moslem lands that were not as affected by modernity.⁴ Some counter that modernity also exerted influence in Moslem lands, and yet it did not result in Orthodoxy; it is argued that the phenomenon of Orthodoxy results instead from particular Jewish subcultures and that it reflects inherent differences between the Sephardic and Ashkenazi traditions.⁵ But it is countered in turn that modernity did not penetrate these countries to the same degree that it did in Europe.⁶

In this study, I will first explore the historical background, after which I shall review the various characteristics of Orthodoxy. I will conclude with a discussion of some recent challenges to the designation of Orthodoxy as a novel phenomenon.

The Historical Setting

For centuries, Jews in Europe lived in geographical, economic and cultural isolation from wider, non-Jewish society, in which they possessed limited rights. In this restricted environment, the rabbi was one of the leaders of the community. Loyalty to tradition could be taken for granted; after all, there were no other realistic options. The educational curriculum was largely restricted to traditional rabbinic texts.

But the Age of Enlightenment brought tremendous change. European Jews influenced by Enlightenment values launched the Jewish version of the Enlightenment, the *haskalah*, in which there was a move to broaden the educational framework and integrate within the wider non-Jewish society. The Enlightenment culminated, for Jews, in their political and social emancipation. For the first time, Jews had different options available to them.

There were other dramatic ramifications of modernity for traditional societies. Previously, the limited wealth that some had been able to attain always became

⁴ Benjamin Brown, "The Eastern Scholars and Religious Zealotry: Points Toward a New Examination," *Akdamut* 10 (2000) pp. 289-324.

⁵ Zvi Zohar, "Orthodoxy is not the Exclusive Authentic Halakhic Approach to Modernity: A Response to Benjamin Brown," *Akdamot* 11 (2001) pp. 139-51.

⁶ Benjamin Brown, "European Modernization Demands an Orthodox Response: A Rejoinder," *Akdamut* 11 (2001) pp. 153-60.

intertwined with the spiritual values of the community; the wealthy would intermarry with the learned, and use their resources for the general welfare of the religious community. But the greatly enhanced economic and cultural opportunities of the eighteenth century meant that there were new paths to success and prestige that were entirely distinct from the community.

Amidst this crisis for tradition, an important figure emerged. R. Moses Sofer (“Chatam Sofer,” 1762-1839), rabbi of the community of Pressburg, is universally agreed to be *the* pivotal figure in the evolution of Orthodoxy. It was his statements and approaches which led the new path. (It should be noted, though, that many of his flagship guidelines for Orthodoxy were rhetoric aimed at setting the tone for Orthodoxy, rather than concrete, incontrovertible rulings.⁷)

The change from traditional Judaism to Orthodox Judaism did not occur at the same time across Europe. Orthodoxy was a reaction to modernity and emancipation, and these did not affect all Jewish communities equally or simultaneously. Orthodoxy began in Austria-Hungary in the 1840s, but it did not reach Russia-Poland until the end of the nineteenth century, with pockets of traditional society remaining even in the early twentieth century.⁸

Defining Orthodoxy

There have been several proposed features of Orthodox society. These include its traditionalism, its practice of segregation from the larger Jewish community, its approach to *halachic* stricture, its opposition to secular studies, and a new role for the yeshivah.⁹ We shall proceed to explore these in detail.

⁷ See the sources referenced in Michael K. Silber, “The Emergence of Ultra-Orthodoxy: The Invention of a Tradition,” in Jack Wertheimer, ed., *The Uses of Tradition: Jewish Continuity in the Modern Era* (New York and Jerusalem: Jewish Theological Seminary of America 1992) pp. 29-30.

⁸ Gershon Bacon, “Warsaw-Vilna-Budapest: On Joseph Ben-David's Model of the Modernization of Jewry,” *Jewish History* 11:1 (Spring 1997) pp. 102-103.

⁹ This list of identifying characteristics is adapted from that given by Moshe Samet, “The Beginnings of Orthodoxy,” pp. 249-251.

