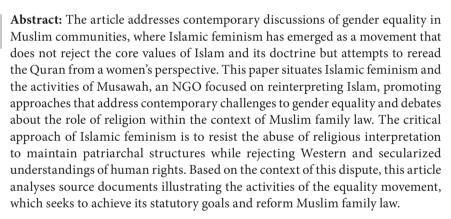


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Musawah Movement's Activism for Women's Rights as Strengthening the Trend of Islamic Feminism



Keywords: Islamic feminism, Islam, Muslim Family Law, women's studies, Musawah Movement, Ouran

Introduction

Religious aspects often significantly impact the violation of fundamental human rights, particularly concerning women and girls who are victims of brutal violence. Fundamentalist groups, including religious leaders, pose a real threat to human rights due to their significant influence in shaping the legal and political system. The efforts of various organizations focused on promoting women's rights in Muslim communities are often insufficient. Challenges arise in dealing with cultural influences and the operation of dual legal systems. Contemporary reality indicates that the struggle for women's rights in such communities requires intensive efforts in education, social campaigning, and support from key political

figures in the international arena [Morawska-Stanecka 2020: 105]. The Musawah Movement is an international non-governmental organization that plays a crucial role in promoting gender equality within the framework of Islamic feminism. The goal of this movement is to reinterpret Islamic doctrine to align with principles of gender equality and social justice. Additionally, it aims to counter abuses of religious interpretation that serve to maintain patriarchal structures in Muslim countries. Musawah seeks to combine academic research with activism to present new insights into Islamic teachings and to contribute constructively to the reform of family law and its practices [Mir-Hosseini 2019: 109].

The purpose of the article is to evaluate the effectiveness of the Musawah organization's efforts in promoting gender equality and reforming family law in Muslim countries within the framework of Islamic feminism. The analysis utilized source data, including the organization's reports, official documents of activists, and academic publications on Islamic feminism. The method of effectiveness testing was applied, including procedures for evaluating the organization's effectiveness concerning its statutory goals. The collected data facilitated an analysis of the organization's activities and provided insight into its impact on Muslim communities.

1. Theoretical framework of Islamic feminism

Islamic feminism represents a discourse on gender and women's issues that promotes an interpretation of Islam, emphasizing gender equality and social justice within an egalitarian understanding of the religion. This aspect undertakes analysis from a faith perspective while remaining within the Islamic value system. This practice is based on the premise that, rather than distancing themselves from religion, individuals who identify with Islam engage in interpreting sacred texts while maintaining a position consistent with the tenets of faith, not adopting an antagonistic or critical stance toward religious foundations. Thus, Islamic feminism presents itself as a trend that combines religious commitment with the pursuit of gender equality, representing a modern interpretation of tradition within the context of contemporary discourses on gender and social justice. It is an intellectual and practical movement, distinguished by its unique approach to gender issues, drawing on Islamic doctrine and ethics. In doing so, it seeks to reconcile deep Islamic values with feminist demands, finding in religion a foundation for women's equality. Focusing on exegesis, Islamic feminists seek to reevaluate dominant, masculine interpretations. The essence of such activity is to correct well-established interpretations and promote gender equality without abandoning Islam as a reference point or the core values of feminism. Despite the existence of some terminological ambiguity, within which numerous Muslim scholars distance themselves from this label, the movement identifies with the tenets of Islamic feminism [Sirri 2021: 36-37]. The term that underlies the formulation of the feminist agenda in Muslim countries is absolute equality (*al-musawa*) among all people, regarded as a principle of a religious nature [Szczepankiewicz-Rudzka 2014: 89].

Sa'diyya Shaikh notes that today's reality of excessive information overload poses a significant challenge to Muslim women who wish to participate in the process of advocating for gender justice. Shaikh outlines three principles crucial to preserving the concept of Islamic feminism. First, female activists should actively challenge and rigorously criticize sexism and gender inequality in Muslim societies and in the Islamic tradition, as well as in other religious communities, to develop more just and egalitarian gender norms. Second, they should continually emphasize and reinterpret the humanizing aspects of Islam and the Muslim tradition, reclaiming the hidden histories of gender justice and human equality, thus creating sustainable and nourishing feminist networks in Muslim societies. Third, there must be constant resistance and criticism to the attack of "empire", with its neo-colonial and imperialist formulations of feminism principles that essentialize, demean, and devalue the lives of Muslims to support the political ambitions of the globalizing North. This critique underscores the need for Islamic feminists to resist interpretations of feminism that demean and devalue Muslim communities, reinforcing narratives of civilizational superiority and the political and cultural expansion of the globalizing North [Shaikh 2013: 24].

