Justice and the Rise of China: A Philosophical Approach

Ching-wa Wong, Hong Kong Polytechnic University, Hong Kong

Abstract
The rise of China as an economic superpower has in recent years aroused concerns from Western countries. This research addresses two issues that pertain to China's potential rise. First, if China is to become a global superpower, what normative principles should be adopted by her in interacting with other countries in the world? Second, are the socio-political processes underlying China's growth consistent with those normative principles? I argue that answers to these questions require the building up of a model of global justice by which to understand and evaluate China's peculiar economic development. In the first part of this study, I consider a few post-Rawlsian models of global justice, and judge that they fail to provide criteria by which to evaluate China's economic expansion around the world. I propose a new model known as the "Human Nature Theories" model, and suggest how it can be used to derive reasonable expectations of China from other countries' perspectives. In the second part, I quote some empirical evidences which indicate that China so far has not met these expectations, mainly because of the problem of "anti-political machine" in the governance of its megacities. I conclude by saying that China's rise as a superpower requires the endorsement of a moral orientation other than the liberal-utilitarian one which it currently takes.

Keywords: China; Global Justice; John Rawls; Human Nature

Introduction

1.1 The problem: What does China's rise mean for the West?
As illustrated by China's rise as an economic superpower, there are indeed signs that the U.S-led global economic system is fundamentally changing. In a recently published U.S. government report, the Office of the Director of National Intelligence predicts that China will overtake the U.S. in 2030, and become the world's largest national economy. This research addresses two issues that pertain to China's potential rise. First, in virtue of what socio-political processes is it possible for China to overtake the U.S. as a global power? Second, if China is to become a global superpower, what normative principles should be adopted to guide China's interaction with other countries in the world?

Answers to the above questions no doubt will touch on an overlapping area between sociology and political philosophy, as it has become increasingly evident that the alleged rise of China poses a problem of international justice for liberal democratic states. How might it be possible that a state like China, not being governed by constitutional democracy, maintains a stable relationship with Western countries while taking a more dominant role in world politics? Some decades before, when John Rawls published his *The Law of Peoples* (1999), it appeared to him that such a relationship could only exist between liberal and 'decent' (but non-liberal) peoples, and yet no real-world example of any decent peoples could yet be found at his time. Our current situation apparently encourages some speculation on the possibility of China's being such a decent people. I argue that, in view of China's peculiar economic domination over the world, which is not likely to result in war, there are strong sociological and ethical reasons why tolerance between it and the West is something desirable, and yet this tolerance can no longer be understood as "liberal tolerance" when the idea of global justice is on focus.

1.2 Outline of the research
The present research consists of two parts: the first one aims at building up a model of global justice on the basis of recent works on political philosophy, and the second one at applying this model to case of China's rise. In the first part (section 2), I am concerned primarily with reviewing the philosophical models of international /global justice as inspired by Rawlsian theory. Noting the difficulties with these models, I propose a new model by which I claim to be an improvement of the former models, called 'the human nature theories' model. On this new model, I suggest, the re-introduction of the notion human nature can help us to see China's predicament in a new light.

In the second part of the study (section 3), I seek to explain why massive political interventions of China's economic behaviour from the West are unlikely to take place. My hypothesis is that the discontents with the means by which China transforms itself into an economic superpower are, from many countries' perspective, not justifiable by any political theory they currently accept. They fall, to be sure, outside the domains of human rights and democracy because China actively engages itself in *demoralizing* and *depoliticizing* the governance of its megacities. Empirical evidences have been quoted, on the other hand, to show that these megacities are only superficially neo-liberal, and China's mode of governance implies contradictions with some widely shared views of human nature. I then conclude that Western countries cannot take

consistently a stance of liberal tolerance towards China, and yet they may look for a non-liberal conception of human nature which corrects the ideologies of both China and themselves.

2. A Normative Framework of Global Justice

2.1 Development of Rawls' Theory
Published in the early 1970s, Rawls' *A Theory of Justice* (1971) is commonly known as a classic in contemporary political philosophy. The interesting thing about this work, nevertheless, is that its recognized merits (such as its rediscovery of a normative theory of justice) are far outgrown by the controversies that it has attracted. Basically, there are lots of disagreements over the concept of the person presupposed by his theory, given the elements of individualism and collectivism which appear to be embraced by the theory. For my purposes here, what is notable about Rawlsian theory is that it does not allow any reference to the metaphysics of the person, or any putative theory of human nature. Such a feature, I argue, makes his theory of international justice developed in the 1990s a very unsatisfactory one.

Let us, however, examine in some more details Rawls' moral constructivism in order that his project be fully understood. The early interest of Rawls was to set out the formal conditions under which a moral decision can be vindicated (1950), and these conditions became the basis of the theoretical concept of 'the original position' which appeared later in *A Theory of Justice*. Briefly put, on the original position hypothesis, people are able to arrive at a most reasonable conception of justice given the condition that they are deprived of knowledge of their identities, but not the general knowledge of their society. In this way, Rawls is confident that a conception of justice will be chosen by rational persons unanimously. The very motivation of using this theoretical construct is simply to rule out the effects of people's self-interests and metaphysical beliefs on their judgment of social justice. It thus is clear why in his fully formed theory of justice, Rawls keeps reminding us that no ethical and religious presumptions should bias our acceptance of the principles of justice.

