

# Law and Love in Judaism

Norman Solomon

Love is about the quality of relationships; law is about the ordering of society. Both are fundamental to Torah and fundamental to life. For the most part they work together harmoniously, but occasionally they conflict, as in Shakespeare's story of Romeo and Juliet, where the "star-crossed lovers" fall foul of the unjust law of the Montagus and Capulets.

## Love

Several words are used in the Hebrew scriptures to convey loving relationships of one sort and another. The root *ahav* is used for love between people, including parental love, love of a sexual nature, or 'Platonic' friendships: Ahasuerus loved Esther more than any other woman (Esther 2:17); David loved Jonathan with a love "surpassing the love of women" (2 Sam 1:26); Rebecca loved her son Jacob (Gen 25:28); Michal loved David (1 Sam 18:28). It can be used also of illegitimate love, such as the incestuous passion of Amnon for his half-sister Tamar (2 Sam 13:4). It is commonly used for love of or by God.

Biblical writers use a wide range of terms to indicate aspects of love, both good and bad, but precise equivalents in other languages are not available. So, for instance, *hesed*, often translated as "lovingkindness" or "compassion", *rahamim* "mercy", *habab* "endearment" and other words indicate positive aspects of an event or relationship, whereas *hamad* "covet" or *ta'av* "desire" are more likely to be used negatively. To equate specific Hebrew terms with, for example, a later Greek distinction between *agapē*, *philia*, *philaulia* and *eros* is as misleading as it is to read into the Hebrew scriptures a sharp division between love of God as 'spiritual' and love between the sexes as 'carnal'; the one root *ahav* applies to both equally and the Septuagint, as illustrated below, translates with ἀγαπή *agapē* and derivatives in both contexts.

The Deuteronomic Code prescribes love: "You shall love the Lord your God with all your heart, with all your soul and with all your might" (Dt 6:5) (LXX ἀγαπήσεις *agapēseis*).

God loves you too, at least for the sake of your fathers: "Because he loved your fathers, He chose their heirs after them ... led you out of Egypt" (Dt 4:37). You are "Israel, my servant, whom I have chosen, the seed of Abraham whom I loved" (Is 41:8); because He loved you, he changed Balaam's curse to a blessing (Nu 23:6). Reproaching Israel for infidelity the prophet Jeremiah, speaking in God's voice, recalls: "I remember the affection of your youth, the love of your espousals, how you followed me through the wilderness" (Jer 2:2); promising redemption he proclaims, "I loved you with eternal love" (Jer 31:2). The

prophet Hosea dwells on the love between God and Israel that arises within their covenantal relationship; God and Israel are pictured respectively as a loving, forgiving husband and errant wife

The command to love God is not the only one to govern our relationship with Him; indeed, it can only take effect once we become aware of His presence, and this will first of all inspire awe, or fear. So we are also told to fear and obey Him. He will not stand for unfaithfulness: “For the Lord your God is a zealous God – lest the anger of your God blaze forth ...” (Dt 6:15) No single image covers the relationship between God and people; as well as lover and beloved we have king and subject (Judges 8:23), shepherd and flock (Psalm 23), owner and possession (Ex 19:5), doctor and patient (Ex 15:26; Ps 147:3) father and child (Dt 14~:1), judge and plaintiff (Job 9:15) and others.

The Code of Holiness, framed in the language of law, prescribes love of neighbour: “You shall love your neighbour as yourself” (Lev 19:18) (LXX ἀγαπήσεις). Deuteronomy extends the commandment beyond your “neighbour”: “You shall love the stranger, for you were strangers in the land of Egypt” (Dt 10:19) (LXX ἀγαπήσετε τὸν προσήλυτον *agapēsete ton prosēluton*)

The Psalmist calls on men to “shout with joy” to the Lord because He “loves what is right and just; the earth is full of the Lord’s faithful care” (Ps 33:3-5); “The Lord loves what is right, He does not abandon His faithful ones” (Ps 37:28); and “The Lord preserves all those who love Him” (Ps 145:20). Conversely, the Lord hates seven kinds of evil (Prov 6:16 f.), but is not said to hate people, though he might punish those who hate Him.