According to Hadia Mubarak, the interaction between the Arab world and Europe has had a fundamentally positive effect in initiating an enlightened debate on the status of women in Islam. Western colonialism, despite its patriarchal tradition, undermined Islam as a major factor in the oppression of women, contributing to the emergence of modernist interpretations of the Quran. The turn of the 19th and 20th centuries brought rapid changes, creating a context conducive to the birth of new intellectual forms of engagement with modernization. These changes fundamentally remodelled the discursive foundations and assumptions of Islamic

The term "empire" is a manifestation of the dominant narrative and policies of the global North influencing Muslim societies. Empire symbolizes outside forces using feminism as a tool to promote their political and economic interests, often at the expense of marginalizing the experiences of Muslims [Shaikh 2013].

thought in the 20th century, both in terms of content and subject matter. As a result, complex and mutually influential moments of intellectual rupture and continuity emerged, unprecedented within Islamic intellectual discourse. For the first time since the establishment of Islam, women have become a focal point of discussion in Islamic tradition and law, led by Muslim intellectuals [Mubarak 2022: 19].

Islamic feminists emphasize the injustices arising from patriarchal customs and laws, interpreting them as the result of pre-modern readings of Sharia. Simultaneously, they seek to formulate defensible and coherent alternatives, as well as interpretations based on egalitarianism that affirm the principles of equality and justice within the Islamic context. Gender equality is a core value considered a necessary condition for social justice, which is another ideological priority. Islamic feminism emerged as part of the reform movement in Islam, focusing on gender consciousness and discourse. It seeks to provide a moral perspective based on principles of equality and justice, aiming to empower women by offering an interpretation of sacred texts that differs from the traditional and patriarchal one. Resolving this complex situation requires integrating Islamic, feminist, and human rights frameworks of thought. In the current discourse, which forces a choice between patriarchal interpretations of texts by Islamists and Western neo-colonialism promoting enlightenment and feminist ideas, this synergy appears to be the only valid strategy [Mir-Hosseini 2020: 87-88]. Transformation does not take the form of revolution or deep reform, as it is not concerned with radically changing customs and social ideas but focuses on finding social justice and gender equality within the Quran. Islamic feminism manifests as a feminist discourse rooted in theology, involving women in the analysis of the Quran, Hadith and consideration of figh [Szczepankiewicz-Rudzka 2014: 88].

Islamic feminists are reintegrating the abandoned concerns and voices of women, which remained unheard until the advent of *fiqh* schools, into the processes of religious knowledge creation and lawmaking. In many ways, the term "sharia" is problematic. Today, as nation-states have implemented unified legal systems, selectively reforming and codifying elements of classical Islamic law, and with the emergence of new varieties of political Islam using Islamic law as an ideological tool, one of the key distinctions of Islamic tradition has become distorted and neglected. This distinction is between sharia and *fiqh*. In Islamic doctrine, sharia is defined as the divine will revealed to the Prophet Muhammad. *Fiqh*, understood as jurisprudence, refers to the process of human endeavour to identify and

