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Cem Abanazir

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Resumen.

Disponiendo de un monopolio absoluto del fútbol en Turquía, la Federación Turca de Fútbol ('TFF') gobierna el fútbol a través de las decisiones del comité ejecutivo y las regulaciones puestas en vigor. Gracias a una enmienda a la Constitución de la República de Turquía, estas decisiones y reglamentos gozan de inmunidad total ante los tribunales, incluido el Tribunal Constitucional. El aspecto más importante de las decisiones de la TFF es que las decisiones afectan a todos los interesados y espectadores. Este artículo se refiere a los efectos de dichas decisiones y regulaciones sobre las mujeres espectadoras y la comunidad LGBTI. Este artículo analiza tres casos de "alteridad" contra las mujeres y la comunidad LGBTI por parte de la TFF. A pesar de que las regulaciones que dieron origen a dos de los casos fueron derogadas o enmendadas en el momento de la redacción; se sugiere que las razones subyacentes a la legislación y la implementación de estos artículos perduran. El candidato aparente por una razón para la "alteridad" de los individuos no masculinos y para ser más precisos no masculinos es el papel de la masculinidad tanto en la sociedad como en la propia comunidad de fútbol. En este artículo se establece que la posición contra el otro por parte del Estado y la sociedad proporciona una base para la institucionalización de la "alteridad" en el fútbol.

Palabras clave: football, gender, homophobia, masculinity, militarism.

Abstract.

Having an absolute monopoly on football in Turkey; Turkish Football Federation ('TFF') governs football through executive committee decisions and regulations put into force by it. Thanks to an amendment to the Constitution of the Republic of Turkey, these decisions and regulations have total immunity from the courts of law including the Constitutional Court. The most important aspect of the decisions of the TFF is that the decisions affect all stake-holders and spectators. This article concerns the effects of the said decisions and regulations on women spectators and the LGBTQIA community. It depicts and analyses three cases of 'othering' against women and LGBTQIA community on the part of the TFF. Despite the fact that the regulations which gave birth to two of the cases were repealed or amended at the time of writing; it is suggested that the reasons behind the legislation and the implementation of these articles endure. The apparent candidate for a reason for the 'othering' of non-male and to be more precise non-masculine individuals is the role of masculinity within both the society and the football community itself. In this article, it is put forth that the stance against the other by the state and the society provides for a basis for the institutionalisation of the othering in football.

Keywords: football, gender, homophobia, masculinity, militarism.

1. Introduction*

In Turkey, football has financially grown at an extraordinary rate over the last decade. As of 2015, the *Süper Lig*¹ enjoyed the seventh highest income in Europe with a growth rate of 73% in the last 6 years (UEFA Benchmark Report, 2017). This emerging market is administered and regulated by the Turkish Football Federation (TFF), which has absolute control over football. This power comes in the shape of immunity from all ordinary courts of law in Turkey; entitled to it by none other than the Constitution (Constitution of the Republic of Turkey, Art. 59 para. 3). A special law, which in turn limits the competence of the government and the administration, provides for the basis for the rights and duties in general (TFF Law No. 5894).

Nevertheless, after the period between 1996 and 2003, successes on the pitch have been few and football in Turkey has been making the headlines for all the wrong reasons. Match-fixing cases before criminal courts, UEFA and the Court of Arbitration for Sport along with persistent violence both on and off the pitch have become normal fixtures. A relatively new addition, at least before the eyes of the public, to the negative public relations menu is ‘othering.’ This aspect will be focused on through the analysis of three instances of ‘othering’ on the part of TFF against homosexuals and women.

The first case study as regards the stance of TFF is the case of referee Halil İbrahim Dinçdağ, whose affiliation to it was severed after he was ‘found out’ to be homosexual. The case attracted the attention of both national and international press, but other than references to it in some books and reports, the subject has been relatively untouched in the academia. The subject of the second case study will focus on the stance against homosexuals in general, the turning a blind eye of TFF regarding homophobic chants in the stadiums. The difference between the cases is that while the first case is a result of a direct intervention to the legal status of Dinçdağ, the second one is an example of action through inaction. The final case concerns the free admission of women and children to professional league matches as a ‘sanction.’

