The Historical Jesus Among the Rabbis: Prayer, Divorce and Earthly Rewards

In this article David Instone-Brewer compares the recorded teachings of Jesus to what is now known about the teaching of rabbis in the first half of the first century. He looks at three examples: prayer, divorce and earthly rewards. In each case knowledge of the Rabbinic teachings illuminates the meaning of the recorded words of Jesus. Jesus is shown to challenge, subvert and nuance the common teachings of his day. In addition, if emerging knowledge of these early traditions is ignored then it is very difficult indeed for the words of Jesus to be understood in their original context or applied appropriately today.

Biblical Scholars have been searching with renewed energy for the person they call ‘the historical Jesus’ ever since Bultmann proposed that the search is impossible and should be abandoned. Bultmann said that we know too little about the history of this person, and that the search is made impossible by language we cannot now appreciate, tales of impossible healings, and teaching aimed at superstitious peasants. He concluded that we should seek instead for the ‘Christ of faith’. Most people regarded Bultmann’s insight as descriptive of the challenge, but many rejected his conclusion. They were spurred to discover more about the politics, the spiritual landscape and the lives of common people at the time of Jesus in order to flesh out a picture of who he was and how his first hearers would have understood his message.

Setting Jesus in Context

In some ways these attempts to find the historical Jesus have been too successful, because they have created a large number of different portraits of Jesus. We should not, however, be surprised at this. First century Palestinian culture was as multifarious as today’s denominations, political parties and other social groupings. We should therefore expect various aspects of Jesus’ teaching and lifestyle to be mirrored in a multitude of ways in the multi-faceted textures of that society. If, instead, we found that Jesus was a straight-forward character with a single simple message and a lifestyle which clearly illustrated it, then we might suspect that his life story been invented as a vehicle for that message. But if Jesus was indeed an
historical person, and not just a fictional construct by a sect, then we would expect to see him interacting with the various different subcultures and religious mindsets of this complex society. If he was a sensitive teacher, he would modify his language and actions to communicate to the audience he was addressing. And if he was a truly original thinker we would find him melding one concept from here with another from there in a unique and self-coherent way. In other words, the more we find out about the society he lived in, the more facets of his teaching and actions we are likely to recognise as interactions with and reflections of the thoughts and actions of others.

During the last half century our knowledge of the culture of the time has grown immeasurably, due mainly to the discovery of the Dead Sea Scrolls and various other papyri which preserve family and legal documents as well as religious texts. At the same time there has been a rediscovery of a mass of early Jewish literature, much of which previously existed in obscure volumes, sometimes untranslated, but is now easily available to everyone. In some ways these discoveries have been distracting because they presented scholars with a bewildering variety of Judaisms, which were mostly from the fringes of mainstream society. It was tempting to extrapolate the beliefs of the silent majority from the vast literature produced by the Qumran separatists, by apocalyptic sects and by individuals whom most of their contemporaries probably regarded as mildly mad. The theologies of these fringe groups have therefore exerted an undue influence on New Testament scholarship simply because, by an accident of history, their documents were preserved. While these documents undoubtedly provide invaluable insights into the theology of the New Testament, it has been too easy to ignore the beliefs of those against whom these minority groups were campaigning so loudly.

**Early Rabbinic Literature**

The majority referred to above was relatively silent because their leaders did not write down their beliefs in theological tracts, and did not publish their sermons, nor even write down their laws. This was not because they were illiterate, but because they did not want to write down anything which might be regarded as competing with the Written Law of God. They did not need to write because they had perfected the art of community memorisation, which is a far better means of preserving exact wording than making a written copy. Any editor can produce a new or revised written version, but it is very difficult to change something which is memorised by a community – as anyone will discover when they try to introduce a modernised Lord’s Prayer to an older congregation.

The devastation of AD 70 changed everything – not only was the Temple destroyed, but also much of Jewish society. The Qumran sect was wiped out, as well as the leaders of almost every group within Judaism except one school of Pharisees, the Hillelites. Those who survived wanted to pull together, and this was expressed by a conformity to rabbinic law, as defined by the surviving leaders. This conformity appears to have been accepted willingly, probably because they

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perceived that their disunity had contributed to the disaster. However, they still
did not commit their traditions to writing until after their second and final defeat
in AD 135, after the failure of the Bar Kokhba revolt.