I. Traditionalism

The primary feature of Orthodoxy is its traditionalism. Instead of automatically continuing the ways of old without thought, Orthodoxy self-consciously preserved the tradition in the face of competing alternatives. Moreover, it developed an overriding concern of opposing change. Thus, the rallying cry of Orthodoxy was Chatam Sofer's famous pun on a halachic precept: "Whatever is new, is forbidden by the Torah."

Despite this declared opposition to change, it was not actually the case that Orthodoxy opposed *all* change. Numerous significant changes took place under this very guise; indeed, this extreme traditionalism was itself a novelty. The reactionary nature of Orthodoxy meant that it "deeply transformed the very tradition it purported to protect."¹⁰ Rather, Orthodoxy's overriding concern was to oppose changes that *appeared* to be changes; changes that came from without, rather than from within.

This feature of Orthodoxy emerged not only as a response to the specific changes occurring in the world in general and infiltrating to the Jewish community, but also as a response to the modern idea of change and progression as a fact of life and even an ideal. And this is how Orthodoxy differs from earlier responses to threats against Judaism. Previously, alternate ideologies, from Karaism to Christianity, presented themselves as rival traditions of greater authenticity. Modernity and Reform instead presented the idea that tradition should often be abandoned and change should be embraced. Thus it was the very idea of change itself that had to be opposed.

Like most religions, Judaism was always somewhat conservative. It had an anti-progressive view, based upon the traditional view of the superiority of the ancients. Nevertheless, this did not prevent various innovations which did not threaten this view. And it certainly did not prevent—indeed, it actually fostered—attempts to revive traditions of old that had been forgotten. Consider, by way of example, a pre-Orthodox figure such as the Vilna Gaon (1720-1797). He used his knowledge of the Talmud and ancient traditions to stamp out some practices and to bring back others that had become extinct, as well as to perform textual emendations on the Mishnah and Talmud. Such actions would never take place in Orthodox society, which places unprecedented importance on current practice and texts, due to its fear of any sort of change. In

¹⁰ Aviezer Ravitzky, "Dimensions and Varieties of Orthodox Judaism," in Andreas Gotzmann & Christian Wiese, eds., *Modern Judaism and Historical Consciousness: Identities, Encounters, Perspectives* (Leiden & Boston: Brill, 2007) p. 394.

Orthodox society, the concept of *mesorah* came to refer to the status quo, “what *we* do,” not what was done historically and traditionally.

As another example, despite the Talmudic maxim that is forbidden to deviate from the formula of prayer devised by the early Sages, there were countless medieval authorities who worked around this ruling and did make various changes to the daily prayers.¹¹ And in Baghdad in the nineteenth century—where modernity had made little impact, and thus Orthodoxy had not been created—Rabbi Yosef Chaim (“Ben Ish Chai,” 1832-1909) innovated a new form of the *Hallel* prayer specifically for Tu B’Shevat. But in European, Orthodox circles, making any changes in prayer became officially unacceptable.

A challenge is posed to this model from a celebrated case involving R. Avraham Yeshayah Karelitz (“Chazon Ish,” 1878-1953). The Chazon Ish revolutionized *shiurim*—the various *halachic* measures and dimensions—claiming that the existing practice was incorrect, the size of olives and so on had declined since ancient times, and thus that these quantities should actually be much larger. Accordingly, this appears to be an example of Orthodoxy consciously changing current tradition in favor of presumed technical historical correctness.¹² However, that is an unusual case, in which dramatic transformation was only possible due to the greater strength of the confluence of other Orthodox values and dynamics: the fact of it being a greater stringency (an aspect of Orthodoxy that we shall soon discuss), and the social upheaval of the Holocaust which created a new Orthodox dynamic in which traditions based on family and community were replaced by traditions created in yeshivot from texts.¹³

¹¹ See Daniel Sperber, *On Changes in Jewish Liturgy: Options and Limitations* (Jerusalem: Urim Publications 2010). He quotes these as precedent for making various changes in prayer to accommodate feminist sensitivities—thus illustrating exactly why Orthodoxy became radically opposed to any form of change, even those with historical precedent.