* The author wishes to thank Emir Güney, Pınar Öztürk and Itr Erhart for their help in finding the right sources.

¹The top tier of the football pyramid in Turkey.

The article will take the literature by commentators from Turkey as a bearing due to the fact that the comprehensive sociological and gender related texts on the cases at hand are written in Turkish. In addition to these, newspaper reports, particularly the ones with shock value or, which help reflect the mood in the footballing community, will be referred to. Above all, the TFF regulations, which, due to the above-mentioned Constitution article, have total immunity from ordinary courts along with the state legislation related to the cases will be analysed.

2. The ‘Gay Referee’

Halil İbrahim Dinçdağ was a referee, who officiated mostly on a regional level for 12 years. He was regularly appointed to matches by the local referees’ committee until his ‘situation’ came into light in 2009. He had a forced break to his career due to his call up for the mandatory military service, where he was declared ‘homosexual from birth’ by a medical report (Karakaş & Çakır, 2013, p. 118). Following his discharge from service, he applied to TFF in order to continue officiating matches; however he was stopped from officiating in matches after only one match due to an article in the Referee Regulations. The article, which was the basis of the rejection read, ‘[p]ersons who are exempt from military service due to their medical condition may not be referees’ (Referee Regulations 2009 Edition, Art. 25 para. 4). Later Dinçdağ was denied physical tests that would have allowed him to be a part of the 2009-2010 season roster for referees (Karakaş & Çakır, 2013, p. 120). A short time after this, a column in a daily sports newspaper about his situation and plea was published without giving a name (ibid., p. 124). It was followed by another column in a national newspaper hinting at Dinçdağ initials and hometown, which lead Dinçdağ to reveal their identity on national television (ibid., p. 134). Within a week of these events, without referring to the context of the press release, TFF announced that persons, who are exempt from military service due to non-health related issues, may become referees, paving the way for his return to officiating matches (Türkiye Futbol Federasyonu, 2009). Dinçdağ brought an action against TFF for the damages he suffered due to his identification and won it after a 5-year process (The Guardian). Meanwhile, TFF overhauled the refereeing system in 2010, and repealed the provision referring to military service, which led to the events in

the first place. The press release accompanying the overhaul did not speak of the repeal (Türkiye Futbol Federasyonu, 2010).

In a nutshell, Dinçdağ was expelled from the footballing community as well as the society. Regarding the former, since TFF has total control over association football, he cannot officiate in official matches and friendly matches of any kind played under the supervision of TFF, leaving only the 7-a-side matches beyond its jurisdiction. Regarding the latter, their identification created problems in finding a job as their sexual orientation is known to the employers (Karakaş & Çakır, 2013, pp. 155 et seq). The recruitment process in Turkey, where the employers look for the serving in the army for prospective male employees, also has a negative effect on the prospects of finding a job. The employers request documents regarding this process and that the reason for Dinçdağ's not serving in the military is a taboo complicates the matters even more (Biricik, 2013, p. 383).

It can be claimed that this situation is a reflection of the constituents of the unholy trinity of Turkishness: manliness, nationalism and militarism (Sünbuloğlu (Ed.), 2013). In Turkey, one of the reflections of militarism is the conscription, which through legislation, creates and excludes 'others' such as women and homosexuals (Akgül, 2011, p. 36). The compelling link between the unholy trinity and football is that the institution, which exercises a monopoly in football, also keeps out the non-heterosexual from the manly football. If the individual is not manly enough for the military, then he cannot be a part of association football. When the big picture is given a look the scenery points out to dominant heteronormativity. At the time Dinçdağ was issued the medical report indicating homosexuality from birth, the regulations pertaining to health issues preventing service at the Turkish Armed Forces deemed psychosexual disorders as one of the conditions which render a recruit 'unfit for service' (Sağlık Yeteneği Yönetmeliği Değişiklik, 2004, Arts. 17/B/3 and 17/D/4). Although the wording of the provision was amended in 2013 (Sağlık Yeteneği Yönetmeliğinde Değişiklik, 2013, Art. 33) and the amendment was accepted in entirety by the new regulations; 'sexual identity and behaviour' are still seen as disorders (Sağlık Yeteneği Yönetmeliği Ek-C, 2015, Art. 17/D/4). Thus, non-heterosexual males are 'sick.'

