

## Theoretical Aspects of Justice in the Precept of Prophet of Islam

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### Abstract

The present article is an attempt to study theoretical aspects of justice in the precept of the holy Prophet of Islam, by focusing on practical and objective results. In the first place, the necessity and significance of political justice has been explained in three parts. In the next step, the nature, levels and foundation of justice in the viewpoint of the holy Prophet are discussed. For purpose of this study, equality is considered as the foundation of justice in human societies. Finally, the main indexes of justice and signs of justice are elaborated.

In this paper, political justice in the viewpoint of the holy Prophet has two foundations, three levels, a starting point and one main index. The foundations of justice are reason; levels of justice are the universal system of being, society and human beings. The starting point of justice is the power center at any level of political system and naturally the higher levels are more important. Human beings, on the basis of their four important characteristics and their generalization at the level of political system, which is in charge of realization of justice, achieve two results pertaining to method of justice and objective of justice. These two results prepare the grounds for the society to get close to justice. These two results are lack of extremism and welfare and relief which are congruent with the ultimate objective of justice, i.e., happiness and felicity of human beings in the world and the hereafter.

**Keywords:** Prophet of Islam, justice, politics, political justice

## Introduction

A study of the concept of political justice in viewpoint of the holy Prophet is possible through three rather complex methods. First, to study the speeches or statements of the Prophet that explicitly refer to justice and just. Second, besides the first method, to study other speeches, statements, letters, agreements and the practices of the holy Prophet that we perceive to be related to just or justice today. Third, to consider all viewpoints, practices and behaviors of the holy Prophet as an excellent exemplar<sup>1</sup> who enjoys an exalted standard of character<sup>2</sup> as just and justice itself. If the third method is chosen, in the first place, the following question is raised: was every practice of the Prophet just, or, justice is prior and the Prophet acted justly? (Mehrizi, 1997: 188-190). Then an organized discussion of the concept of justice in the precept of the Prophet becomes almost impossible because all his ethical, social, creedal and political speeches and behaviors will be considered parts of the issue of justice.

The second method can be chosen only conditionally and the concept of justice in the precept of the Prophet can be discussed within a conditional framework. The surest method is the first one that has been selected for the purpose of this study. The limitation and difficulty of this method is that there are few remarks and speeches of the Prophet that directly or explicitly refer to just and justice, which hinders a rich discussion of the issue of justice.

Hence, although the present discussion lacks ample references to the explicit remarks of the Prophet about justice, probably it is precise and reliable because it is based on his direct statements about justice. Moreover, the present paper focuses mainly on theoretical aspects of justice in the Prophet's precept, for practical aspects require an independent space. The significance of political justice has been discussed in three parts. In the next step, the nature and levels of justice as well as its foundation in the thought of the holy Prophet have elucidated. Equality has been taken and discussed as the most important foundation of justice in human societies. Finally, the indexes of justice have been explained in two parts, i.e. signs of justice and main index of justice.

## Theoretical Foundations and Framework

### 1. Stages and Levels of Justice

In order to depict a picture of theoretical aspects of justice in the viewpoint of the holy Prophet, four traditions handed down from the Prophet have been picked up for the purpose of this study. In the said four traditions, justice begins from the largest segment of the system of being and encompasses four stages which include the tiniest part of being, while one of the main objectives of the creation has been taken into consideration in this tiniest part. The first stage encompasses the entire being or the entire universe. The holy Prophet said: "Justice is the scale of God on the earth, one who practices it, will be led to paradise and one who discards will be landed

1. "Certainly you have in the messenger of Allah an excellent exemplar..." (The Quran, 33: 21).

2. "And you [Prophet] (standest) on an exalted standard of character" (The Quran, 68: 4).

in the hell.”<sup>1</sup> Therefore, justice is what has sustained the universe and manages its regular rotation. The Prophet’s statement implies that the universe does not have any discretion in accepting or rejecting the justice that dominates it and must inevitably accept it.