Wisdom personified, as in *Proverbs*, commends love: “A man who loves wisdom will bring joy to his father” (Prov 29:3); love brings peace and harmony: “Hatred stirs up strife, but love overcomes offence” (Prov 10:12). Even Kohelet, for whom “all is vanity”, concedes that love – human love, between man and woman – makes the world bearable: “See life with a woman whom you love” (Eccl 9:9).

The *Song of Songs* is the book of love *par excellence*. But of what love does it speak? Superficially, it speaks of human love and no other; there is no unequivocal reference to God. But as Naftali Rothenburg has argued, it is incorrect to categorize the work for that reason as “secular”:

The dichotomous approach reached its apex in the early Middle Ages ... The ultimate expression of this approach is the idea of human love as a material, rather than a spiritual phenomenon. Although such a view may have existed on the margins of ancient society, it was by no means a dominant cultural force. *Song of Songs* was no more “secular” in their eyes than agriculture or natural phenomena. Spirituality and longing for God could be expressed in every area of life, while continuing to relate to life itself, to the passions and aspirations that are an essential part of human nature. (Rothenburg 2017, Chapter 4.)

We shall see below how the Rabbis read the book, but at the very least its presence in scripture indicates that love, including among humans and between the sexes as well as of and by God, is a good thing, to strive for.

## Law

We now turn to law. Hebrew *torah* and English “law” have overlapping, but different semantic fields. *Torah*, from a root meaning to teach or instruct, may be used in any of the following senses:

1. Occasionally, it refers to a law, group of laws, or instructions relating to a specific topic (e.g. Lev 6:2; Ezek 43:12; Hag 2:11).
2. It may denote the way of life revealed by God through a prophet: “Remember the Torah of Moses my servant” (Mal 3:22).
3. When the Pentateuch (Genesis, Exodus, Leviticus, Numbers, Deuteronomy) came to be accepted as a whole possessing unique authority it was known as “The Torah”.
4. In later Jewish parlance, it may refer to scripture and tradition as a whole.

In most contexts “teaching” or “way” would be a closer rendering than “law”, since *Torah* suggests helpful guidance rather than compulsive legislation, let alone burden.

Hebrew *mitzva* is awkwardly rendered “commandment”, since it derives from a root meaning “command”. Unfortunately, English “commandment” implies something you have to do against your will just because it is ordered by a person in a position of seniority. *Mitzva* does not sound like that. A *mitzva* is not so much an order as a privilege; I am glad to have the opportunity to do “the good deed”. I visit the sick or donate to charity (two common *mitzvot*) not because I am ordered to do so by a powerful Being, but because that Being has graciously revealed to me the best and happiest way to live and I am now in a position to put it into practice. Or I may learn that some religious observance, say presenting first-fruits in the Temple, is a *mitzva*, and I will perform it with joy and satisfaction.

*Torah* and *mitzva* are nicely combined in *Proverbs* (6:1 and 23): “My son, keep to the *mitzvot* of your father and the *torah* of your mother ... *Mitzva* is a lamp, *torah* a light”.

*Mishpat* is appropriately translated “judgement”. It is a narrow term, indicating “correct decision in a particular case”. Abraham requested it from God on behalf of the people of Sodom (Gen 18:24);

Solomon established his reputation for it through his decision in the case of the two prostitutes (1 Kings 3:28); the plural *mishpatim* heads a collection of specific laws in Exodus 21-23”.

In the post-biblical period the term *halakha* came into use to denote specific rules within the system. It is of wider application than English “law” or Hebrew *mishpat*, since it covers not only civil and criminal law, but ethics and religious observance.

The Hebrew scriptures consistently regard the *mitzvot* as God’s gift to humankind, the token of His love, the means by which, with His help, people may avoid sin and enjoy life. Psalm 19, with the aid of four different terms for “law”, expresses this perfectly. Its opening declaration of the wonder of creation of heaven and earth is paralleled by this fulsome affirmation of the wonder of the law:

The teaching (*torah*) of the Lord is perfect, renewing life;

The decrees (*‘edut* “testimony”) of the Lord are enduring, making the simple wise,

The precepts (*piqudim*) of the Lord are just, rejoicing the heart;

The instruction (*mitzva*) of the Lord is lucid, making the eyes light up. (Ps 18:8-9. JPS trans.)

Love and law work in unison; there is no dichotomy.