According to tradition, R. Akiva, who hoped the revolt would establish Bar
Kokhba as Messiah, compiled an oral collection of rabbinic law. This collection
was established and probably enlarged by R. Meir in the following generation and
substantially revised by Judah the Prince in the next generation at the end of the
second century, and then preserved in writing for us as the Mishnah. A supplement
to this, the Tosephta, was written a century or so later, and two commentaries on
it (the Jerusalem and Babylonian Talmuds) were completed at about AD 400 and
AD 500 respectively. These, together with various scripture commentaries (known
as Midrashim), preserve rabbinic traditions which span five centuries. Among these
traditions are a few which originated before AD 70, which can tell us about
Palestine at the time of the New Testament.

Questions about Date and Influence

Modern New Testament scholars have avoided rabbinic literature for two reasons;
because it proved very difficult to identify the early material, and there was always a
suspicion that Palestinian society before AD 70 was not much concerned with the
rulings of these religious scholars. The problem of dating has now been more-or-less
solved, at least with regard to legal materials. Immensely detailed studies by Neusner
and others have established that early rabbis not only took great care to preserve the
ideas (though not always the actual words) of their predecessors, but also the names
of the people who first established them. This was necessary for supporting their own
laws which, like modern case law, depended on the precedents and principles which
had been established in previous laws. However, the biographical stories about the
early rabbis were recorded much later and are probably no more accurate than early
hagiography, while the other non-legal material was not transmitted with the same
care or accuracy. These are therefore much more difficult to date.

We also now know that ordinary people in Palestinian society were very
concerned about following the rulings of rabbinic groups even before AD 70.
Archaeologists have found, for example, that limestone vessels were used in
virtually every first century Palestinian dwelling, though they were not found before
the first century and they disappear a few decades after AD 70. Limestone was
heavier, less decorous, more fragile and more expensive than earthenware, so why
was it so popular, and for such a limited period? Rulings preserved in Mishnah
from the end of the first century BC say that stone vessels, unlike earthenware,
glass or metal vessels, preserve the contents from impurity. The archaeological
findings suggest that virtually the whole population bought vessels made from this
cumbersome material merely in order to follow such rulings.2 Similarly, immersion
pools (for upright immersion in plain water, not baths for washing in) have been
found dug into the basements of almost every dwelling, which suggests that they
followed the rules of personal purity even in private.

2 Yitzhak Magen, The Stone Vessel Industry in
the Second Temple period: Excavations at
Hizma and the Jerusalem Temple Mount, Israel
New dating techniques have been applied by scholars such as Sanders and Falk to produce coherent pictures of first century Palestinian society. To some extent they confirm the work of earlier scholars, from Lightfoot to Billerbeck, though they also reveal that these earlier studies often referred to material which represented a Judaism which developed long after the New Testament. The rabbinic traditions which can be shown to originate before AD 70 are now being made readily available, together with notes on what they mean and how they are dated, in the TRENT project. These traditions are starting to reveal the way in which Gospel sayings and events would have been perceived by the first hearers and readers.

The following three examples are summaries of work which have been detailed elsewhere, and which help us to understand what would have been obvious to a first century Palestinian peasant.

**1. The Lord’s Prayer**

The short prayer preserved for us in substantially different versions in Matthew 6.9-13 and Luke 11.2-4 contains phrases which are familiar in Jewish prayers from earliest times to the present, especially “holy is your name, your kingdom come, your will be done on earth as in heaven” which is very similar to the various versions of a prayer called Qaddish. The prayer as a whole is very similar to an ‘abstract’ or summary of the Eighteen Benedictions which rabbis gave to their disciples as a reminder of the main themes for prayer.

The Eighteen Benedictions was prayed, standing, three times a day – the same way in which the Lord’s Prayer was prayed in the early church. It has come down to us as a fairly long fixed prayer, but before AD 70 it was considered unspiritual to have fixed wording for prayers, and everyone would make their own variations based on a skeleton of the blessing at the end of the eighteen sections. An ‘abstract’ was a shorter prayer which rabbis after AD 70 allowed you to use a substitute for the Eighteen if you were ill or were unable to break off your journey or your work for long. However, before prayers became fixed, it is likely that an ‘abstract’ was a list of further prompts of things you should include in your prayers, or possibly an outline to use instead of the Eighteen.