The second stage of justice applies to human communities and societies. The Prophet states that justice is the criterion and scale of God on the earth and among human societies and all should evaluate themselves with it. One who pays attention to this criterion has chosen the right path of felicity and happiness and one who discards it has chosen the wrong path of misery.<sup>2</sup> The second part of the Prophet’s speech explicitly states that observation of this criterion would lead people to felicity and paradise and its negligence would lead to misery and fire of hell. This emphasis shows that the target of justice is human society and man’s day-to-day life. Hence, justice, which is a divine criterion, is meant for all human societies and should be administered in all sociopolitical interactions and challenges and in cases of conflict of interests as well. Therefore, at the second stage, justice is the criterion of God for measuring human societies. Also the second part of the Prophet’s statement shows that human beings choose this criterion on their own will and make it compatible with their practical conditions.

The third stage is very particular one and links justice to man’s knowledge and understanding as well as his individual life. The statement of the Prophet has four elements: First, deep understanding and comprehension; second, blossoming of knowledge or acquiring higher levels of knowledge.<sup>3</sup> Here, there are differences between understanding or comprehension and knowledge. Understanding is an epistemological process which occurs within human being and changes his worldview. Knowledge is his skill and expertise. The third element of justice is the Sharia laws or commandments; and; its fourth one is tolerance and broadmindedness. These four elements of justice have systematic relations and will lead to a particular result. This result can help us find out a definition for justice. With regard to interrelationship between the said elements, it should be borne in mind that deep understanding is prior to others. Given the difference between understanding and knowledge, as mentioned above, probably deep understanding means that human beings should search for understanding of the truth and reality as much as possible in accordance with their abilities without any presupposition, prejudice, grudge, vested interests and instrumental approach to understanding and knowledge. It is after this stage that man is able to understand the totality of knowledge and his knowledge blossoms and becomes noteworthy.

Basically, knowledge and science enjoy a high status in the sociopolitical thought

1. The Prophet of God said: “Justice is the foundation of heavens and earth” (Kashani, 1982: 107).

2. The Prophet of God said: “Justice is the scale of God on the earth, one who practices justice, it will lead him/her to paradise and one who discards it, will be landed in the hell” (Al-Tabarsi, Vol. 8, 1988: 317-318).

3. The holy Prophet said: “Justice has four dimensions: deep understanding, blossoming and truth of knowledge, rules and regulations of judgment, and tolerance. He, who achieves deep understanding, can interpret knowledge, one who achieves the truth and blossoming of knowledge, would understand the rules and sources of issuing a verdict, and one who is tolerant, would be serious in his work and would live among people in comfort and peace (Hindi, 1979: 286, tradition no. 1389; Reyshahri, 1983: 84).

of the Prophet. He maintained that one who takes a measure or plays a role or shoulders a responsibility without knowledge would cause more harm and negative results than rendering services.<sup>1</sup> Naturally, knowledge and expertise plays a key and pivotal role with regard to a crucial issue such as justice.

He whose knowledge blossoms and acquires awareness of the totality and role of knowledge, would understand the Sharia commandments – as well as the principles of judgment and governance. Although up to this point some parts of the path to justice have been traversed, it cannot be called justice yet. The next requirements would be tolerance and high level of patience. If these four elements are acquired then justice will be accessible. One result will be related to the method of justice and another to the objective of justice. The result related to the method of justice is lack of extremism (moderation); hence, one who acquires all the four elements of justice would not go to extremes. The result related to the objective of justice is welfare and peace in man's life that will be achieved as a result of acquisition of the said elements.

In the fourth stage, the description of justice is more detailed, precise and of course more important. At this stage, justice has a function which is the very objective of the creation of man. However, this goal must be necessarily achieved in this world, that is, in the society and in man's lifetime. This goal may be achieved both in this world and in the hereafter or only in the hereafter. In other words, probably human beings should realize that in the first place justice is the foundation of the system of creation, without which this system is not sustained. Secondly, man by realization of the fundamental role of justice and considering it as a role-model as well as relying on other divine commandments would administer justice in the society. Thirdly, man would gain knowledge of justice and use it in his individual affairs, if it is not realized in the society. Fourthly, justice should finally lead to happiness, felicity and salvation of man in this world and in the hereafter.

In the fourth stage, the Prophet has said: fairness in happiness and anger is among the things that save man.<sup>2</sup> If satisfaction, dissatisfaction and anger are the most important traits of human beings, they include all the traits. The arena of administration of justice is absolute. Therefore, man should be just whether he is happy or satisfied with his life condition or not, whether he is angry or not, whether administration of justice is in the favor of himself and relatives nor not and whether it is congruent with this viewpoints and vision or not. In this case, justice would save and redeem him and this redemption may include anything, such as redemption from oppression, insecurity, violence, poverty, etc. in this world and redemption from the fire of hell and divine chastisement in the hereafter.