At this point, the interpretation of Dinçdağ's sexual orientation by former referees would be helpful in putting the assertions on the prevalent masculinity in football, where the club president of one of the top clubs in Turkey feels comfortable enough to declare '[w]e shall die like a man, and not live like a woman' (Pakkan, 2016, p. 134), into context. In a media environment where Dinçdağ is called 'The Gay Referee';² the comments of two former referees who moved on to become celebrity commentators are worth referring to. The first comment concerns Ahmet Çakar, a medical doctor himself, who was one of the persons present on the television program, in which Dinçdağ revealed his identity. In the television program, Çakar stated that before the case of Dinçdağ, he was against homosexuals officiating matches, but that he changed his mind and fully supported him. Nevertheless, following his open support for Dinçdağ, Çakar also asked if he had a sexual relationship with a person in the footballing community. The second example comes from Erman Toroğlu through a national newspaper interview. Regarding Dinçdağ, Toroğlu said that an openly homosexual person should be anything but a referee. He added that in men's matches, they would judge 'sentimentally,' awarding penalties in favour of handsome and tough footballers (Hürriyet 2009). It can be claimed that the two worrisome comments from ex-referees, who have a strong following, sheds light into the situation. First, the sexual orientation of a person and a painful process for an individual are utilised by the media as a spectacle. The fact that Toroğlu stated that playing football on an artificial pitch is like having an intercourse with a sex doll shows how media had a field day in a 'story' that includes manliness and football (Hürriyet 2009). Second, Dinçdağ's plight is trivialised through sensationalism creating a situation where the unjust treatment he received at the hands of the footballing community is justified by an implausible scenario in which he 'would be' the perpetrator of injustice as a consequence of his sexual orientation.

While it can be conceded that the repealing of the relevant provision in the Referee Regulations was befitting the situation; the fact that Dinçdağ was not reinstated immediately to their former status despite TFF's wide discretionary powers in admitting and classifying referees shows that it was nothing more than a token move (Referee

² The importance of the use of the term shall be put forth in the next section.

Regulations 2009 Edition, Art. 31). Another point is that one of the requirements for becoming a top-class referee³ had been ‘to have served in the military’ until TFF repealed the provision three weeks after the court decided in favour of Dinçdağ. Finally, the fact that Central Referees Committee still has broad powers regarding the assignment and the classification of referees (MHK Talimatı 2016, Art. 51) brings doubts to one’s mind as to the consequences if a referee in Dinçdağ’s situation is encountered by the TFF at the moment.

Consequently, in a manly footballing community, which shows its prowess on grass pitches and with real women, the other is feared, hated, –as can be seen in the next section– insulted and finally purged. In this case, the purge was realised by TFF itself through the utilisation of militaristic state legislation that protects the purity of the armed forces. On the society side of things, in essence, the other becomes the subject of a free-for-all and a spectacle, in which the injured party fights against prejudice, libel and slander.

3. Lip Service.

As mentioned above, TFF is founded by a law enacted by the Grand National Assembly of Turkey, the parliament. In this law, along with its jurisdiction, the duties of TFF are laid down. One of its duties is ‘to fight against violence, match-fixing, illegal performance incentives, racism, doping, and any kind of discrimination’ (TFF Law No. 5894, Art. 3/g). In 2009, in line with this provision, TFF added the ‘Discrimination’ offense to its Disciplinary Regulations (Futbol Disiplin Talimatı 2009). In one sense, TFF adopted a wording similar to the FIFA Disciplinary Code article of the same heading, but added the ideological propaganda aspect within the provisions (FIFA Disciplinary Code 2009 Edition). The TFF version of the article underwent some changes through the years, but has always kept the phrase ‘offend[ing] dignity of a person on account of race, language, religion or ethnic origin or in any other way’(emphasis added) (Futbol Disiplin Talimatı 2017, Art. 42).

It can be claimed that the by adding ‘in any other way’ to the formula, the wording of the article covers a larger area than its FIFA counterpart, which only sees

³ Referees who may officiate in the top two professional leagues and the later stages of the Turkish Cup.