¹² Cf. Ravitsky, “Dimensions and Varieties of Orthodox Judaism,” pp. 112-113. For a discussion of the historical development of the measurement of an olive, see my monograph “The Evolution of the Olive.”

¹³ See Menachem Friedman, “Life Tradition and Book Tradition in the Development of Ultraorthodox Judaism,” in *Judaism from Within and from Without: Anthropological Studies*, ed. Harvey Goldberg (Albany: State University of New York Press 1987), pp. 235–255; “The Lost Kiddush Cup: Changes in Ashkenazi Haredi Culture - A Tradition in Crisis,” in Jack Wertheimer, ed., *The Uses of Tradition: Jewish Continuity in the Modern Era*, (New York: JTS/Harvard University Press 1992), pp. 175-186; and Haym Soloveichik, “Rupture and Reconstruction,” *Tradition*, Vol. 28, No. 4 (Summer 1994), pp. 64–130.

II. Segregation

Prior to the eighteenth century, a Jew was simply a Jew, with no qualifying description (except for those that adhered to alternate traditions). To be sure, there were Jews that were more committed to Judaism and Jews that were less committed, but all were on a spectrum that was included in the general Jewish community.

Orthodox Jews, on the other hand, identify themselves, and organize themselves, as a community distinct from the general Jewish population which includes non-religious Jews. This was the inevitable result of the transition to a world in which religious commitment was no longer taken for granted and walls had to be built against assimilation.

A striking example of this change emerges from considering a responsum of a leading pre-Orthodox *halachic* authority, R. Yaakov Reischer (1661-1733).¹⁴ He was asked about a move to reject the kosher status of meat that was slaughtered in outlying villages by Jews that were insufficiently learned or pious. R. Reischer strongly condemned this approach. Drawing upon the Talmud, he argued that one must not cause resentment, that one must also be considerate of the needs of travellers, and most of all that the Jewish community must be united and not splinter into groups with different *halachic* standards. Needless to say, such splintering was not only acceptable to Orthodoxy, but was even a hallmark of it, exercised to a great degree. For the Orthodox, *halachic* rulings were based on the needs of the immediate community, not the larger Jewish community.

Another example is that of R. Yechezkel Landau of Prague, who annulled the ban on shaving during the Intermediate Days of Passover and Sukkot, as an accommodation to the many less-pious Jews who were shaving. His opponents, reflecting incipient Orthodox concerns, castigated him for accommodating those who sin and threaten religious norms, and for being on a slippery slope towards abandonment of tradition. But R. Landau's pre-Orthodox concern for the larger community of Jews, coupled with his pre-Orthodox capacity for *halachic* rulings that changed the status quo, enabled him to adopt his view and stick to it.¹⁵

¹⁴ Responsa *Shevut Yaakov* II:58.

¹⁵ This example is presented by Moshe Samet, "Beginnings of Orthodoxy," pp. 252-3. But it should be noted that R. Landau's motivations were not necessarily as indicated by Samet, who implies that the problem with the ban was that it was a source of embarrassment to those who worked with non-Jews. In

The move towards segregation constantly accelerated, with the Orthodox constantly dividing itself into further exclusive subgroups, and formally concretizing the segregation in terms of communal organizations and eventually political parties.

III. Attitude to Halachah

As a result of a hitherto unprecedented weakening of people's commitment to halachah, Orthodoxy developed its own novel approach to halachah. This expressed itself in several ways. Standards that had been formerly been a goal for the elite were now presented as the norm for everyone (eventually culminating in everyone being expected to follow standards designated for a *ba'al nefesh*). There was a general move towards stringency, which Chatam Sofer consciously expressed as an intentional countermeasure to the spiritual laxity of the generation.¹⁶ An example of how this policy of stringency filtered through the Orthodox world can be seen by considering Orthodox responses to the question of the permissibility of switching electric lights on and off during a Festival. Amongst North African rabbinic authorities, they all permitted turning electric lights on during a Festival and the majority also permitted turning them off. In contrast, only some European rabbinic authorities permitted turning electric lights on during a Festival and virtually none permitted turning them off.¹⁷