extract legal norms from the sacred sources of Islam, i.e., the Qur'an and Sunnah (the practice of the prophet recorded in Hadith, traditions). This fundamental distinction forms the basis for the evolution of various legal schools within the Islamic tradition, which in turn generates a wide range of positions and opinions with significant epistemological and political implications. This distinction is at the heart of the arguments of women activists committed to Islam, who position feminism within the Islamic tradition, emphasizing its importance for the formulation of legal and political positions [Bakhshizadeh 2023: 5]. The intense interdependence between theology and politics can function as a mechanism that influence in both directions. It represents one of the significant barriers faced by Muslim women. However, it also has the potential to emerge as an effective tool in challenging patriarchal legal norms and unjust social structures. Muslim women's aspirations to achieve equality have been held hostage by various political forces and currents. The emergence of political Islam in the second half of the 20th century and the strategies of the "war on terror" in the 21st century have shed new light on how ideological dichotomies, such as the contrast between "secular" and "religious" feminism or "Islam" versus "human rights", have obscured the real conflict: the dispute between patriarchal and authoritarian structures and egalitarian and democratic ideologies. Understanding this dynamic is essential for pursuing authenticity, allowing the process of reforming the fundamental structures that shape religious, cultural, and political realities to begin [Mir-Hosseini 2020: 88-90].

2. Musawah Movement: an aspect of Islamic feminism

The origins of the initiatives that sparked the Musawah Movement can be traced back to the late 1980s. At that time, women in Muslim communities faced deep inequalities, with their fundamental rights being restricted in the name of Sharia. The impetus for these initial steps came from reforms and changes in the international arena promoting the ideas of feminism and human rights. From the outset, resistance came from religious authorities and male-dominated institutions, asserting that feminism and international human rights threaten to existence of Islam. Additionally, there was a lack of support from secular activists affiliated with feminist ideas, who refused to engage with religious perspectives on discrimination against women, arguing that Islam was a major obstacle to equality and limiting their activities to neutral areas such as human rights. Since 1988, activists have organized public religious debates, educated others on women's rights and equality, and engaged scholars and the media. The workshop focused on analysing the origins of gender inequality, considered to be integrated into tradition and

a result of the divergence between sharia ideas and patriarchal social structures, where these ideas were transformed into legal norms.

The Musawah Movement activists stressed that Islamic doctrine, which promotes freedom, justice, and equality, has been lost in the culture and practices of 7th-century Arab society [Musawah 2012]. In the early stages of the development of Islamic law, patriarchal standards were integrated into the rulings of figh. Marriage practices and gender-dividing ideologies were coded as sacred, marginalizing female participation in the creation of religious knowledge. Although women played a central role as transmitters of Hadith, their influence faded with the consolidation of *figh* schools. In the century following the Prophet's death, women's roles were reduced to sexual aspects, subordinating them to male domination. Actions taken by Musawah indicate that the farther away from the Prophet's era, the more apparent the marginalization of women and their loss of political influence becomes. The restriction of their presence in the public space, the denial of critical judgment, and the marginalization of their concerns become evident in the process of lawmaking. Activists from the Musawah Movement point out that the Quran's injunctions on marriage, divorce, inheritance, and child custody rights are not in line with patriarchal transformations, opening the possibility of challenging the current legal state [Mir-Hosseini 2019: 113-115].

Activists affiliated with the Musawah Movement stress the need for reforms in legal and political structures and family practices, in Muslim countries and communities. The organization's work is based on several key assumptions. Interpretations of the Quran, Shariah guidelines, universal human rights standards, fundamental constitutional rights and guarantees, and the realities of modern life should regulate the relations between Muslim men and women in both private and public spheres through principles and practices founded on equality, fairness, and justice. All followers of Islam have equal access to, and obligation to interpret, religious texts. The primary purpose of the organization is to interpret the message and promote justice, equality, and improved living conditions in communities, families, and countries. Many existing laws and practices in Muslim countries are considered unjust, making life difficult for all members of the community, especially women. Human existence and challenges continuously evolve, parallel to changes in laws and social practices that determine relations within the Muslim family context. Islam embodies the principles of equality, justice, love, compassion, and mutual respect among all individuals, and these fundamental values provide a pathway toward change and progress. The modification of laws and practices to



support society and the public good has always been an integral part of the Muslim tradition. International human rights standards stipulate that every human being should be treated with dignity, ensuring the essence of equality and eliminating all forms of discrimination [Musawah 2018: 1-2].

