Religious DOCTRINE AND THE LANGUAGE of the Law

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WHILE WORKING AS AN ATTORNEY IN SOUTH AFRICA, MAHATMA (MOHANDAS K.) GANDHI BEGAN TO STUDY THE BHAGAVAD GITA (THE GITA). AS HE PONDERED UPON THE MEANING OF the Gita's term *samabhava*, or "equability," his "study of English law came to [his] help." He wrote: "I understood more clearly in light of the Gita teaching the implication of the word *trustee*. My regard for jurisprudence increased, *I discovered in it religion*."[1] ❁ This observation opened my eyes to the frequent use of legal language in scripture. At these coordinates—where religion and the language of the law intersect—legal training can provide deeper spiritual understanding. ❁ How these doctrinal-legal coordinates came to exist is a question for etymologists. The human family may have imported into its legal institutions the terminology of a divine justice system. It is equally plausible that God and His prophets chose the language of extant legal institutions to teach religious truths. Whatever the explanation, the result is the same—a scriptural text brimming with legal metaphor.

THE TRIAL OF THE SINNER

The scriptures use the language of criminal trial procedure to describe final judgment.[2] As the accused, each of us will stand trial before the "bar of the great Jehovah, the Eternal Judge of both quick and dead."[3] There we are "arraigned . . . to be judged according to [our] works."[4] The final determination is either "guilty" or "guiltless."[5]

The charge is violating God's laws, the breach of which is sin. Only those who keep all of the commandments merit salvation, "for the Lord cannot look upon sin with the least degree of allowance."[6] Those who do not keep the commandments merit punishment. The evidence against us is overwhelming—"for our words will condemn us, yea, all our works will condemn us; . . . and our thoughts will also condemn us."[7] Paul succinctly described our desperate circumstances: "By the . . . law there shall no flesh be justified. . . . For all have sinned, and come short of the glory of God."[8]

For Book of Mormon prophets, judgment has been entered against fallen men and women. However, God mercifully stayed execution of that judgment and placed us in "a state of probation"[9] during which we might repent. The dilemma is that in varying degrees we have all "waste[d] the days of [our] probation"[10] in sin.

The good news is that we need not appear "before the tribunal of God"[11] without counsel. Jesus Christ "appear[s] in the presence of God"[12] for the penitent. More than 2,500 years ago Isaiah confidently prophesied, "For God is near, and he will prove me innocent. . . . The Sovereign Lord himself defends me—who, then, can prove me guilty?"[13] In the first century John confirmed the Lord's role as defense counsel for the penitent: "And if any man sin [and repent], we have an advocate with the Father, Jesus Christ the righteous."[14] In the *New International Version of the Bible* (NIV), this verse reads: "But if anybody does sin, we have one who speaks to the Father in our defense."[15]

In this dispensation the Lord repeatedly calls himself the Advocate.[16] In that capacity He "knoweth the weakness of man and how to succor them who are tempted."[17] But if all have sinned and come short of salvation, what defense can be plead? Consider this excerpt from the trial transcript:

Listen to him who is the advocate with the Father, who is pleading your cause before him—

Saying: Father, behold the sufferings and death of him who did no sin, in whom thou wast well pleased; behold the blood of thy Son which was shed, the blood of him whom thou gavest that thyself might be glorified;

Wherefore, Father, spare these my brethren that believe on my name, that they may come unto me and have everlasting life.[18]

Our sinless Advocate—who retained the wounds of crucifixion as physical evidence—suffered punishment for sin in our place.[19] Like the Fifth Amendment, divine law prohibits punishment being imposed twice for the same offense.[20] Thus, in our defense, the Lord pleads double jeopardy. His vicarious suffering is a complete affirmative defense. When proferred, it exonerates the penitent sinner, who is found "guiltless before [the] Father at that day when [He] shall stand to judge the world."[21]

In his 38th Meditation, the Puritan Minister Edward Taylor (c. 1642–1729) poignantly described our need and resultant gratitude for the Lord's representation:

My case is bad. Lord, be my advocate.
My sin is red. I'm under God's arrest.
Thou has the hint of pleading; plead my state.
Although its bad Thy plea will make it best.
If Thou wilt plead my case before the King:
I'll wagonloads of love and glory bring.[22]