## The Rabbinic Period

Nor did the Sages of the Talmud who defined subsequent Judaism set up any dichotomy between love and law. One of their most lasting achievements was the consolidation of the forms of daily prayer which remain to this day the basis Jewish worship. The set morning and evening prayers are built around two elements, recital of the Shema, containing the declaration of God’s unity and the command to love Him “with all your heart, soul and strength”, and the silently-recited *tefilla* (prayer), a compilation of praise, petition and thanksgiving. Prior to the Shema two blessings are recited, the first praising God for bringing the day (or night, as the case may be), and the second, known as *ahava* (“love”) invoking His love for the people Israel. Here is J. Sacks’ translation of the evening *ahava* as in the Orthodox Ashkenazic rite:

With everlasting love You loved Your people, the House of Israel. You have taught us Torah and commandments, decrees and laws of justice. Therefore, Lord our God, when we lie down and when we rise up we will speak of Your decrees, rejoicing in the words of Your Torah and Your commandments for ever. For they are our life and the length of our days; on them we will meditate day and night. May you never take away Your love from us. Blessed are You, Lord, who loves His people Israel. (*Authorised Daily Prayer Book*)

Torah, that is the “law”, is received as the expression of God’s love.

Debate as to the canonical status of the *Song of Songs* is attributed to second-century rabbis. A brief report in the Mishna (*Yadayim* 3:5) ends with this outburst:

Heaven forbid! declared Rabbi Akiva. No Israelite [sage] ever suggested that the Song would not defile the hands! The whole world was never as worthy as on the day on which the Song was revealed to Israel! All scripture is holy, but the Song is holy of holies! If there was any disagreement, it could only have been about Kohelet (Ecclesiastes).

(“Defile the hands” here indicates sanctity of the text.)

Rabbinic interpreters read the Song metaphorically: “the beloved” is God, “the bride” is “the Congregation of Israel”, the marriage took place at Sinai and the bride seeking her beloved is Israel in exile seeking God and looking to her restoration. So a simple verse, “He brought me to the banquet room, and his banner of love was over me” (Song 2:4 JPS), is paraphrased in Aramaic as: “Said the congregation of Israel: ‘He brought me to the study house of Sinai to learn the Torah from Moses the great scribe and I received the text of his commandments with love, saying, “Whatever you command I shall hear and obey”’.”

Far-fetched as this interpretation is, two things are clear. Love (between God and Israel) is central to the relationship, and this love is articulated through the words and commands of Torah.

This does not imply that ‘mere’ human love is to be despised. As Rothenburg (2017 chapter 4) has written, “We must come to the conclusion that [the *Song*] is a semi-allegorical work. In Song of Songs, love itself is an exalted end—the harmony of emotional longing and physical union. There is no distinction between the ideal of love, in all its purity, and religious-spiritual elation. The latter cannot be understood without the experience of love. Uniting in love (two that become one)—the ‘knowledge’ between man and woman—embodies the idea of universal unity, and serves as the conventional allegory of the bond between man and God.”

Allegorical interpretation of the Song remains a major inspiration for Jewish religious poetry and mysticism.

## Love of Mitzvot

The lover seeks to do what will please the beloved. How do you know what will please him/her? Israel’s answer is straightforward: God, the beloved, will be pleased if you live by the rules of his Torah.

Perhaps observing throngs filling the towns to hear the rabbis expound the Torah, Rav H̄isda (3<sup>rd</sup> century Babylonian) observed:

“God loves the gates of Zion more than all the tents of Jacob (Ps 87:2)”: God loves the gates festooned with *halakha* more than all the synagogues and study-houses.

(*bBerakhot* 8a)

The very clothing and homes of Israel are reminders of God’s love:

Israel are loved [by God, for] the Holy One, blessed be He, has surrounded them with *mitzvot*: tefillin on their heads and arms, fringes on their garments, mezuzas on their doors. (*bMenaḥot* 43b)

More than anything, God loves the restrained, temperate, congenial person:

The Holy One, blessed be He, loves three: one who doesn’t get angry, one who doesn’t get drunk, and one who doesn’t insist on his opinion. (*bPes* 113b)

Ideally, one should serve God out of love. But even to serve out of fear of the consequences of disobedience carries reward:

What is the difference between one who acts from love and one who acts out of fear? It is as it was taught: Rabbi Simeon ben Eleazar says: Who acts out of love is greater than who acts out of fear, for [the reward for the latter] extends to a thousand generations (Ex 20:6), [for the former,] to two thousand (Dt 7:9). (*bSota* 31a)

The fear of God, as *Proverbs* repeatedly tells us, is at least the *beginning* of wisdom. The fourth-century teacher Abbaye called on his disciples always to act in such a way as to lead others to the love of God, but may not have felt confident that they were able to maintain that elevated level; he is said to have remarked to them frequently: “Always be resourceful in the fear of God”. (*bYoma* 86a)

## Martyrdom

At the extreme, the lover is ready to sacrifice all for the sake of the beloved. In relation to God, this may culminate in martyrdom. In Rabbinic Judaism the classic illustration is the martyrdom of Rabbi Akiva, who fell victim at the time of the Bar Kochba Revolt in the 130s. His martyrdom, allegedly for teaching Torah in defiance of a Roman edict, is graphically described, if with variations, in both the Palestinian (*yBerakhot* 9:5 / 14b) and Babylonian Talmudim and further elaborated in Midrashim. Here is part of the Babylonian account:

One should bless God for bad things as one blesses Him for good, as it is said: “You shall love the Lord your God with all your heart etc.” – “With all your heart” [means] with both inclinations, the good inclination and the bad inclination; “with all your soul” means even if He takes your life; “with all your strength” means with all your possessions or, alternatively, for whatever he “measures out” to you, render thanks to Him. (b*Berakhot* 54a)

When they brought Rabbi Akiva out for his execution it was time to recite the Shema, and they were combing his flesh with iron combs. As he took upon himself the yoke of heaven his disciples asked, “Master! Thus far?” He replied, “Throughout my life I was troubled by this verse, “[Love God] with all your soul” [, meaning,] even if He takes your life; now that the opportunity has come should I not fulfil it?” He lingered at the word “One” until his soul departed.

A heavenly voice issued forth and proclaimed, “Happy are you, Akiva, for your soul departed at ‘One’!”

The ministering angels then asked the Holy One, blessed be He, “Is this the Torah, and this its reward? ‘Arise, O Lord, deliver my life ... from men’”. He replied “Their portion is in life!” (Ps 17:13-14)

The heavenly voice then proclaimed, “Happy are you, Akiva, for you are ready for the World to Come!” (b*Berakhot* 61b)

The precise wording of the report, “Throughout my life I was troubled ...” indicates that martyrdom is not, in the view of the Rabbis, something to be *actively* sought, though it must be courageously accepted if and when the occasion arises.

## Translating love into law

For most people love of God is not expressed through martyrdom but through steadfastly adopting a pattern of life ‘in tune’ with God and His universe. The Rabbis, when they developed, on the basis of biblical text and living tradition, the comprehensive system of *halakha* presented in the Talmud and subsequent Codes, were aiming to give clarity and precision to this vision.

Any system is vulnerable to hypocrisy. Some, by outward observance, may establish an unjustified reputation for piety and bring the Torah itself into disrepute:

As it is taught: “You shall love the Lord your God” – [this means,] the Name of Heaven should be loved on your account. [For if] you read Torah, learn Mishna and wait upon

the Sages, and deal calmly with people, people will say, “Happy is his father who taught him Torah, happy his teacher who taught him Torah! Woe to those who have not learned Torah! See how pleasant are his ways and how correct his dealings!” Of such a one scripture says, “You are my servant, Israel, in whom I glory!” (Is 49:3).

But if someone reads Torah, learns Mishna and waits upon the Sages, but does not speak calmly with people, people will say, “Woe to his father who taught him Torah, woe to his teacher who taught him Torah! This man who has learned Torah, see how unpleasant his ways are and how nasty his dealings!” Of such a one scripture says, “These are the people of the Lord, who have gone forth out of His land!” (Ez 36:20) (bYoma 86a)

Love cannot prevail where there is injustice, so much of the “law” is concerned with mundane matters such as commercial dealings, marriage settlements, and damage accidental or otherwise. A perhaps surprising amount of attention was devoted by the rabbis of the Talmud to the sacrificial system, no longer in operation; it remained as the paradigm for the economy of sin and forgiveness and for relationships with God, and its restoration was eagerly anticipated.