Most legal norms and family practices in modern societies are based on traditional theories and concepts formulated by classical jurists in different historical, social and economic contexts. These jurists, in interpreting the Quran and Sunnah, considered the political realities of their era, as well as the set of values and norms regarding law, society, and gender roles that prevailed in their time. The concept of gender equality was not significant then, and marriage was based on the husband's domination and the wife's subordination. Modern family law regulations often perpetuate these assumptions, which, however, do not reflect contemporary Muslim needs, experiences, and values. The shift away from classical doctrines, which have gradually lost their connection to dynamic political and social realities, has been transformed into an increasing focus on executive and legislative bodies that tend to challenge traditional interpretations of Sharia. In Muslim communities where classical legal doctrines have not been formally enshrined, long-established fiqh rules and local norms often maintain gender inequalities in the family and society. Inequalities stemming from differences between outdated laws and modern customs are numerous, and the impact of family law is closely linked to all aspects of social life, including issues of dignity, injustice, personal security, mobility, possession, national belonging, labour rights, legal cadre, and social participation. The Musawah Movement points out that in today's world, justice is impossible without equality. Many aspects of family law not only fail to meet the requirements of justice under Sharia, but they also serve to limit women's life choices. Activists argue that these aspects underpin incompatibility in marriage and lead to the disintegration of families [Dworska 2023: 41-42].

The organization's activities are based on three fundamental principles regarding equality and justice within the Muslim family, as outlined in the statutes of the Musawah Movement. First, it is acknowledged that the Qur'an clearly emphasizes equality between men and women in both creation and afterlife. According to this, men and women possess equal value and independence, with no hierarchy or superiority of one gender over the other. The Quran promotes love, goodness, and moral conduct. The interpretation of justice and injustice evolves over time, and many verses of the Quran can provide a model for family and interpersonal relationships

in line with contemporary notions of justice 2. To achieve equality, norms must be integrated into laws and practices, while preserving the integrity of Islam's spiritual heritage and teachings. Second, the Musawah Movement underscores the need for full and equal citizenship for every individual, which includes active participation in all aspects of society. The organization emphasizes that, as human beings with equal values and dignity, and as citizens of modern states, individuals have the right to political participation, equal access to economic resources, equality before the law, and an equal degree of autonomy in social and cultural spheres. Third, the family unit requires equality. Both women and men should have the right to be respected, recognized for their joint contribution, and coexist on equal terms within the family unit. To achieve this, it is necessary to ensure equal rights, equal decision-making practices, and equal access to property after divorce or death. Musawah activists emphasize the compatibility of the provisions of the Committee on the Elimination of Discrimination against Women (CEDAW) with the principles of justice and equality for women in the family and society, which align with Shariah teachings more so than existing family laws in many countries and Muslim communities. Musawah's action policy considers a variety of religious, social, and cultural approaches, emphasizing equality and harmony in each. Therefore, women can situate their activism, feminism, and demands for justice and equality within both Islamic and human rights frameworks, choosing appropriate legal strategies that suit their needs [Musawah 2018: 3-6].

3. Theoretical framework of the organization's activities

The activists outline how the idea of gender equality challenges Muslim tradition in the 21st century. The analyses begin with an overview of classical Muslim concepts that, influenced by modern ideas of international human rights, have transformed the perception of male dominance, formerly considered natural and normative. The Musawah Movement and its activists discuss how single verses of the Quran have been reinterpreted as a fundamental patriarchal element of Muslim family law. The organization's publications analyse three Quranic concepts that, according to the authors, contain the spiritual message of Islam but have been misinterpreted to maintain gender inequality. It is emphasized that

² See: "O believers! It is not permissible for you to inherit women against their will or mistreat them to make them return some of the dowry as a ransom for divorce—unless they are found guilty of adultery. Treat them fairly. If you happen to dislike them, you may hate something which Allah turns into a great blessing" [Quran 4:19]. "And one of His signs is that He created for you spouses from among yourselves so that you may find comfort in them. And He has placed between you compassion and mercy. Surely in this are signs for people who reflect" [ibid.: 30: 21].