FORECLOSURE AND REDEMPTION

The scriptures also teach that the sinner is party to a civil foreclosure action. When a person violates God's laws, he mortgages his soul in return for the "pleasures of sin for a season."[23] Isaiah wrote: "Behold, for your iniquities have ye sold yourselves."[24] Nephi concurred, writing that the proud and the foolish "sell themselves for naught."[25]

On Judgment Day the note falls due. Justice demands that the debt be paid or that the soul of the debtor be foreclosed upon. Satan—who actively persuaded the sinner to incur the debt in the first place—is the only purchaser at the foreclosure sale. There he "obtain[s]" the sinner who falls "prey to his awful misery."[26]

The good news is that Jesus Christ can redeem the encumbered soul. *Black's Law Dictionary* defines redemption as "the act . . . of reclaiming or regaining possession by paying a specific price."[27] Through His suffering Jesus Christ paid the price of sin for the penitent.[28] On condition of repentance, He "reclaims" them and thereby "appeases the demands of justice."[29] Those who sold themselves for nothing are "redeemed without money."[30]

Redeemed sinners answer to a new Creditor whose "yoke is easy" and whose "burden is light."[31] Still, the demands of this new arrangement are real. "Grace is not cheap," taught Elder Bruce C. Hafen. "It is very expensive, even very dear. How much does grace cost? . . . If we desire 'all that the Father hath,' God asks all that we have."[32]

Finally, the Lord's redemption is in part unconditional. Through His own death and resurrection, all of God's children are reclaimed from temporal death.[33] Having paid this debt too, Christ becomes the rightful owner of our physical bodies. The Apostle Paul taught this doctrine. Counseling the Saints at Corinth to refrain from sexual sin, he wrote: "For ye are bought with a price: therefore glorify God in your body, and in your spirit, which are God's."[34]

By the intercession of Jesus Christ, the action to foreclose upon our mortgaged bodies and spirits is dismissed. He reclaims the body unconditionally and the spirit on condition of repentance—hence, the sacred and deserved title "Redeemer."

FINAL JUDGMENT IN A COURT OF EQUITY

Final judgment will occur in a court of equity. The Psalmist wrote: "With righteousness shall he judge the world, and the people with equity."[35] Isaiah taught that God "shall not judge after the sight of his eyes, neither reprove after the hearing of his ears: But with righteousness shall he judge the poor, and reprove with equity for the meek of the earth."[36]

Certainly, equity in this context means that the Lord will not play favorites. However, the nature of equitable remedies suggests something more. The Utah Supreme Court recently explained that equitable remedies are "distinguishable by their . . . adaptability to circumstances."[37] The Court wrote:

"The court of equity has the power of devising its remedy and shaping it so as to fit the changing circumstances of every case and the complex relations of all the parties."[38] *Each case presents unique facts and circumstances. What is relevant or persuasive in one equity decision may be meaningless in another context.*[39] *"As in much else that pertains to equitable jurisdiction, individualization in the exercise of discretionary power will alone retain equity as a living system and save it from sterility."*[40]

The commandments of God do not change with the changing circumstances of every case. Otherwise, divine law would be reduced to what Pope John Paul called "the widespread spirit of . . . relativism." This spirit, stated the Pope, "has cast doubt on reason's ability to know the truth, which alone satisfies the human heart's restless quest for meaning."[41] A just God will not permit equity to excuse willful disobedience.

In the breach of divine law, however, each person is unique. While not controlling, a person's capacity, experience, perception, understanding, knowledge, intent, and motive combine to influence his decisions for good or evil. In the criminal justice system, efforts are made to understand these factors. But in a temporal world, they can never be fully known or understood.[42]

As the only omniscient judge, the Lord is unhindered by these limitations. He comprehends all of the factors influencing our obedience and disobedience, including the thoughts and intents of our hearts. Thus final judgment will be perfectly fair and individualized—equitable.