A distinctive feature of the Orthodox approach to halachah was that, in the face of people deciding that certain practices were only custom or rabbinic law and thereby unimportant, the Orthodox responded by canonizing the *Shulchan Aruch*, elevating customs to law, and elevating Rabbinic laws to Biblical laws. A notable example of this occurred with Chatam Sofer regarding the prohibition against eating *kitniyot* (legumes) on Passover. This had been formerly observed as a custom which was abrogated in terms of need, such as during famine. A question was posed as to whether legumes were permissible for Jewish soldiers who had difficulty obtaining suitable food for Passover.

fact, R. Landau's stated reason (*Orach Chaim* 144) was that if they only shaved after the Festival, their stubble would be sufficiently long that shaving with a razor would be a transgression of a Biblical commandment rather than a rabbinic one. His concern was to help them avoid a more serious transgression, not to save them from embarrassment.

¹⁶ Chatam Sofer in Responsa, *Yoreh De'ah* 60, and in *Kan Sofer* (London: Schreiber 1962), letter 61, pp. 54-56. See Michael K. Silber, "The Emergence of Ultra-Orthodoxy: The Invention of a Tradition," pp. 47-49.

¹⁷ Natan Slifkin, "North African Rabbis and Electric Lights."

Traditionally, they would probably have been permitted to eat legumes. But the Royal Westphalian Jewish Consistory ruled not only that it was permitted for these soldiers, but that the custom can be abandoned for all Jews.¹⁸ In response, the custom against eating legumes was rewritten by Chatam Sofer into a formal decree instituted by the Rishonim which could never be annulled.¹⁹ Chatam Sofer explicitly describes his reason for elevating prohibitions in this way:

I understood from our Sages that it is necessary to be one who preserves the Torah. They warned against those who provide an opening and seek leniencies for the radicals of our people who desire them. If these radicals find a minute crack, they will greatly expand it into a breach... Therefore, it is best to elevate and exaggerate the nature of the prohibition... That is because due to our many sins there is a great increase today of people who say they have no concern with Rabbinic prohibitions since G-d did not command them... We find the wicked writing on Shabbos because they claim it is only a Rabbinic prohibition. They have no concern with anything which has been commanded only by our Sages and not by G-d Himself... (Chatam Sofer, *Kovetz Teshuvot* #58)

Another interesting example is *metzitzah b'peh*, the practice of sucking blood from the circumcision wound with the mouth. It was mentioned in the Talmud as being a safeguard against health complications, but in the eighteenth century people became aware that it can cause infection. When the question was posed to Chatam Sofer, he was able to make the simple and accurate observation that *metzitzah b'peh* was instituted as a medical precaution and thus could be freely abandoned if the doctors determined that it was harmful. However, for his disciple R. Moshe Schick (“Maharam Schick,” 1807-1879), the situation was different. In his generation, *metzitzah b'peh* became something that the Reformers attempted to abolish as part of their general approach. It was therefore necessary for Maharam Schick to apply his mentor's approach to this issue,

¹⁸ Michael A. Meyer, *Response to Modernity: A History of the Reform Movement in Judaism* (New York: Oxford University Press 1988), pp. 36-37.