Laws concerning duties of care of the poor, the sick, the dead and the bereaved are clearly concerned with the practicalities of love of ‘neighbour’. The extent to which the duty of love extends is most sharply demonstrated by a less obvious, extreme example. The capital punishments mandated by the Bible for certain offences were no longer in operation in the rabbinic period, but the theoretical question was posed as to what form of execution should be applied if an individual was sentenced for two offences carrying different death penalties. The unequivocal answer is, “Choose the more lenient [form of death], for [scripture teaches,] “love your neighbour as yourself” (bSanh 52 and parallels). That is, the call to love of neighbour applies *even if your neighbour is guilty of a capital offence*.

Rabbinic Judaism matured in the Middle Ages in areas dominated by Christianity, both Eastern and Western, and Islam. It found expression not only in commentaries and codes of law, but through liturgical composition, poetry, philosophy and mysticism.

Bahya Ibn Paquda (1073), in Saragossa in Muslim Spain composed c. 1080 his “Guide to the Duties of the Heart”, still popular devotional reading among Orthodox Jews. Bahya, a Neoplatonist influenced by Sufi mysticism, held that the soul, which was divine in origin, was confined by God in a material body where it was in danger of forgetting its own spiritual nature. Spiritual perfection and communion with God could only be achieved through a combination of exercise of the rational faculty together with the fulfillment of the revealed *mitzvot* (commandments). This, said Bahya, calls for special attention to the “duties of the heart,” that is, the *mitzvot* that relate to the emotions and intellect. Foremost among

these are the belief in and love of God, which can only be achieved through the full exercise of the God-given intellect; the soul thirsts for closeness to the Divine Light, if not for actual *unio mystica*.

Moses Maimonides (1138-1204) stressed the intellectual and emotional aspects of the love of God, arising from contemplation on the wonders of Creation. In the opening section of *Mishneh Torah*, his great Code of Law, he writes:

What is the path by which one comes to love and fear Him? When a person reflects on his deeds and His wonderful creatures and discerns His infinite wisdom within them he will immediately love and praise, glorify and greatly desire knowledge of this great Being, as David said, "My soul thirsts for God, for the living God" (Ps 42:3) ... When anyone reflects on these matters and is aware of all that has been created, from the angels and heavenly spheres to human beings like himself, his love of God will increase and he will be filled with awe and dread on account of his own lowliness and insignificance when he measures himself against any of those great and holy beings. (Maimonides *Yesodei Hatorah* 2:2 and 4:12.)

For Maimonides, *halakha* is the preparatory discipline that conditions the individual to ascend the spiritual heights culminating in the love of God.

Hebrew poets transcended the prose of the philosophers, few more succinctly than the Kabbalist Eliezer Azikri (16th-century Safed), probable author of *Yedid Nefesh*, a hymn recently introduced into the Friday evening synagogue service welcoming the Sabbath:

*Beloved of the soul, Father of compassion, draw Your servant to Your will;  
Like a deer will Your servant run and fall prostrate before Your beauty;  
To him Your love is sweeter than the honeycomb, than any taste.  
Glorious, beautiful, radiance of the world, my soul is sick with love for you ...  
Ancient of days, let your mercy be aroused and have pity on Your beloved child.  
How long have I yearned to see the glory of Your strength ...  
Reveal yourself, my beloved, and spread over me the tabernacle of Your peace.  
Let the earth shine with Your glory, Let us be overjoyed and rejoice in You ...*

(Daily Prayer Book, 257, tr. J. Sacks)

## Modern

Modernity profoundly impacted the religious thought of Jews, leading in the early nineteenth century to a major rupture between Reformists and traditional Orthodox, as well as fragmentation within each group and eventually the secularization of some sections of Jewry.

Liberal/Reform and Orthodox continue to speak of the love of God, if with much leeway in interpretation. They differ profoundly, however, in their understanding of *halakha* (“the law”) and its role in contemporary Judaism. Reform apologists emphasize the centrality of ethics rather than law in Judaism. However, the centrality of ethics is not in dispute; what is in dispute is the Orthodox claim that ethics is most perfectly expressed in traditional *halakha*, which they recognize as the authoritative interpretation of scripture, the Word of God.

Here is a brief look at what three leading Jewish thinkers of the early twentieth century had to say on law and love.