On the basis of what was discussed above, the following five statements may shed light on the concept of justice in viewpoint of the Prophet:

1. The universe and the system of creation are based on justice;

1. The holy Prophet said: "He who acts without knowledge, would corrupt more than he would correct" (Al-Harani, 1978: 46).

2. The holy Prophet said: "Verily, fairness in happiness and anger is among the things that save man" (Al-Harani, 1978: 10).

2. Justice is a criterion and measurement scale that God the Almighty has set for human societies;
3. Realization of justice in society is subject to deep understanding, high level of knowledge, Sharia commandments, broadmindedness and tolerance;
4. Administration of justice in the society would prevent extremism, and brings about welfare, peace and happiness in this world and salvation and felicity in the hereafter;
5. Administration of justice redeems man in the world and in the hereafter.

## 2. Basis of Justice in the Society

Justice must have a solid base in human society to start from one point and keep it safe against threats and impediments. In other words, justice needs a firm foundation to be used as a starting point. This foundation on its turn must enjoy a strong theoretical framework to be able to create a high level of consensus and conciliation among human beings. It seems that the firm foundation of justice in viewpoint of the Prophet is primary, essential “equality” of all human beings. The Prophet has been quoted as saying: “people are equal like the teeth of a comb”.<sup>1</sup> The holy Prophet mentioned this equality as an unalterable principle in many other cases in different expressions and concomitant with the understanding of the people of his time tried to remove any cause that could undermine this equality. For instance, he refers to taking pride in race or color, mentioning that since all human beings come from the same parents they are all equal.<sup>2</sup> However, this is the primary, natural and essential equality, but the criterion for superiority is only virtue and piety, which is merely related to the hereafter and does not create any economic or social privilege or superiority for anybody in this world (Ibn Abi al-Hadid, 1967: 37; Reyshahri, 2000: 106-107).

The holy Prophet maintained that inequality creates rift and undermines cordial relations.<sup>3</sup> This inequality is a secondary and social issue, which does not erode the primary equality of all human beings. In fact, people of every society form their behaviors based on their beliefs and attitudes towards the society in which they live. The level of their satisfaction of their life and community depends on the degree

1. The holy Prophet said: “People are equal just like the teeth of a comb” (Nahj al-Fasahah, 1998: 635, tradition 3149; Ya’qubi: 100; Shaikh Saduq, n.d.: 379).

2. The holy Prophet said: “O, people, bear mind that verily your Lord is One, your father is one, hence, no Arab is superior to non-Arab, no non-Arab to Arab, no black to colored, no colored to black, except because of virtue (piety)” (Al-Harani, 1978: 33); The holy Prophet said to Ali: “O, Ali, indeed, the Almighty God with the introduction of Islam eliminated the ignorance system and the pride they took in their ancestors; bear in mind that people are from Adam and he was made of clay and the most dignified of them (human beings) before God is the most virtuous one” (Neishaburi, 1995:363; Nahj ul Fisahah, 1998: 89, tradition 467; Waqidi, 1990: 639). People are equal in Islam, all of them are children of Adam and Eve; there is no superiority of an Arab over a non-Arab nor of a non-Arab over an Arab, except because of their fear of God (virtuousness) (Ya’qubi, n.d.: 110).

3. “Be equal with each other and don’t be different so that your hearts would not be a part from each other” (Neishaburi, 1995: 363).

of their happiness and social capital that are rooted in their attitudes and beliefs. In an unequal society, normally a group of individuals or classes hate another group or class, arguing that their rights are trampled upon by them. Since, they cannot directly confront them or take their rights back, they show indirect reaction in any possible opportunity and resist covertly. All these are to the detriment of social integration.