The Lord's knowledge of the human condition is not secondhand. Paul taught: "For we have not an high priest which cannot be touched with the feeling of our infirmities."[43] An alternate translation from the Greek is: "For we have not an high priest unable to sympathize with our frailties [and] imperfections."[44] In atoning for sin, Jesus Christ also suffered "temptations, and pain of body, hunger, thirst, and fatigue, even more than man can suffer, except it be unto death."[45] That suffering included experiencing our infirmities and sicknesses.[46]

Thus the Lord's judgment will be equitable—not because the commandments change with changing circumstances but because the Judge Himself has infinite knowledge and infinite empathy. This is what is meant by the scriptural teaching that Jesus Christ is "full of grace, equity, and truth, full of patience, mercy, and long-suffering."[47]

PRINCIPAL AND AGENTS

In a revelation to the Prophet Joseph Smith, the Lord declared: "Wherefore, as ye are agents, ye are on the Lord's errand; and whatever ye do according to the will of the Lord is the Lord's business."[48] The legal rules defining the relationship between principal and agent shed light on the meaning of this passage.

Agency is "a fiduciary relationship created by express or implied contract or by law, in which one party (the agent) may act on behalf of another party (the principal) and bind that other party by words or actions."[49] Agency enables "a person, through the services of another, to broaden the scope of his activities and receive the product of another's efforts, paying such other for what he does but retaining for himself any net benefit resulting from the work performed."[50]

As Principal, the Lord's work is to bring to pass "the immortality and eternal life" of His children.[51] He calls and authorizes agents to assist in His work. The agency relationship is established by the covenant of baptism, as well as by the oath and covenant of the priesthood. Those who receive baptism take upon themselves the name of the Principal, Jesus Christ, "having a determination to serve him to the end."[52] Similarly, those who receive the priesthood promise to "live by every word that proceedeth forth from the mouth of God."[53] By His agents the Lord "broaden[s] the scope of [H]is activities" on the earth. Saved souls—the net benefit derived from the work performed—belong to Him alone.

Agents of the Lord are well compensated. On the effective date of the contract, they receive the gift of the Holy Ghost. Their ultimate reward for faithful service is eternal life.[54] Speaking to "servants" of God, Paul taught: "For the wages of sin is death; but the gift of God is eternal life through Jesus Christ our Lord."[55]

Paul knew well another principal of spiritual agency. It is not a question of whether you will be employed and compensated but by whom.[56] Writing to the Romans, Paul taught that "to whom ye yield yourselves servants to obey, his servants ye are . . . whether of sin unto death, or of obedience unto righteousness."[57] How important it is for us to work for and receive wages from the Lord!

Mercifully, the Principal is not so concerned with when agents begin work but that they come when called. The Lord taught this truth in the parable of the laborers in the vineyard.[58] There he likened the kingdom of heaven to "a man that is an householder" who goes into the marketplace "early in the morning to hire lab[or]ers into his vineyard."[59] The laborers are hired for "a penny a day."[60] At the third, sixth, and ninth hours of the day, the householder returns to the marketplace, each

time hiring more laborers. To these he promises to pay "whatsoever is right."[61] Finally, at the 11th hour, the householder hires more laborers, again promising "whatsoever is right, that shall ye receive."[62]

When the day is spent, the Lord calls the laborers together to be paid, beginning from the last unto the first. He pays those hired at the 11th hour a penny. Seeing this generosity, the laborers hired first "supposed that they should have received more," but "they likewise received every man a penny."[63] Outraged by this seeming injustice, they complain: "These last have wrought but one hour, and thou hast made them equal unto us, which have borne the burden and heat of the day."[64] The Lord responds: "Friend, I do thee no wrong: didst not thou agree with me for a penny? . . . Is it not lawful for me to do what I will with mine own? Is thine eye evil, because I am good?"[65]

So it is in the kingdom of heaven. Time in the vineyard is not so important as coming when called. Agents of the Lord are not hourly employees. Each is salaried to receive the Principal's precious "penny." That penny is "all that [the] Father hath."[66] There simply is no more to give.

ADOPTION AND INHERITANCE

To be saved we must become "sons and daughters" of God. The scriptures describe this process as an adoption.

In civil law, adoption is the "judicial act which creates the relationship of parent and child where it did not previously exist and which permanently deprives a birth parent of his parental rights."[67] When a final decree of adoption enters, "a child may take the family name of the adoptive parent or parents."[68] Thereafter the adoptive parents and the child "sustain the legal relationship of parent and child, and have all the rights and [are] subject to all the duties of that relationship."[69] The rights of an adopted child include the right of inheritance.