Understood this way, Rawls' theory is similar to the Enlightenment naturalists' view that justice is merely an artificial device by which to deal with people's conflicts of interests. This view is evident in Rawls' ideas of 'Kantian Constructivism' (1980) and the 'political and non-metaphysical' conception of justice as fairness (1985). For him, justice need be constructed, despite the fact that the debate over human nature has continued for more than two hundred years and is not likely to end in the future. The idea of justice has nothing to do with truth, but the need to secure public agreement. But then there are some fatal confusions here: Is the avoidance of metaphysics equivalent to the avoidance of the talk of human nature? If no metaphysics of the person can help us to arrive at political agreement, can some *naturalist* theories of human nature help at all? I will return to these questions shortly.

2.2 From international justice to global justice
Since Rawls' project is a constructivist (or anti-realist) one, we certainly can imagine how citizens of a society can arrive at certain principles of justice by following his original position hypothesis. They are asked to imagine themselves deprived of their metaphysical beliefs, and then come to consider what all parties would take to be justice in that situation. Thus we should have no difficulty in thinking that people

living in a liberal democracy (say, the U.S.) agree with Rawls' two principles of justice if they disregard their own religious and philosophical backgrounds. The agreement to follow these principles is said to be based on their 'overlapping consensus', but not truth. Difficulties arise, however, as we consider the possibility of arriving at such an agreement between people from different societies around the world. Is an agreement possible if all individual persons in the world are supposed to be parties in the original position? Or should be consider each party in the original position a local community, a nation, a race, or a culture?

The interesting move of Rawls in the late 1990s was this: he considered that justice around the world as a matter of stable collaboration between *peoples* (groups of people with different ethnic, cultural, racial, or national backgrounds), and that justice so conceived is governed by 'the law of peoples'. Previously, his project was to propose a political conception of justice capable of explaining why individuals with different comprehensive worldviews can live peacefully in a liberal democratic society, viz., why political stability is possible in such a society. Now he became convinced that a wider political conception of justice should be able to explain why massive political sanctions or wars between different ethnic groups or countries would not frequently take place. In this light, he used the idea of 'Society of Peoples' to characterize an idealized cooperative entity for the whole world. Since followers of the Law of Peoples are self-contained units with their own governments, what Rawls had in mind should be the idea of 'international justice' and not 'transnational justice'. It may be suggested that Rawls basically wanted to take tolerance between liberal and non-liberal regimes as a premise, and so the remaining construction of his model of international justice was not meant to be critical of a non-intervention policy in international affairs. This, of course, is the reason why many critics find the development of Rawls' theory disappointing. For tolerance between people in a liberal society simply has no analogy with tolerance between 'peoples': one is based on the overlapping consensus of people in a pluralistic society, the other not. For a non-liberal people, the suppression of their comprehensive religious or moral doctrines is the very reason for war.

In Rawls' theory of international justice, now we come up with a second 'original position' which in which all the peoples are treated fairly, and yet the distributive arrangement in each of the peoples is out of the question. What the representative of the liberal people should do is to deliberate with the other representatives the terms of international collaboration, assuming that the liberal ideal is just as good as, say, an Islamic ideal, provided that the basic 'humanitarian conditions' are satisfied. In practice, it also means a non-intervention policy by and large. There is no point of complaining that some countries (such as the U.S. and China) are extremely rich, while people from the Third World have not even enough to survive. A global redistribution of resources will never be recommended if all the peoples consistently follow the law that they fairly set up together.

2.3 Alternative approaches
The discussion above indicates some limitations of applying Rawlsian theory to the case of global justice. Firstly, already constrained by the need for a moderately non-intervention policy in international affairs, the theory suggests that very little can be done in the name of global justice other than the so-called 'humanitarian actions'. Secondly, consistent with his previous work on social justice, there is an essential

suppression of the talk of human nature in Rawls' new model of international justice. In this way, it is not clear what the model can recommend for those serious conflicts caused by people's different cultural and religious identities, as the recent rise of international terrorism suggests. Thirdly, and more relevant for our purposes, how might we conceptualize a situation where both human and natural resources are unduly exploited when all the peoples are contended with the present distributive pattern? How might economic superpowers' behavior be restrained when we are concerned only with each people's fundamental interests, not the globe itself? Without a single and overriding hypothesis of what is good for the species *homo sapiens*, we probably will end up ruining the world collectively, while seeing no problem with the fairness of the social contract made among the peoples.