¹⁹ Responsa Chatam Sofer, *Orach Chaim* 122; see Jacob Katz, “Towards a Biography of the Hatam Sofer,” in *Divine Law in Human Hands: Case Studies in Halakhic Flexibility* (Jerusalem: Hebrew University Magnes Press 1998) pp. 429-431.

and to elevate *metzitzah b'peh* to the level of *halachah l'Moshe miSinai*; although whether he was applying this approach consciously or subconsciously is unclear.²⁰

Thus, some characterize the Orthodox approach to halachah as one that invokes meta-halachic considerations, formulated directly in response to the potential weakening of religion, in halachic decision-making.²¹

IV. Opposition to Secular Knowledge

In some earlier times and places, such as fourteenth-century Spain, and Italy from the sixteenth-century, Jews had excelled in secular knowledge. But in general, prior to the eighteenth century, Jews in Europe had simply no possibility of engaging in secular studies. Then, with the Enlightenment, the gates of secular knowledge were opened. It has been proposed that a distinctive feature of Orthodoxy was its staunch opposition to the study of secular knowledge, as well its antagonism to Jewish studies that had been introduced under the secular influence, such as Biblical studies, Hebrew linguistics and grammar.²²

However, this is not so straightforward. While some of Chatam Sofer's successors sought to portray him as unequivocally opposed towards secular studies, this is far from the truth.²³ Chatam Sofer himself was well schooled in secular studies, saw them as useful in understanding Torah, and approved of secular studies for someone with a sturdy religious foundation. Certainly, staunch opposition to secular knowledge was a

²⁰ See Jacob Katz, "The Controversy Over the Mezizah," *Halakhah in Straits: Obstacles to Orthodoxy at its Inception* (Jerusalem: Magnes Press, 1992), 150–183 (Hebrew), translated in idem, "The Controversy Over the Mezizah: The Unrestricted Execution of the Rite of Circumcision," in *Divine Law in Human Hands: Case Studies in Halakhic Flexibility* (Jerusalem: Hebrew University Magnes Press, 1998), pp. 357-402; and Shlomo Sprecher, "Mezizah be-Peh: Therapeutic Touch or Hippocratic Vestige," *Hakirah* 3 (September 2006) pp. 15-66.

²¹ Yosef Salmon, "The Emergence of Eastern European Orthodox Judaism," in Yosef Salmon, Aviezer Ravitzky and Adam S. Ferziger (eds.), *Orthodox Judaism: New Perspectives* (Jerusalem: Hebrew University Magnes Press 2006) p. 378.

²² Samet, "The Beginnings of Orthodoxy," p. 250.

²³ See Meir Hildesheimer, "The German Language and Secular Studies. Attitudes towards Them in the Thought of the Hatam Sofer and His Disciples," *Proceedings of the American Academy for Jewish Research*, Vol. 62 (1996), pp. 129-163; Aaron Schreiber, "The Hatam Sofer's Nuanced Attitude towards Secular Learning, Maskilim and Reformers," *The Torah u-Madda Journal* 11 (2002), pp. 123-173.

feature of the ultra-Orthodox movement in Hungary, with such figures as Akiva Yosef Schlesinger. But the neo-Orthodox, on the other hand, were open to it and even embraced it. And some of Chatam Sofer's descendants and successors continued to cautiously endorse secular studies. As such, it is difficult to describe opposition to secular knowledge as a feature of Orthodoxy.

V. The Role of the Yeshivah

The yeshivah had long been an institution of Judaism, ever since the Talmudic era. However, some argue that its nature, role and prominence significantly changed with the advent of Orthodoxy.²⁴

The most prominent yeshivah was that established by Chatam Sofer himself in Pressburg. This led to the creation of many other yeshivas in Hungary in the same mold, as well as Rabbi Solomon Breuer, a product of Pressburg, establishing a yeshivah in Frankfurt. These yeshivas were much larger than those of earlier generations, which was made possible by the new economic growth in the Jewish community. The yeshivas were also able to attract students from afar, thanks to the increased ability of Jews to move around.

In earlier generations, the yeshivah was merely another component of the community, servicing its spiritual needs and preparing its students for their role in the community. Any visiting students were thus absorbed into the local community. But the new yeshivah, it is argued, was an elite and distinct framework, a "community of scholars," that was separated from the wider community and had its own leadership. In this new system, students were not preparing for their role in the community, but rather were deliberately isolating themselves from the community for the pursuit of studying Torah as its own ideal. It is argued that this was true for the Lithuanian yeshivas even more so than for the Hungarian yeshivas.²⁵ The reason for this is attributed by some to the social structure of the yeshivah,²⁶ and by others to the need to create spiritual fortresses against the threats of modernity that had permeated the wider community.²⁷

²⁴ Ben-David, "The Beginnings of Modern Jewish Society in Hungary in the First Half of the Nineteenth Century," p. 67, 83-90; Samet, "The Beginnings of Orthodoxy," pp. 250-251.