the Quran largely promotes feminist teachings due to its authority as the holy book of Islam, regarded as the literal word of God. It is noted that any vision of Islam based on gender equality will be ineffective if it does not include prophetic practices. Activists are making efforts to engage with prophetic traditions to enrich the debate on gender justice. The organization's proposals involve broadening the feminist perspective by incorporating Sufi perspectives on gender issues in the context of Islamic law. Such considerations, focusing on human nature and the relationship between humans and God, could provide important elements for the development of feminist thought among Muslim communities. There is a need to analyse the areas of family law and the judicial concepts of qiwamah and wilayah, which set the framework for modern family law, while identifying issues such as spousal maintenance, divorce, and the role of the head of the family as areas particularly affected by injustice. Activists discuss the practices of Muslims in Europe and the response of religious actors to the contradictions between reality and gender norms derived from fiqh. Attention is focused on fatwas regarding the role of spouses and on the reflections of the founders of the Musawah Movement, who share their own experiences with the concept of male dominance. The organization conducts an analysis of patriarchal power, bringing together in its publications those seeking to reframe the understanding of Islam as gender justice and activists advocating for real legal changes [Rehman 2022: 6-62].

The organization's publication, The Family in Musawah's Vision, presents proposals for modifying family relationships, structures, norms, and laws aimed at correcting injustices resulting from outdated assumptions and legal constructs. The authors emphasize the need to develop a model of Musawah family relations wherein family members should support each other in a respectful, responsible, loving, and caring manner. Family laws should be based on the fundamental values of the Quran, such as love, compassion, peace, kindness, human dignity, mutual consent, and universally recognized notions of justice and fairness. The concept of transforming equality in the current era acknowledges existing differences while ensuring equal opportunities for men and women. Marriage represents a partnership based on equality, with mutual decision-making grounded in communication and trust, rather than the domination of one spouse over the other. According to the Quran, marriage is considered a solemn covenant (mithaq ghaliz), with mithaq deriving from tiqa, meaning trust. Musawah emphasizes that the Quran describes marriage as an intimate and harmonious relationship, where joint decision-making encompasses all spheres of family life. Financial support and family care should be based on each family member's individual skills, experiences, time, and resources, instead of fixed hierarchical divisions or gender stereotypes. Financial difficulties can affect either spouse, so both are essential to the care and protection of children. Pursuing equal justice in the family requires recognition that marriage is a partnership, with roles defined by the needs and well-being of the family. The organization's activists assert that using the Quran's resources and the wealth of Islamic jurisprudential tradition can develop a Muslim family law that is egalitarian and responsive to the needs of modern society. Inspired by the Qur'an's vision of justice and gender equality, Musawah activists maintain that these goals can only be achieved by establishing laws that change power relations within the family. [Musawah 2016: 11-13].

Several tools and resources have been developed to serve activists, religious scholars, policymakers, and anyone interested in promoting equality and justice within the context of Islam. A primary goal is to end the use of Islam to justify discrimination against women. Musawah provides materials to raise awareness of the need for reform. Activists stress that reform is often met with resistance because Muslim family law is considered divine and inflexible. However, within the Muslim legal tradition, change and reform are integral, providing conceptual tools and legal methods for adapting Muslim family law to modern realities of justice. The concepts of gender and law established in classical jurisprudence are the result of a social construction from earlier times and are not relevant to current notions of justice. Accordingly, the Musawah Movement encourages reconsidering the egalitarian ethical principles of the Quran in the context of modern life. Activists emphasize that full implementation of CEDAW is possible despite some resistance from governments that do not conform to its principles [Musawah 2022: 2].

4. Monitoring the implementations of CEDAW

One of the most important areas of the Musawah organization's work is strategic involvement in the reform of international law. The CEDAW activist project has been identified as a priority within the mission of the equality movement. Activists face the challenge of implementing the Convention on the Elimination of All Forms of Discrimination against Women. One of the main challenges they face is resistance from the CEDAW Committee, which argues that many countries cannot fully implement CEDAW's provisions due to their alleged incompatibility with Shariah, internal laws, or social practices based on interpretations of the



Quran. Three main goals have been set in the approach with CEDAW. First, to better understand countries' arguments about the difficulty of promoting equality and implementing existing laws that discriminate against Muslim women based on family laws, and to analyse the CEDAW Committee's response to these arguments. Second, to unravel myths and constructs based on religious aspects, using Islamic teachings, human rights, constitutional guarantees of equality, and social realities. Third, to propose a vision and understanding of the Islamic legal tradition within a comprehensive framework that can assist the CEDAW Committee, state parties to the Convention, and NGOs in exploring alternative approaches to the direct and indirect use of Islam and Shariah to justify reservations to the Convention with respect to Muslim family law [Ibid.: 3].