### 3. Starting Point of Political Justice

A serious question regarding the administration of justice is: why is it hard or almost impossible to realize justice in some societies? There may be several answers to this question. In other words, the difficulty of administration of justice has different reasons, one of the most important of which is related to the starting point of the early stages of justice. Where should one begin to realize justice? This fundamental question may be divided into two more precise questions. First, who should begin the realization of justice? Second, whence should the realization of justice begin? The answer to these different questions is almost similar. It seems that in the viewpoint of the Prophet, the leaders, rulers and managers of the society are the ones who should start the realization of justice, and, its starting point is the political system. In other words, in every society and its organization or institution, realization of justice should begin from the most central point of power and the rulers and people in authority should be the initiators and at the same time their relatives and those who are close to the center of power must not be allowed to influence them. It does not mean that the political elites are the administrators or realizers of justice, rather the rulers are the root (initiating) cause and sustaining cause of justice.

Naturally, just structures and trends must be established for the realization of justice. Who should establish these structures, or who should be the advocate of their establishment? The masses, the poor, the writers, the researchers and those who need justice cannot establish justice. The realization of justice requires authority and power of legislation and execution which are wielded by the rulers and administrators.

Political justice is conceptually a pre-power term, but practically it is post-power. Power and free-will are the first necessary conditions and hence justice must begin from this very point. However, it is not enough and it requires another important factor, i.e. epistemological, scientific and professional backing, which can be provided by the thinkers, scholars, experts and theoreticians of justice. One may infer from the interpretation of the Prophet's words that justice entails that everyone should start from himself. By "self" here we mean all prerogatives and powers that one has at his disposal. Justice is realized in the family if a father starts from himself in the family; it is realized in the school if a principal starts from himself and his close colleagues, and it is realized in the society if the ruler is the initiator.

Imam Ali and his wife Fatima were the most loved ones by the Prophet. He told them: I would not leave the poor of Sofa to do you a favor (Qutb, 1973: 202). This indicates and underlines justice in distribution of wealth, which is the most important part of justice. He added: the Israelites would not punish the luminaries and aristocrats when they committed theft, but if a weak person would do so, they would mutilate his hands. If my daughter, Fatima, commits a theft, I will get her hand mutilated (Qutb, 1973: 202). This is an indication of equality of all before the law (lack of

discrimination). The Prophet also maintained that the reason for the decline and fall of the previous nations and peoples was discrimination in the implementation of the law and divine commandments, i.e. they would apply them to the poor but not to the rich (Al-Tabarsi (1988: 7). This statement refers to criminal justice which is in fact a bitter part of human history. Sayyid Qutb states: the Prophet of Islam considered the same rights for himself and the rulers that he did for the public and did not allocate any extra right to himself and the rulers. If there were any complaint against him, he would punish himself unless the plaintiff would pardon him (Qutb, 1973:202).

#### 4. Indexes Preparing the Grounds for Political Justice

There are several signs that indicate which act which criteria can prepare the grounds for justice. However, there is one main index that under all circumstance can verify whether a system is just nor not that will be discussed below. The grounds of justice in day-to-day activities are observable and verifiable. Some of these grounds and criteria were mentioned by the Prophet whenever there was an inquiry or an appropriate context. For instance, the Prophet maintained that a ruler is just who talks to the people but does not lie them and promises but does not break his promise.<sup>1</sup> Some other indexes that prepare the grounds for justice are: the real role of all individuals should be taken into consideration in the administrative and political systems, even if they don't enjoy a high level of power and influence. During the Battle of Badr, Sa'd Waqas, a commander, protested against the way Prophet distributed the war booties equally among all and asked why did not he give more hares to luminaries. The Prophet alluded to the fundamental role of other forces, saying the victory was achieved because of the endeavors of the weak people (Qutb, 1973: 202).<sup>2</sup>

Another issue related to the contexts and signs of justice which can be traced in the statements of the holy Prophet is that of wealth and poverty. The holy Prophet clearly stated that God has allocated the sustenance and a share for the poor in the properties of the rich. In other words, some parts of the properties of certain people have not reached them due to certain reasons and have been obtained by others.

This is why if the poor remain unduly hungry and without immunities, it is the sin of the rich and God is entitled to punish them with the fire of the hell.<sup>3</sup>

There are certain points regarding this statement of the holy Prophet:

First, it indicates that the poor have some "rights" (share or sustenance) in the

1. The holy Prophet of Allah said: "One, who works with the people who are under his (rule) but does not wrong them, talks to them but does lie them, and makes promises but does not break them, is among those who are just and brotherhood with him is obligatory and backbiting him is prohibited" Majlesi, 1982: 162; Shaikh Saduq, 1982: 208; Reyshahri, 2000: 85; Al-Harani, 1978: 56).