The Lord’s Prayer follows the same structure as the Eighteen, which opens with three sections of praise or doctrine and closed with three sections of thanks or doxology, after all the many items of intercession in the middle. The oldest which he has created according to his will. And may he establish his kingdom during your life and …… Let his great name be blessed for ever and ever and to all eternity. Blessed, Amen, and praised and glorified and extolled and honoured and magnified and lauded be the name of the Holy One, blessed be He. …"


5 The following is summarised from *TRENT* v.1, esp. pp. 95-118.

6 For example, the version which occurs before Amram’s Shema is: “Magnified and hallowed be his great name in the world
manuscripts of the Gospels do not include the doxological section at the end of the Lord’s Prayer, but this would have been added whether it was written or not, so perhaps there was no need to record it. The Lord’s prayer is strikingly similar to the oldest ‘abstract’ we know – that of Eliezer b Hyrcanus from just after AD 70. Like the Lord’s Prayer, it has reached us in two main versions, marked here by normal type and italic, with bold for words which are found in both.

May your will be done in the heavens above
And grant ease of spirit to those who fear you on earth / below
And do what is good in your eyes. Blessed are you O Lord who listens to prayer.  

If we do the same to the Lord’s Prayer from Matthew (normal type) and Luke (italics) we get

Our Father, who is in heaven
Holy is your name
May your Kingdom come, your will be done on earth as it is in heaven
And give us our bread each day / today
And forgive us our sins / debts
for we forgive all those indebted to us.
And do not lead us into trials, but deliver us from the evil [one].

The additions and variations are similar – expansions of ideas or slight variations in wording. This is presumably due, in both cases, to the fact that an abstract was given as a guideline for prayer, and not as fixed wording.

The differences between the Lord’s Prayer and other Jewish prayers lies in two things: the use of what the rabbis called a ‘forceful’ prayer, and the references to poverty.

**Difference I: Forceful Prayer**

The rabbis looked down on and even forbade any ‘forceful’ prayer – i.e. one which attempted to force God to do something by referring to a promise or an aspect of the divine nature. One must not pray “you who cares for a nesting bird…” (referring to Deut.22.6-7), or “we did as you asked, so now we ask you…”9, or use an intimate name like “Abba” while acting in a childlike, importunate way.10 Jesus disagreed with this totally. The Lord’s prayer used “Abba” for ‘Father’ (Mk.14.36; Rom.8.15; Gal.4.6), and says, in effect, “we have forgiven, so now we ask you to forgive”. Jesus also rejected the rabbinic ban on appealing to nesting birds (Mt.6.26; 10.29f) and the use of childlike importuning (Lk.18.1-7; Mt.18.3; 19.14 // Mk.10.14 // Lk.1.8.16).

**Difference II: Poverty**

The Eighteen Benedictions came from a relatively prosperous culture, in which a large section of society made a comfortable living from the cash crops of oil and balsam, and the good food harvests of first century Palestine provided enough food

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8 The normal type is from t.Ber.3.7 and the italic version from b.Ber.29b.
9 This is actually part of the prayer at the ceremony of Removal which was no longer performed in the first century, and the rabbis said this was the only time such prayer had been allowed – see m.MS.5.13; Ex.R.41.1.
10 This is what Honi was almost excommunicated for in m.Taam.3.8.
for everyone. It therefore included prayers for rain, for good annual harvests and for barns full of food: “Bless to us, Lord our God, this year to our benefit, with all kinds of produce...”. The Lord’s Prayer, by contrast, asks for only one day’s portion of food, like that given to itinerant beggars, and unlike that given to beggars who lived in the village who were provided with a week’s worth of food by the community (m.Pea.8.6-7). The theme on debt in the Lord’s Prayer appears to represent the lender’s point of view, but debts among friends are much more common among the poor than the rich.

The distinctive features of the prayer-guide which Jesus gave to his disciples therefore represents a personal intimacy with God, blended with a material poverty.