The organization's activists actively engaged in interventions in 35 countries through oral statements, drafting joint or independent thematic reports, and suggesting questions and topics for pre-session groups of the CEDAW Committee. Advocates of the Musawah Movement provided feedback and proposed solutions to each comment challenging fairness and equality in the context of family law, considering Islamic sources, international human rights, state laws, and social realities. Although the Convention has been ratified, some state governments argue that they are unable to implement CEDAW or some of its provisions for reasons including Shariah practices or belief in the non-divine origin of the law.

Musawah activists have consistently opposed the use of Islam to legitimize discrimination against women. There is still a belief in many Muslim countries that the document was drafted by Western powers and imposed on countries in the Global South. The principles of the CEDAW Convention include the prohibition of discrimination, the obligation of states to condemn inequality, and the pursuit of substantive equality. The document discusses in detail issues of gender stereotyping, human trafficking, political and public participation, citizenship, education, employment, health care, and the active participation of Muslim women in socio-economic life. Article 16, which deals with equality in marriage and family life, is one of the areas where the organization has raised the most objections [Ibid.: 6]. Article 16 of CEDAW addresses women's freedom of choice in matters of marriage, family, and reproduction. This is a key area because the preamble to the Convention clearly emphasizes the essential role of women [Grewe 2021: 246].

Article 16 of CEDAW [1979] stipulates:

- 1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:
 - (a) The same right to enter into marriage
 - (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent
 - (c) The same rights and responsibilities during marriage and at its dissolution
 - (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount
 - (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights
 - (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount
 - (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation
 - (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration
- 2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

The arguments of states that deny acceptance of the CEDAW Convention are often based on the claim that Sharia and Islamic law are the fundamental sources of law or the main criteria for determining rights and obligations. A state cannot implement provisions of the CEDAW Convention if they are deemed incompatible or contrary to Islam. An equally common argument is that Islam sufficiently addresses justice for women, complementing this with rights and duties for both

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men and women. The Musawah Movement's response to these arguments is as follows. Today, much of what is referred to as Islamic law or Sharia is fiqh – or interpretations made by Muslim scholars. Islam introduced landmark rights for women and elevated their status in the 7th century through revelations in the Quran. Many of these revelations were reformist in nature, altering customary laws and practices to eliminate injustice and suffering. Unfortunately, this process was halted over the next 300 years as various schools of fiqh emerged and strengthened. Modern family laws and policies are human interpretations of divine revelation that evolve and can be changed, especially when they promote injustice or harm [Musawah 2021].

Conclusion

Activists from the Musawah Movement predict that by 2039, the Muslim community will function in an environment devoid of injustice, where gender equality will be the foundation of Islamic values, reflected primarily in the legal structure and social practices. This bold vision provides a source of hope for those who struggle with injustice. The constant criticism of dominant patriarchal narratives and the promotion of a better reality is leading to a gradual consciousness-raising among Muslim communities. Activists are initiating societal changes to spread the ideas of equality and justice. Their goal is to dismantle conservative tendencies in religious discourse and demonstrate that reform of discriminatory family laws and practices is possible in various contexts of Muslim communities. The organization faces numerous challenges in the process of trying to reform the law. One of the main challenges is resistance from government authorities, who are reluctant to embrace change, often denying the existence of the problem and dismissing reform as 'Western'. The public, including the men who should be supporting women's rights, are often unaware of the harm done to women. This underscores the important to constantly raising awareness and increasing knowledge at every level of the community. Analysing the activities and effectiveness of the organization in achieving its goals and anticipated future results, it is evident that despite the resistance from some Muslim countries, the organization continues its efforts in pursuit of legal reforms. This is active involvement in legal reform processes in the international arena, as well as the continued expansion of knowledge and awareness among Muslim societies. These activities contribute to the systematic implementation of the organization's mission and the pursuit of the goal of ensuring justice for Muslim women [Dworska 2023: 66].

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