²⁵ Mordechai Breuer, "On the Hungarian Yeshiva Movement," pp. 114-115.

²⁶ Ben-David, "The Beginnings of Modern Jewish Society in Hungary in the First Half of the Nineteenth Century", p. 87, describes how, as an alternative to the economic basis of wider society, the yeshiva

However, others doubt whether the changes are as significant or real as had previously been suggested.²⁸ It is pointed out that many graduates of the Pressburg yeshivah entered the rabbinate, and thus the role of the yeshivah was indeed aimed at servicing the larger community. There is no doubt that a dramatic change in the role of the yeshivah had taken place by the twentieth century with the rise of ultra-Orthodox Judaism, but it is unclear how significantly it had changed by the nineteenth century.

Discussion

Recently there have been challenges to the idea that Orthodoxy is a distinct and significant phenomenon. Aviezer Ravitsky argues that Judaism always superimposed itself on the past, rewriting history in its image, in order to view itself as loyal to the legacy of its forefathers.²⁹ He is correct in this, and thus Orthodoxy is not innovative vis-à-vis the fictitious nature of its self-image. However, Ravitsky claims that because this self-image is not an innovation, therefore Orthodoxy itself is not necessarily so much of an innovation.³⁰ Yet one has nothing to do with the other. The fact of Orthodoxy not being innovative in the *error* of its self-perception as traditional, does not remotely alter the fact that it certainly was an innovation in its approach to Judaism, just as there have been other innovations before and since.

Ravitsky also suggests that academic study of Orthodoxy has reached a crisis point, since the characteristics of Orthodoxy formerly described in academia are not satisfactory for describing the various modern flavors of Orthodoxy.³¹ However, the fact that Orthodoxy has since changed beyond its origins does not mean that the original

society created a system in which a charismatic leader rewarded the efforts of its members with love and esteem.

²⁷ Breuer, "On the Hungarian Yeshiva Movement," p. 114.

²⁸ Gershon Bacon, "Warsaw-Vilna-Budapest: On Joseph Ben-David's Model of the Modernization of Jewry," p. 104; Shaul Stampfer, "Hungarian Yeshivot, Lithuanian Yeshivot and Joseph Ben-David," *Jewish History* 11:1 (Spring 1997) pp. 131-141.

²⁹ "Dimensions and Varieties of Orthodox Judaism," p. 397

³⁰ "Dimensions and Varieties of Orthodox Judaism," pp. 397-399.

³¹ "Dimensions and Varieties of Orthodox Judaism," p. 393. He later refers to a seminar on Orthodox Judaism by the Center for Advanced Studies at the Hebrew University in which participants were unable to formulate a satisfactory definition of Orthodoxy that would include all contemporary groups perceived as Orthodox.

THE NOVELTY OF ORTHODOXY

Orthodoxy was not a very significant change from that which preceded it historically and that which continued to exist in other parts of the world.

Another problem posed by Ravitsky is that if Orthodoxy is defined (as Katz does) as a form of reactionary approach to alternate options, this is nothing new; Judaism always reacted to various threats of alternate options, and Orthodoxy will then just be a particular type of reaction. Yet this would just mean that the act of reacting is not different; it does not negate the fact that Orthodoxy, as a result, made Jewish thought and practice very different from that which preceded it, and secondly, it does not negate the significance of the unique nature of its reactionary approach.

In conclusion: While some of the claimed features of Orthodoxy are not as clear-cut as sometimes presented, it nevertheless seems that there remains more than adequate grounds to classify Orthodoxy as unique modern phenomenon.

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THE NOVELTY OF ORTHODOXY

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