Spiritual adoption is remarkably similar. In our fallen state we are "carnal, sensual, devilish."[70] Alma described this condition in familial terms. He wrote: "Whosoever bringeth forth evil works, the same becometh a child of the devil."[71] As parent, the devil thwarts the best interests of his children and is consistently guilty of nonsupport.[72] Mercifully, God provided a means of spiritual adoption. By repentance and obedience to the gospel, we become "candidates for the fulness of salvation" and are "accounted as sons and daughters of Jesus Christ."[73] In contrast, His children are "supported in their trials, and their troubles, and their afflictions, and shall be lifted up at the last day."[74]

This process is best illustrated by the experience of King Benjamin's people. After hearing the sermon of their prophet-king, they repented and promised lifetime obedience to God. Seeing this, King Benjamin declared:

> *And now, because of the covenant which ye have made ye shall be called the children of Christ, his sons, and his daughters; for behold, this day he hath spiritually begotten you; for ye say that your hearts are changed through faith on his name; therefore, ye are born of him and have become his sons and his daughters.*[75]

The people then took upon themselves the name of Christ, their adoptive Father.[76]

Spiritual adoption differs from civil adoption in important ways. First, while the goodness of God "actually draws us to him," only the child can initiate spiritual adoption.[77] Isaiah explained: "When thou shalt make his soul an offering for sin, he shall see his seed."[78]

Second, all children are born to one set of biological parents. While civil adoption may create a new parent-child relationship by operation of law, it is powerless to effect a rebirth. In contrast, spiritual adoption effects a change in our very nature—a change that is so comprehensive that it is called being "born again."

What a gift to know that we can literally be "changed from [our] carnal and fallen state, to a state of righteousness."[79] All sin and weakness to which natural men and women are inclined—pride, envy, greed, lust, cruelty, fear, addiction—can be changed to a state of righteousness wherein we have "no more disposition to do evil, but to do good continually."[80]

The only prerequisite for spiritual adoption—the filing fee, if you will—is full submission to God. Surrender of self is the paramount duty of the new parent-child relationship. "As you submit your wills to God," taught Elder Neal A. Maxwell, "you are giving him the *only* thing you *can* actually give Him that is really yours to give."[81]

Like children adopted under law, adopted sons and daughters of God enjoy the right of inheritance.[82] As Paul taught: "The Spirit itself beareth witness with our spirit, that we are the children of God: And if children, then heirs; heirs of God, and joint-heirs with Christ."[83] No wonder the scriptures consistently teach that the spiritually begotten inherit the kingdom of heaven.[84]

NOTES

1. *Gandhi: An Autobiography: The Story of My Experiments with Truth* (Boston: Beacon Press, 1993), p. 265.
2. While this divine decree will certainly adjudicate all liabilities between the parties, it is not appealable. *See*, Utah R. Civ. P. 54(b); Utah R. App. P. 3(a).
3. Moroni 10:34.
4. Alma 11:44.
5. Mosiah 2:38; 3 Nephi 27:16.
6. Alma 45:16.
7. Alma 12:14.
8. Romans 3:20, 23.
9. 2 Nephi 2:21.
10. 2 Nephi 9:27. For other references to life being a state of probation, *see*, 2 Nephi 2:30; Alma 42:10–13; Helaman 13:38.
11. Alma 5:18.
12. Hebrews 9:24.
13. Ludlow, V. L., *Isaiah: Prophet, Seer, Poet* (Salt Lake City: Deseret Book, 1982), pp. 421–22, *quoting, Today's English Version of the Bible*, Isaiah 50:8–9.
14. 1 John 2:1. The Holy Ghost also bears the title Advocate. While not appearing in the King James Version of the Bible, the Greek term *parakletos* was used by the Lord in reference to the Holy Ghost. *See*, Bible Dictionary, "Paraclete," *citing*, John 14:16, 26; 15:26; 16:7. The term may be translated "comforter," "advocate," or "helper." The *New International Version Study Bible* (hereinafter "NIV") uses the term *counselor* in these verses, noting that "it is a legal term, but with a broader meaning than counsel for the defense. . . . It referred to any person who helped someone in trouble with the law." NIV, John 14:16, note *s*, (Grand Rapids, Michigan: Zondervan Publishing, 1985). However, *advocate* "is probably the English word that most nearly represents the meaning of the Greek." *Id.* This doctrine is reiterated in the hymn "Prayer Is the Soul's Sincere Desire" (*Hymns* [Salt Lake City: The Church of Jesus Christ of Latter-day Saints, 1985], no. 145). Verse seven reads: "Nor prayer is made on earth alone: The Holy Spirit pleads, And Jesus at the Father's throne, For sinners intercedes."
15. NIV, 1 John 2:1
16. See, D&C 29:5; 32:3; 45:3; 62:1; 110:4.
17. D&C 62:1. Elder Jeffrey R. Holland recently noted, "*To succor* means 'to run to.'" Holland, Jeffrey R., "Teaching, Preaching, Healing," *Ensign*, January 2003, p. 42.