‘offend[ing] the dignity of a person or group of persons through contemptuous, discriminatory or denigratory words or actions concerning race, colour, language, religion or origin’ as an offense (FIFA Disciplinary Code 2017 Edition, Art. 58). In addition to this, the personal scope of the TFF article is quite broad; covering not only the players and the officials of the clubs, but also all persons accredited to a match and the supporters (Futbol Disiplin Talimatı 2017, Art. 42). Thus, in theory a discriminatory chant or behaviour on the part of anyone related to football, including that of the spectators, would be sanctioned under the provision headed Discrimination. Nevertheless, the dissuasive effect of this provision is not utilised to its fullest due to the facts that for the supporters, the provision concerning ‘obscene chanting’ (ibid., Art. 53) is applied and for other persons the sanctions laid down for ‘insult’ (ibid., Art. 41) is implemented for discriminatory language against the LGBTQIA community. In the concrete, the word *ibne* (‘faggot’) is commonly used by fans to mock fans of the rival teams, the players, other professionals and the referee; although it is claimed not to be a reference to the sexual orientation of a person but being unfair in general (Nuhurat, 2017)⁴. Dinçdağ, too, indicates that he is a homosexual and not an *ibne*, pointing out that he used to laugh when he heard the chants, since what the spectators understand from the word is actually ‘wheeling and dealing’ (Karakaş & Çakır, 2013, p. 104)⁵. Nonetheless, the purpose and the meaning of the word *ibne* notwithstanding, the word is utilised to belittle the rivals, referees, and TFF through the use of a word that renders them non-heterosexuals in a manly footballing community. The word is chosen to make them ‘feel degraded and hated;’ so ‘their aim diminishes the expressive importance of the words’ (Greenawalt, 1995, p. 49). It can be asserted that an interpretation, which concludes that the use of the word *ibne* would indeed offend a certain group of people and calls for the application of the provision related to ‘discrimination,’ is more fitting within this context. The basis of this assertion is in the shape of Article 14 of the European Convention on Human Rights, which reads:

⁴ TFF itself is also commonly targeted where calling TFF *ibne* is a fan favourite.

⁵ Interestingly, Nuhurat (2017) indicates that Dinçdağ received support from various fan groups in Turkey for standing up to injustice.

‘The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.’

The interpretation of the European Court of Human Rights (Court) is at least as important. In *Vejdeland and Others v Sweden* (2012), the case arose from the application of Swedish Penal Code prohibiting contempt against homosexuals. The applicants went to a secondary school and distributed leaflets against ‘homosexual propaganda’ which emphasize the ‘deviance’ of the practice with its consequences on morals of the society along with its links to paedophilia and HIV and AIDS (para. 8). Dismissing the allegations of the applicant, which focus on the freedom of expression, the Court decided that the Sweden’s intervention in the shape of penal law was proportional and necessary in a democratic society (*ibid.*, para. 59). In reaching this conclusion, the Court emphasized:

[...]inciting to hatred does not necessarily entail a call for an act of violence, or other criminal acts. Attacks on persons committed by insulting, holding up to ridicule or slandering specific groups of the population can be sufficient for the authorities to favour combating racist speech in the face of freedom of expression exercised in an irresponsible manner. In this regard, the Court stresses that discrimination based on sexual orientation is as serious as discrimination based on “race, origin or colour” (citations omitted) (*ibid.*, para. 55).

It can be asserted that the Court’s contentions are spot on and quite relevant to the case of the use of the word *ibne*. The utilisation of the word does not call to violence against the persons; but rather is pejorative, and attests to negative connotations such as unfairness and ‘wheeling and dealing,’ which ultimately, are ascribed to homosexuals. The facts that persons who use the word and the clubs whose supporters utter the word are charged and sanctioned by TFF through the use of other articles in the Disciplinary Regulations point out the fact that freedom of expression may also not be a shield for the perpetrators. Nevertheless, whereas the Court, rightly, states ‘discrimination based on sexual orientation is as serious as discrimination based on race, origin or colour;’

TFF turns a blind eye to the legal take of the Court, and does not apply the provisions on discrimination.