2. Sa'd bin Abi Waqas said: "O, Prophet of Allah, do you give [war booties] to the heroes who defend the people a similar share with the one you give to the weak people? The Prophet said: did not we achieve victory because of the efforts of the very same people?" (Majlesi, Mohammad Baqer, 1982: 214; Hakimi, 1989: 326).

3. The Prophet said: "God has allocated the sustenance and a share for the poor in the properties of the rich, if they remain hungry and without sustenance, God is entitled to punish them with the fire of the hell" (Al-Tabarsi, Vol. 7, 1988: 24).

wealth of the rich and they are obliged to return this share to them. Therefore, if they don't return this share, they are indebted and their wealth is impure and illegitimate. Hence in order to discharge their duties and repay their debt, it is necessary to return these shares to their real owners. The word "right" is used for sustenance or share because if it is not returned to the one who is entitled to it, then it entails punishment and chastisement for the wrongdoer.

Second, why and how a portion of the wealth of the rich becomes a "right" of the poor? Normally, a rich person gains his/her wealth through efforts and endeavors, inheritance, gift or any other legal means. On the other hand, on the basis of the principle of primary equality, as a basis of justice, when a human being is born, he/she is entitled to equal right with all other human beings to the existing resources and opportunities in the society. As human beings are born, they have a share in the resources and opportunities of their societies, which is equal to others. As a result, with the birth of people, on the one hand, the resources and opportunities become more limited – for they should be divided between a greater number of human beings – and on the other hand, more resources and opportunities are created due to social and economic developments and growth, which are the sum total of collective efforts of human society and in this case too all human beings are entitled to equal shares of the new opportunities and resources. In other words, resources and opportunities are not unlimited. At the same time, due to various reasons, including ability, creativity, intelligence and efforts of individuals, some people or groups utilize the resources and opportunities more than others and gain more wealth. What is for certain is that if all members of the society – including the poor – would enter the scene to utilize the resources and opportunities – the grounds would not have been so easily prepared for certain people to make more use of the resources and opportunities. One may infer that the rich owe their success to the absence of the poor, but this absence does not eliminate their primary rights. The people, who actively make use of the resources and opportunities and make fortune, can do so because of an open and a latent reason. First, their personal efforts and creativity; and second, opportunities and the grounds that are prepared for them but belong to all members of the society, including the poor, weak and handicapped. However, the second reason, which is the latent one, is the absence of some members of the society – for instance, the disable, the handicapped, the ones died due to accident, etc. – in the arena of competition that has helped the active people to gain more because the grounds are more prepared for them. As a result, the rich are entitled to that portion of their wealth which is the result of their own efforts and belongs to them, but the second portion of their wealth belongs to the society, i.e. those members of the society that due to any reason cannot become active in economic sector or don't have enough income and are considered poor. As mentioned above, the share of the poor and handicapped in the wealth of the rich that was mentioned by the Prophet has reached them through a complicated social process. Therefore, in today's complex societies, it is desirable to pass certain laws and regulations to return the rights (shares) of the poor to them through systematic and legal manners.



### 5. Main Index of Political Justice

The index of justice is the most fundamental and crucial foundation on which one can develop the theory of justice in Islamic thought (See: Alikhani, 2003). In fact, the establishment of justice requires a plan, in which the trend of decision-making is stipulated. The question that is raised in this regard is: what phenomenon or factor ensures the justness of a plan or decision? Since plans are prepared by individuals (administrators) – individually or collectively – and since decisions are mainly made by individuals (administrators and power wielders) individually or collectively, one should focus on individuals to ensure justness of plans and decisions. Since human beings may resort to hypocrisy and conceal their real intentions when they face conflict of interests, the criterion (to ensure justice) that has been chosen as the index of justice for the purpose of this study, should be such that rules out any possibility for hypocrisy and pretention and truly bind the individuals to plan and make decisions justly. Planning and decision-making either aims at distributing the opportunities and resources or determining the social class or status of individuals or may be related to the status, position and kind of interaction and behavior of individuals. The decision-makers or a decision-maker may decide on international, regional, state, city or group levels, or may make a personal decision in relation to another individual – for instance, treatment of a neighbor. In all these cases, on the basis of Islamic political thought, one index can be offered for the measurement of justness of a decision. The index is as follows:

“The decision-makers like for themselves what they like for others and be happy if they change their place with the subject of the decision they make.”