18. D&C 45:3–5.
19. Isaiah 49:15–16 reads: "Can a woman forget her sucking child, that she should not have compassion on the son of her womb? yea, they may forget, yet will I not forget thee. Behold, I have graven thee upon the palms of my hands." Concerning the wounds retained by the Lord, Elder Jeffrey R. Holland wrote: "However dim our days may seem, they have been a lot darker for the Savior of the world. As a reminder of those days, Jesus has chosen, even in a resurrected, otherwise perfected body, to retain for the benefit of His disciples the wounds in His hands and in His feet and in His side. . . . Remind others that it is the wounded Christ who is the Captain of our souls, He who yet bears the scars of our forgiveness, the lesions of His love and humility, the torn flesh of obedience and sacrifice." Holland, Jeffrey R., "Teaching, Preaching, Healing," *Ensign*, January 2003, p. 42.
20. U.S. Const., Amend. V ("nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb"). Utah Const., Art. I, Sec. 12. *State v. Miller*, 747 P.2d 440 (Utah App. 1987) ("Constitutional guarantee against double jeopardy affords a criminal defendant three separate protections by prohibiting (1) a second prosecution for the same offense after acquittal; (2) a second prosecution for the same offense after conviction; and (3) multiple punishments for the same offense"), *quoting*, *North Carolina v. Pearce*, 395 U.S. 711, 717, 89 S. Ct. 2072, 2076, 23 L. Ed. 2d 656 (1969).
21. 3 Nephi 27:16.
22. *Supra*, note 29, pp. 57–58. *Meditation 38* consists of seven stanzas. Stanzas 1, 4, 5, 6, and 7 are quoted here.
23. Hebrews 11:25.
24. Isaiah 50:1.
25. 2 Nephi 26:10.
26. 2 Nephi 9:46.
27. *Black's Law Dictionary*, 7th edition, p. 1282.
28. *See*, Isaiah 53:5 ("But he was wounded for our transgressions, he was bruised for our iniquities: the chastisement of our peace was upon him; and with his stripes we are healed").
29. Alma 42:11–15. *See*, Alma 34:16 ("And thus mercy can satisfy the demands of justice, and encircles them in the arms of safety, while he that exercises no faith unto repentance is exposed to the whole law of the demands of justice; therefore only unto him that has faith unto repentance is brought about the great and eternal plan of redemption").
30. Isaiah 52:3.
31. Matthew 11:30.
32. Hafen, Bruce C., "The Atonement: All for All," *Ensign*, May 2004, p. 98.
33. Alma 11:42, 44.
34. 1 Corinthians 6:14, 18, 20.
35. Psalms 98:9.
36. Isaiah 11:3–4.
37. *Hughes v. Cafferty*, 2004 UT 22 (filed March 12, 2004), *quoting*, 1 Spencer W. Symons, *Pomeroy's Equity Jurisprudence* § 109 (5th ed. 1941).
38. *Id*.
39. *Hughes*, 2004 UT 22.
40. *Hughes*, 2004 UT 22, *quoting*, *Sprauge v. Ticonic Nat'l Bank*, 307 U.S. 161, 167 (1939).
41. "Pope Worries About 'Soulless' Life in America," Vatican City (AP), *Deseret Morning News*, A-2 (May 29, 2004).
42. This limitation inherent in the human condition does not render the imposition of punishment unjust. Society has the right and duty to hold a criminal offender accountable for his wrongful acts.
43. Hebrews 4:15.
44. *Supra*, note 49, explanatory note 15a.
45. Mosiah 3:7.
46. Alma 7:12.
47. Alma 9:26.
48. D&C 64:29.
49. *Black's Law Dictionary*, 7th edition, p. 62.
50. *Supra*, note 56, *quoting*, Reuschlein, H.G. & Gregory, W.A., *The Law of Agency and Partnership* § 1, at 3 (2d ed. 1990).
51. Moses 1:39.
52. D&C 20:37.