It can be emphasised that the point of view of the bureaucrats and the decision makers on this subject is summed up perfectly by the comments of Kahraman Berk, a Doctor of Law and a former member of the TFF Board of Appeals. In their statement to a national newspaper regarding the legal situation of Dinçdağ, they stated that while a homosexual should be able to officiate in matches; the chants hinting at or mentioning his sexual orientation may not be sanctioned by TFF (Hürriyet 2009). The statement does not include the ‘legal basis’ of this statement; however it reflects the idea in the Turkish legal doctrine that a mention or a hint at the status of a person may not be a basis of a criminal offence - even if it is an insult -; in the cases where the said status is confirmed by law or a court. In the concrete, should a person call another a robber; they would not be charged if the recipient of the insult was previously sentenced for robbery. Based on this debatable contention, it can be stated that the dignity of an openly non-heterosexual person who has been insulted due to their sexual orientation is not a moot point; and it is acknowledged as the truth and the psychological effects of the linking of sexual orientation and character traits are ignored. By not utilising the provisions on discrimination TFF does not go against the ‘values’ of the manly footballing community and thus takes their side; just like in the Dinçdağ case.

4. Matches without ‘supporters’

For severe cases of discrimination, ideological propaganda, crowd trouble and the repeated offences for obscene chanting along with every instance of racism, Disciplinary Regulations of the TFF foresee the possibility to sanction clubs with playing a match without spectators (Futbol Disiplin Talimatı 2017, Art. 31). Nevertheless, three weeks after the release of the 2011 edition of the Disciplinary Regulations, TFF announced amendments to the implementation of matches without supporters. According to the new rules, women and children under the age of twelve accompanied with their mothers along with children accommodating under the auspices of Agency for Social Services and Children Protection were to be admitted to the said matches free of charge (Futbol Disiplin Talimatı 2011 2nd Edition, Art. 102). The heading of the article, ‘Matches without supporters’ remained the same. The entering

into force of a legal provision, the change in the rules, was announced ‘the first in the world’ with a press release (TFF, 2011a).

Two weeks after the amendment, another project was announced in addition to the new provisions regarding matches without supporters. In that, matches where spectators are admitted without any limitations, women and children under the age of sixteen would be eligible for free entry in Süper Lig matches (TFF, 2011b). It was stated that the clubs would allocate certain areas in the stadiums and that they would be reimbursed by TFF. TFF described the aim of the project as increasing interest for ‘the beautiful game,’ preventing violence, disorder and obscene chanting, and creating a comfortable atmosphere for the families to watch the matches during the process the football is going through (ibid).

In the 2011-2012 Season, a total of 241.739 women and children attended matches without spectators. The second project attracted 111.698 spectators between the 5th and 34th match-days covering 248 matches in the 2011-2012 Season (TFF, 2012a). While the second project ended after one season, the implementations on matches without spectators continued with some amendments in the wake of 2012-2013 Season. Finally, it was terminated just before 2014-2015 accompanied by just a small reference to it in a press release regarding the changes made to the Disciplinary Regulations (TFF, 2014).

Regarding the first project, the premier concern is that it was a ‘sanction.’ It was implemented only when a member or supporters of a club perpetrated a grave offence. In essence, the other was utilised as a threat. The move is a natural extension of the assertion that stadia are gendered spaces ‘where the so-called male qualities of aggression, toughness, competitiveness, control, anger, and violence are praised, sport has for a long time been—and by some still is perceived as masculine’ (Erhart, 2013, p. 88). The threat, in the case at hand, is the replacing of masculine with the feminine. It can be asserted that the nature of the sanction was in line with TFF’s lack of empathy and its view of the lower echelons of the society (hegemony). In a yet another discriminatory practice by the TFF, a possible ‘sanction’⁶ for unethical behaviour was

⁶ Ironically the sanction was implemented by the Ethics Committee of the TFF. (Etik Kurulu Talimatı 2009, Art. 23 para. 2)

participation to events related to disabled athletes⁷. The threat, in the case of the disabled persons is spending time with them. If the masculine does not behave, he will have to have to spend time with the lowly, unfit individuals. When analysed together, the notions of women as sanctions and disabled persons as sanctions point out to a link between one's position in the society and their fitness for military service. Disabled persons, just like women, children, and as seen in the first case non-heterosexuals, may not be conscripted; positioning them at an inferior position to 'men' who are fit to be soldiers.