2. Divorce for ‘Any Cause’

During the first half of the first century, a new type of divorce was introduced which virtually supplanted all other grounds for divorce. Before this time, the grounds for divorce were based on the four marriage vows, one of which was implicit (to be sexually faithful, based on Deut.24.1), and three of which were stated in the marriage contract. The three which we find in ancient Jewish marriage contracts are promises to provide “due amount of your food and your clothes and your bed”.11 This was based on the law of Exodus 21.10-11 that a man must provide food, clothing and conjugal rights to his wife (and presumably the wife must cook, sew and love in return). The Pharisaic schools of Hillel and Shammai debated the amount of food and clothing, and even the necessary frequency of the marriage duty,12 which indicates that they accepted them as legal obligations of the marriage contract. Breaking the marriage contract allowed the wronged partner to demand a divorce, though later rabbis tried to force the errant partner to change their ways to avoid this.13

A new type of divorce called divorce for ‘Any Cause’, which had already been used by some Jews for a few centuries, became very popular at the beginning of the first century when the Hillelites found support for it in Scripture. They divided the ground for divorce in Deuteronomy 24.1, “a cause of indecency” into two grounds: “indecency” and “a cause”. They interpreted “indecency” as “adultery”, and “a cause” as “any cause”. Other Pharisees, represented mainly by the Shammaites, said that the words “a cause of indecency” should be read as a single phrase, meaning “nothing except indecency”.14

The slogans “divorce for ‘Any Cause’” and “nothing except indecency” would have been recognised by most Palestinian peasants as representing the opinions of these two schools. It was important for ordinary people to know what the schools thought, because if a divorce came to court, each side would choose one rabbi on the bench and they would agree on the third. This means that people would be as familiar with the slogans of the different schools as we are with phrases like “decree nisi”.

11 P.Yadin.10 (AM126 in my Marriage and Divorce Papyri). Only a small number of Jewish marriage certificates have survived from the first two centuries—five in Greek and four in Aramaic, and all of them contain a phrase referring to the obligation to clothe and feed, though one is too fragmentary to be certain. Only P.Yad.10 contains the third item and only in very coy language.

12 m.Ket.5.6-8
13 m.Ket.5.7
14 m.Git.9.10; Sifré Deut. 269; y.Sot.1.2, 16b
We know this debate was almost over by the time of Jesus, because both Philo and Josephus assumed that “Any Cause” was the only type of divorce still in use.\(^\text{15}\) The only disadvantage of the ‘Any Cause’ divorce was that it could only be used by men, whereas divorces for neglect (based on Ex.21.10-11) could also be brought by women. It was easier and less embarrassing to cite ‘Any Cause’ than having to prove the fault of your partner in court. Joseph even considered it the “righteous” thing to do, because his betrothed would not face the shame of her unfaithfulness (Mt.1.19). By the time of Jesus, we may assume that virtually all divorces were based on ‘Any Cause’.

**Re-reading the Gospels**

When Mark’s gospel was written, people still remembered this debate, so the question is simply “Is it lawful for a man to divorce his wife”. It would have been regarded as pedantic to add “for ‘Any Cause’”, as Matthew does – as pedantic as adding “alcoholic beverages” to the question “Is it lawful for a teenager to drink?”. The short form of both questions are absurd – a teenager would die without drinking, and divorce is obviously lawful because it is in the Law, so the hearers are forced to complete the question in their heads. Jesus replied by quoting the Shammaite slogan “nothing except indecency”\(^\text{16}\) indicating that he Jesus (like most modern interpreters) agreed with the Shammaites that the phrase “a cause of indecency” referred to only one ground for divorce and not two.

Mark does not record Jesus’ reply, but like Matthew and Luke he records the consequences (Mt.5.32; 19.9Mk.10.11-12; Lk.16.18). The consequences were absolutely shocking: anyone who had divorced on the grounds of ‘Any Cause’ (which by then probably included every divorcee) was not legally divorced, so if they remarried they were committing adultery because they were still married. The disciples were also dismayed that they would not be able to divorce their wife if they found someone prettier or a better cook, though their wives could still divorce them for neglect or abuse. Jesus therefore had to remind them that marriage is a serious commitment which is not for everyone (Mt.19.10-12).