53. D&C 84:44.
54. D&C 14:7.
55. Romans 6:22–23.
56. Elder Neal A. Maxwell stated: "Ironically, if the Master is a stranger to us, then we will merely end up serving other masters. The sovereignty of these other masters is real, even if it is sometimes subtle. They do call their cadence, for 'we are all enlisted,' if only in the ranks of the indifferent. To the extent that we are not willing to be led by the Lord, we will, instead, be driven by our appetites and be preoccupied with the lesser things and the pressing cares of the day." Maxwell, Neal A., "King Benjamin's Sermon: A Manual for Discipleship," *King Benjamin's Speech Made Simple* (Provo: Foundation for Ancient Research and Mormon Studies, 1999) p. 12.
57. Romans 6:16.
58. *See*, Matthew 20:1-16 for the parable in its entirety.
59. Matthew 20:1–2.
60. *Supra*, note 66.
61. Matthew 20:4.
62. Matthew 20:7.
63. *Supra*, note 70.
64. Matthew 20:12.
65. Matthew 20:13, 15.
66. D&C 84:38.
67. Utah Code Ann. § 78-30-16(1)(b).
68. Utah Code Ann. § 78-30-10.
69. *Supra*, note 77.
70. Mosiah 16:3–5.
71. Alma 5:41.
72. Alma 30:60 ("And thus we see that the devil will not support his children at the last day, but doth speedily drag them down to hell").
73. *Bible Dictionary*, "Adoption." *See*, Romans 8:14–27; Galatians 4:1–7.
74. Alma 36:3.
75. Mosiah 5:7.
76. Mosiah 5:9–12.
77. Elder Neal A. Maxwell wrote: "It is true, as you know, that God's goodness actually draws us to him and thus leads us to repentance. Paul confirmed this (*see*, Romans 2:4). God's gravitational pull is real. This was well-expressed by Jeremiah." Maxwell, Neal A., "King Benjamin's Sermon: A Manual for Discipleship," *King Benjamin's Speech Made Simple*, p. 13, *citing*, Jeremiah 31:3 ("therefore, with lovingkindness have I drawn thee"); Romans 2:4 ("the goodness of God leadeth thee to repentance").
78. Isaiah 53:10.
79. Mosiah 27:24–25
80. Mosiah 5:2.
81. Maxwell, Neal A., "Remember How Merciful the Lord Hath Been," *Ensign*, May 2004, p. 46.
82. Elder Bruce C. Hafen said: "To qualify for such exquisite treasure [all that the Father hath], in whatever way is ours, we must give the way Christ gave—every drop He had: 'How exquisite you know not, yea, how hard to bear you know not.' Paul said, '*If so be that we suffer with him*,' we are joint-heirs with Christ." Hafen, Bruce C., "The Atonement: All for All," *Ensign*, May 2004, p. 98.
83. Romans 8:16–17. *See*, Mosiah 15:11–12 (the "seed" of Jesus Christ are "the heirs of the kingdom of God").
84. *See*, Matthew 25:34 (inherit the kingdom prepared for you); 1 Corinthians 6:9–10 (unrighteous shall not inherit the kingdom of God); Galatians 5:19–21 (those who commit the works of the flesh shall not inherit the kingdom of God); Revelations 21:7 ("He that overcometh shall inherit all things; and I will be his God, and he shall be my son"); 2 Nephi 9:18 (those who believe and endure the crosses of the world shall inherit the kingdom of God); Mosiah 27:26 (without being born again, one cannot inherit eternal life); Alma 9:12 (without repentance, one cannot inherit the kingdom of God); D&C 6:37 (the faithful will inherit the kingdom of heaven); 3 Nephi 11:32–33 (those who repent, believe in Christ, and are baptized shall inherit the kingdom of God); D&C 50:5 (those who are faithful and who endure shall inherit eternal life).

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