In other words, a decision-maker likes for himself/herself what he/she decides to be good for others and dislikes for himself/herself what he/she dislikes for others. It means that he/she should decide for others and treat them in the same manner that he/she likes others to decide for or treat him/her. It also means that a decision-maker should put himself in others’ shoes and then be happy with the same decision or treatment as a just one. The index for the purpose of this study is: “what you like for others like for yourself and what you dislike for others dislike for yourself as well.” The Prophet of Islam and the Shia Imams have been repeatedly quoted as saying the same statement in different wordings.<sup>1</sup>

In the end of this theoretical discussion, based on the viewpoints of the holy Prophet, the concepts of justice and political justice are defined for the purpose of this study.

Justice is a set of suitable, goal-oriented rules which are necessary for the

1. For instance: The Prophet said: “The fairest of the people is he who likes for the people what he likes for himself and dislikes for them what he dislikes for himself” (Reyshahri, 2000: 88; Nahja al Fasahah, 1998: 6, Tradition No. 340; Majlesi, 1982: 114); The Prophet said: “Like for the people what you like for yourself to be the justest of people” (Hindi, 1979: 44145; Reyshahri, Vol. 7, 2000: 35, Vol.: 89). The holy Prophet said: “He who treats the people in the same manner that he likes people to treat him is a just person” (Reyshahri, Vol. 6, 2000: 85).

The Prophet said: “O, Ali, what you don’t like for yourself, don’t like for others and what you like for yourself, like for your brother to be just in your verdict, equitable in your justice, loved by the dwellers of the heavens and beloved of the dwellers of the earth” (Al-Harani, 1978: 15; Majlesi, Vol. 77, 1982: 67).

existence, continuation and performance of any function or phenomenon. These rules are inherent in the natural objects that lack reason.

Political justice is a set of suitable and goal-oriented rules developed with the help of reason and knowledge based on equality of all human beings to manage the affairs of the society in the best possible manner under any circumstances provided that the decision-makers will be content with the same decision to be applied to them as it is applied to the subjects of their decision.

### **Conclusion**

The main thrust of this research was to depict a picture of the concept of justice in the political thought of the holy Prophet of Islam. Indeed, it is not possible to offer a comprehensive discussion of the concept of justice in a short paper. Therefore, attempts have been made to analyze some of the remarks of the Prophet about justice. Justice can be considered as part of main doctrines of Islam. One of the missions of the divine prophets, including the Prophet of Islam, was establishment of justice. This presumption sheds light on the significance of two issues: first, the necessity of discussing political and social justice in Islamic doctrines and texts; and second, extraction of some principles and foundations for justice to help us establish justice in our time and in our society. Most of the existing studies on justice in Islam have paid attention to its general aspects and have merely recommended the administration of justice without discussing the details, indexes, methods of realization and nature of justice. Consequently, the existing literatures do not discuss the way of establishment of justice in the society in our time.

The present paper was an attempt to shed light on some theoretical aspects of justice in the precept of the holy Prophet of Islam to prepare the grounds for discussion of the referents and plans of justice in the future studies. Although the main thrust of the paper was theoretical aspects of justice, it touched the objective results in practice, for these practical results should be first gained in theoretical field to develop a reliable theory and then implement it. The findings of this paper indicate that political justice in the viewpoint of the holy Prophet has two foundations, three levels, a starting point and one main index. The foundations of justice are: reason and equality. The levels of justice are: the universal system of being, society and human being. The starting point of justice is the center of power at any level of the political system and naturally the higher levels are more important. The main index of justice is an unquestionable Islamic principle, i.e. "love for others what you love for yourself and dislike for others what you dislike for yourself."

Human beings, on the basis of their four important characteristics and their generalization at the level of political system, which is in charge of realization of justice, achieve two results pertaining to method of justice and objective of justice. These two results prepare the grounds for the society to get close to justice. These two results are lack of extremism and welfare and relief which are congruent with the ultimate objective of justice, i.e., happiness and felicity of human beings in the world and the hereafter.

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