There are, of course, many other ways of understanding Jesus’ teaching on divorce, but this is how a first century Jew would have understood it. When the Shammaites used the slogan “nothing except indecency” they did not mean that “indecency” (which they interpreted as adultery) was the only ground for divorce. They still accepted the other OT grounds, though in practice they had fallen out of use. Jesus did not state exactly what he meant, but he used the exact slogan, in the same context, and in the presence of people who knew Shammaite teaching. If Jesus had meant it to mean ‘there is no divorce except for indecency’, instead of ‘the phrase “a cause of indecency” means nothing except indecency’ (which is what the Shammaites meant), he would have had to state this different meaning very clearly.

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15 Philo *Special Laws* 3.30: “Another commandment is that if a woman after parting from her husband for any cause whatever...”; Josephus *Life* 4.253 “He who desires to be divorced from the wife who is living with him, for any cause (and with mortals many such may arise), must certify in writing...”

16 This occurs in two versions in Mt.5.32 and Mt.19.9, which are exact translations of the two versions of this slogan found in rabbinic literature at m.Git.9.10 and Sifré Deut. 269; y.Sot.1.2, 16b respectively.
This passage has had a different meaning for the church ever since the second century, when the church no longer understood the legal jargon. A century later, even rabbinic scholars had misunderstood their own traditions, because after AD 70 the new Hillelite divorce became the only type of divorce, and they too misunderstood the meaning of the Shammaite slogan. Now that early rabbinic traditions are being studied in isolation from later ones, we can see how the first readers of the Gospels understood Jesus’ words.

3. Treasures in Heaven

The concept of ‘treasure in heaven’ was commonplace in Judaism of the first century and also following centuries. It was inextricably linked with another concept – that of the ‘fruit’, i.e. ‘interest’ which is gained from this treasure. Anyone in the first century who kept money without making interest on it was a fool, because inflation and interest rates were high – as reflected in Jesus’ parable on using money (Mt.25.27 // Lk.19.23). The Torah forbade making interest by lending money to a fellow Israelite, but there were ways round this, just as there are in Islamic societies which have the same restrictions. Therefore, if one is putting aside treasure in heaven, one should expect that heaven would pay interest on this. They expected this interest to be paid now, while they were on earth, just like interest on money in the bank is paid constantly and not just when the money is withdrawn.

One early saying which expressed this is found in a discussion about leaving parts of the harvest for the poor:

These are things which have no measure:
Harvest leftovers for the poor and firstfruits and festival offerings and deeds of charity, and study of Torah.
These are things of which a man eats the fruit in this life and the capital [comes] to him for the future life:
Honouring a father and mother, and acts of loving-kindness and bringing peace between a man and his associate.
And the study of Torah is equivalent to them all

This tradition emphasises the doing of good deeds as well as fulfilling the Law. The words in bold are probably the oldest part because they follow a traditional three-plus-one formula in which the final line is a surprise ending. Imagine a class of legal scholars, who are captivated when their master starts to addressing the difficult problem of how much of your harvest should be put aside for the poor (which is not stated in Torah). He enumerates a list of commandments which have no legal measure: harvest leftovers, firstfruits and festival offerings and then adds (to their surprise), and charity. The last one is, of course, the point of this saying. In fact later rabbis did set a measure for harvest leftovers (one sixtieth, see

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17 Eleazar b. Yose, mid 2nd C, thought the Shammaites allowed divorce only for adultery (y.Sot.1.2, 16b). Perhaps he misunderstood, or perhaps he ignored their teaching on divorce for neglect because this no longer applied.
18 The following is summarised from *TRENT* v.1, esp. pp.123-127
19 *m.Pea.1.1. The first half of this tradition almost certainly originated before AD 70 (see the reasoning in *TRENT* I.125f) and the second half originated either then or soon after AD 70. The lines about Torah were probably added soon after AD 70 when they wanted to emphasise that Torah study could be substitutes for the Temple ceremonies.*
m.Pea.1.2), and the list is not exhaustive because Torah sets no limits for heaviest offerings, so the point of this tradition is not the list, but the last surprising item.

The tradition which follows, lists three types of good deed. This may have originated at the same time as the first saying, or it may have been inspired by it at a later stage. The last stage of editing was probably the addition of a line about Torah to both sayings. This addition spoils the message of the first saying and completely obscures the message of the second.