Closely related to the first concern is that the heading of the article did not change even if its implementation was radically altered which in turn rendered women and children as 'nonpersons' (Bora, 2014). As Erhart (2016) points out, the background to this slighting by the TFF was the assumption that women are 'innocent and harmless, just like children' (p. 189). In this case, TFF did not mask its intentions in bringing about a solution to perceived problems. It can be claimed that the aims of the second project are also valid as regards the aims of the matches without 'spectators' consisting of women and children. In its press release for the second project, TFF announced that one of the aims was to prevent violence, disorder, and obscene chanting through the free admission of women and children. The rhetoric of preventing obscene chanting through the free admission of 'innocent and harmless women' failed spectacularly.

The first match played under the new rules regarding matches without spectators was between Fenerbahçe and Manisaspor before 45.000 women and children (TFF, 2012a). It was reported that during the match, women were the perpetrators of obscene chanting which was duly blamed on 'men who infiltrated the stands' by the Minister of Youth and Sports; as 'women would not do that' (Erhart, 2016, p. 189). Fenerbahçe was not charged for the alleged obscene chanting. However, Beşiktaş was not able slip through. Due to obscene chanting on the part of women and children in the 'match without spectators' between Beşiktaş and Fenerbahçe in the same season, Beşiktaş was fined 60.000 Turkish Liras equivalent to around 26.000 Euros at the time (ibid., 190). The refutation of the idea of 'harmless women' paved the way for an amendment to the

⁷ Following a campaign started at 'change.org' by *Engelsiz Erişim Derneği*, a Turkish association founded for the defence of the rights of disabled persons, TFF amended the article, removing the reference to disabled athletes. (change.org)

Disciplinary Regulations. The amendment foresaw that in the cases where the actions of women and children in a ‘match without spectators’ would lead to a sanction amounting to a match without spectators where the club would ‘literally’ play its matches without spectators (Futbol Disiplin Talimatı 2012, Art. 100 para. 2). As indicated above, the implementation terminated before the start of the 2014-2015 Season.

The prejudice regarding the character traits of women on the part of TFF notwithstanding; it can be claimed that, at the time women were used as a diversion. The key to this claim is the use of the phrase ‘during the process the football is going through’ in the press release for the second project (TFF, 2011b). The process that Turkish Football was going through was the match-fixing case involving the top teams in the Süper Lig. The case went underway almost three months before the start of the project, and occupied the agenda all through the 2011-2012 Season. TFF and the footballing community in general were in a state turmoil and uncertainty. The decision concerning the attendance of women and children to matches tried to distract the attention of the society from the match-fixing process and also hailed them as the saviours of the future of football in Turkey. It also provided TFF for a breathing space and a good PR. Nevertheless, in essence, women were utilised as a distraction from the turmoil but, arguably, the more lamentable part of the whole process was the hailing of women because they were harmless, child-like others.

5. Conclusion

This article focused on the ‘othering’ of non-heterosexuals and women at the hands of TFF. In that, the actions and inactions of TFF and their consequences were strived to analyse. In addition to these, a brief overview of the footballing community in Turkey and its perception of the ‘other’ were presented. It can be claimed that the discrimination against the other on the part of TFF forms only a small part in the larger picture. In concrete, as Erhart (2017) points out through recent examples regarding the public places like buses, beaches and student residences; in Turkey the perceived differences between men and women are utilised to justify segregation (p. 77). Again, a

bleak outlook is observed where Turkey ‘lags behind’ as regards the rights of non-heterosexual individuals (Engin, p. 839). Thus, it should be no surprise that women and the LGBTQIA community experience discrimination and are subject to insults by a male dominated footballing community, where male delegates at the Congress of TFF greatly outnumber women and the latter is virtually non-existent at the executive level. Nevertheless, when the situation in the progressive years of the Republic of Turkey where women were encouraged for sporting activities on the basis that healthy women would bear healthy children (Kavasoglu & Yildiran, 2016, pp. 98 et seq.) is taken into account; it can be maintained that recent retrogressive social policies may not be the only culprit in the current state of affairs in sports. In any case, the role of the ‘unholy trinity of Turkishness’ - consisting of manliness, nationalism and militarism - which both creates and paves the way for a form of male dominated, repressive and discriminatory societal order - cannot be overstated.

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