For Martin Buber (1878-1965), on the Liberal wing of Judaism, “the law,” in the traditional Jewish sense, is dysfunctional:

“Every great culture ... rests on an original relational incident,” he writes (Buber 1958, 54), hinting rather than stating clearly that, in the case of Judaism, he has in mind the “meeting with God” that was the formative experience of the people of Israel. He continues in poetic vein:

Where hitherto a heaven was established in a law, manifest to the senses, raising its light arch from which the spindle of necessity hangs, the wandering stars now rule in senseless and oppressive might ... we are laden with the whole burden of the dead weight of the world, with fate that does not know spirit. (Buber 1958, 55)

Buber is writing here of religions in general, targeting the rational systems devised in consequence of their institutionalization. So far as Judaism is concerned, he has in his sights the system of *halakha* which, he insists, reduces the seminal “I-Thou” meeting with God, the “eternal Thou”, to the level of an “I-it” relationship with an inert object:

Everything that has ever been devised and contrived in the time of the human spirit as precept, alleged preparation, practice, or meditation, has nothing to do with the prime, simple fact of the meeting. (Buber 1958, 77)

Our direct “I-Thou” relationship with people affords an entry to the encounter with God and somehow involves love:

... our life with men ... is the main portal

"When a man is together with his wife the longing of the eternal hills blows round about them."

The relation with man is the real simile of the relation with God; in it true address receives true response; except that in God's response everything, the universe, is made manifest as language. (Buber 1958, 103)

Buber's friend Franz Rosenzweig (1886-1929) wrote more straightforwardly on the role of love in God's revelation:

It is love which meets all the demands here made on the concept of the revealer, the love of the lover, not of the beloved. Only the love of a lover is such a continually renewed self-sacrifice ... (Rosenzweig 1971, 162)

Rosenzweig does not take the traditional account of God dictating the Torah, written and oral, to Moses, in a literal sense; he fully accepts the findings of historical criticism. Even so, contrary to Buber, he adopts a positive attitude towards the law (*halakha*) and its fulfilment. In a letter to his close associate Nahum Glatzer, who had said that only the *election* of Israel came from God, but the details of the *law* were from man alone, he questioned whether one could draw so rigid a boundary between what was divine and what was human. True, observance of the law could not, in the light of modern scholarship, be based on historical claims about its revelation at Sinai. Only in *doing*, i.e. in actually performing the *mitzvot*, do we come to perceive the law as articulating the Revelation of God: you cannot appreciate the God-given nature of the Sabbath until you commit yourself to its observance.

Glatzer writes of Rosenzweig that he "found his peace in the practice of *Halacha* where the enthusiasm of Divine love is translated into the word of daily prayer, the longing for salvation is resolved in the sober conformation to the *mitzvot* and the ecstasy of religious experience is silenced by the commanding word at Sinai and the scrupulous interpretations of the sages" (Rosenzweig, *On Jewish Learning* (1965), p. 24).

At the Orthodox end of the religious spectrum stands Abraham Isaac Hacoen Kook (1865-1935). Rav Kook, as he is generally known, was born in Latvia; in 1904 he emigrated to Jaffa, Palestine, and after WWI was appointed Chief Rabbi of Mandatory Palestine. An ardent follower of the Lurianic Kabbala, he engaged in spiritual exercises with the aim of attaining mystical ecstasy; his literary genius expressed, in poetry as well as prose, the thirst for God's "lights of holiness," the experience of the divine light and the burning desire to share it with others.

Creation is driven by two currents, one emanating from the love and creative power of God and reaching even to the most lowly creature (~~Kook was a vegetarian~~), the other being the redemptive flow of the reflected light as it ascends toward its creator. Kook expressed sympathy with the concept of evolution,

but what he had in mind was not a Darwinian process of natural selection but rather, like Teilhard de Chardin, a purposeful, redemptive process by which creation evolves toward its creator.

He universalizes “Love your neighbour *as yourself*” (Lev 19:18). Only if we can achieve true self-love, by discovering the divine spark within ourselves, can we love our neighbor; from this we proceed to love of fellow-Israelites and thence to love of all humanity and beyond to all creation.

As to “law”, the gift of God’s love, for Kook every one of the *mitzvot*, however apparently obscure, was endowed with spiritual energy that issued forth from the great Revelation at Sinai at which the soul of every Jew, even those yet to be born, had been and was eternally present.

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