The concept of ‘treasure in heaven’ became a motivation for good deeds for some, such as the person who reported the generosity of Monobaz, king of Adiabene during the famine of AD 47/48. Tosephta says that he gave away all his riches to support the hungry, saying: “My ancestors stored up treasures for this lower [world] but I have stored up treasures for [the world] above . . . where [human] hand cannot reach.” This is very similar to Jesus’ words: “lay up for yourselves treasures in heaven, where neither moth nor rust can corrupt, and where thieves do not break through nor steal” (Mt.6.19 // Lk.12.33).

The interesting point for Gospel studies is the concept which is assumed in the second saying, that while good deeds are stored up as treasure in heaven where it waits for us, it also pays out fruit (i.e. interest) which is enjoyed in this life. This is part of the OT concept that a righteous man is rewarded, which Job and the Psalm 73 struggled with, along with most modern believers. This is very significant for understanding the teaching of Jesus, because although he speaks about treasure in heaven on at least two occasions (and possibly three, if you count the kingdom parable of treasure), he never mentions any ‘fruit’ or interest from this treasure.

Jesus’ silence on the subject of ‘interest’ which is enjoyed in this life, would be deafening to an early Jewish reader. This is especially clear when he addresses the ruler or rich man whom he asks to sell everything in exchange for treasure in heaven (Mt.19.21-26 // Mk.10.21-25 // Lk.18.22-27). The disciples are dismayed at Jesus’ conclusion that it is hard for a rich man to get into heaven, saying, “In that case, who can be saved?” (Mt.19.25 et par.). Commentators have correctly surmised that they believed riches to be a mark of God’s blessing. Placing this next to Jesus’ teaching about treasure in heaven casts a spotlight on Jesus’ silence about ‘fruit’ from heavenly treasure, because this was the means by which a righteous man enjoyed earthly blessings.

No first century reader could fail to spot Jesus’ silence on the matter of interest payments at this point, and they would ask themselves what had happened to this ‘fruit’. One possible answer is that Jesus simply rejected the concept of ‘fruit’ or ‘interest’ payments. Another possible answer is that he had an entirely different concept, whereby this ‘fruit’ was not paid out as material blessings during one’s earthly life, but as character improvements during one’s earthly life. People would,
of course, be perfect in heaven, but Jesus expected this to start during their earthly life, and the Gospels referred to this as ‘good fruit’ (Mt.3.10 // Lk.3.9; Mt.7.17-19 // Lk.6.43-45; Mt.12.33; 13.23 // Mk.4.20 // Lk.8.14-15; Jn.4.36; 15.1-16). This is found also in the epistles, where ‘fruit’ is the moral improvement of a believer (Rom.6.22; Gal.5.22; Eph.5.9; Jas.3.18).

This concept of ‘fruit’ as moral improvement sounds mundane to a modern reader, but to a first century Jew this represented a conspicuous rejection of the concept of earthly blessings as a reward for righteousness.

**Conclusions**

All three examples show the value of reading the Gospels through the eyes of a first century Jew. In the case of Jesus’ teaching on prayer and on heavenly treasure, it heightens an emphasis we might have missed. If we did not know what normal Jewish prayer was like, we would not see the emphasis on intimacy, nagging and poverty. And if we did not know about the concept of earthly blessings which are the ‘fruit’ of heavenly treasure, we would not notice the blatant absence of this teaching or the way in which Jesus transformed it into teaching on moral recsculpturing.

In one example, that of Jesus’ divorce teaching, our lack of first century insight has resulted in a completely different understanding of what Jesus meant. This is the most disturbing example because it suggests that our ignorance could mislead us. Depending on your concept of inspiration, you may conclude that the church came to the correct conclusions about what Jesus meant, and the first century listeners would have misunderstood because of their prior suppositions about what Jesus’ language meant. We have to decide whether the words of Jesus in the Gospels were recorded for the first generation or for succeeding generations, and that is a question of hermeneutics. My personal conclusion is that it is the task of succeeding generations to learn to read like former generations, because this is possible while it is impossible for former generations to read through our eyes.

Whatever one’s hermeneutical stance, it is undeniable that this recovery of early rabbinic traditions will result in many new insights into the teachings of Jesus, and perhaps result in a valuable new portrait of Jesus which can be hung alongside all the others.

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