These questions give rise to some alternative approaches to global justice, which I find worth considering but in need of improvement. Before turning to them, it should be noted that Rawls' theory fulfils part of the expectation of the ancient Greek theorists of justice, in that it pertains to the ideal of social harmony as the motivation of social justice. But Plato and Aristotle notably could have a better theory of global justice than Rawls, because they were all sensitive to the idea that beyond the agreement between individuals, justice must also concern the relationship between human beings and the world. Eventually, justice implies the harmonious relationships not only between the individuals, and also between man and nature. By this light, we can come up with the communitarian conception of justice much promoted Charles Taylor (1989; 2007) and Michael Sandel (1982; 2007; 2009). Communitarianism contends that any viable conception of justice must presuppose a common conception of the good life shared by the members of a community. It also argues that reluctance to engage in the debate over the nature of the human person can only weaken this common conception, in that it encourages individuals to engage in *any* form of life they deem to be good. But what communitarians promote are usually the communal ties within a *local* community, as a result of which they are more concerned with a *particularist* rather than *global* ethics. So the problem becomes how their political view can become available for, say, people from Eastern cultures as an agenda for the good life.

By contrast, there is a universalist approach as recently found in the works on *utilitarianism* and *cosmopolitanism*. What they have in common is the simple assumption that the world is *one*, and that it is simply a moral mistake to divide it up and favor some groups of its citizens. The utilitarian view, as advocated by Singer (2002), is that ethnic favoritism and patriotism are largely due to the poverty of people's imagination, so much so that they see a big difference between their obligations to people from different ethnicities. If we are to be rational and consistent, global justice should more likely consist in a sort of radical equality for all persons in the world, as though we are living in one single community. What it cannot allow, thus, is that we discard an impartial and universal principle of utility just because some peoples (or countries) do not accept it. To do so is to deny the reality of the oneness of the global community, and to legitimate the fact of global coercion, so it is argued.

On a similar line of thought, Pogge also argues against Rawls' model of international justice, but by appealing to the concepts of fairness and universal human rights. His view, commonly called 'cosmopolitanism', is that 'the demands of justice derive from

an equal concern or duty of fairness that we owe in principle to all our fellow human beings, and the institutions to which standards of justice can be applied are instruments for the fulfillment of that duty' (Nagel, 2005: 119). Pogge (2001) also urges us to think that Third World countries' poverty is as a rule caused by their rulers' international borrowing privileges, which in return lead to some cheap sales of their countries' resources to First World countries. And the so-called humanitarian assistance from the First World, the argument continues, merely covers up the fact that it is the First World people which owe the Third World people. Westerners' tolerance of the unlawful behavior of some undemocratic regimes in fact contributes to the domination of super-nations. So both empirically and conceptually, justice is about how to defend the victimized people's rights from a global perspective.

2.4 The 'Human Nature Theories' model
The communitarian, utilitarian, cosmopolitan views of global justice all merit our attention as remedies of Rawls' moral constructivism. What they all agree is that behind the idea of justice, there is a realm of moral truth on which people's acceptance of a certain political arrangement is grounded. And yet what these three theories offer are very diverse understandings of human nature. Clearly, then, those realist positions tend to conflict with each other, and we cannot easily adjudicate their disagreement. Theoretically speaking, they will give us some very concrete guides to attaining a just global community, if only we can decide which of them is true. But we simply have no means to decide on that matter. And this apparently encourages a reversal to Rawls' constructivist approach.

I propose a way out. In what follows I shall outline a new model of global justice, which is based on the recognition of the connection between justice and human nature. But I argue that the previous theories mentioned above have gone wrong in presuming that a theory of human nature must be *comprehensive*, when in fact we can only hope to find a number of *partial theories* which work together to guide our sense of justice qua global citizens. The model which I favour is notably found in the renowned studies on human nature by Leslie Stevenson and his colleagues. (Stevenson, Haberman and Wright, 2013). Stevenson suggests that the solution of any problem with life requires a diagnosis of what is wrong with our society. Such a diagnosis can be derived from some background worldview or an ideology; and if this background view is formulated systematically and consistently, we will come up with a theory of human nature. A theory of human nature must have metaphysical assumptions, and it also makes narrower claims about essential features of man and society. Out of these assumptions and claims we can get diagnosis of our social problems, as well the prescription for how human life should be lived. So it is no surprise that there are rival theories of human nature even within the Western culture. The rivalry is all to be expected because their metaphysical assumptions just will not be dropped because of the change of experience. Even so, it is important to point out that the theories also make empirical claims, and have certain logical characters. Thus they need not be viewed as merely doctrines which are immune from critical evaluation. So the best strategy to study human nature is to start with a number of widely accepted theories of human nature, and assume that they can modified in light of what can be learned from other theories. Eventually, we may expect to find out that all theories are right in some ways; and that through some critical revisions of them, it is possible to merge them. This approach requires us not to start with one single theory and defend it all along.

If we apply these ideas to the topic of justice, we may have no more reason to believe that a theory of global justice must avoid the talk of human nature. Instead, we should assume that the global character of justice depends on the assumption that we are more or less the same kind of living organism, that we tend to have similar desires and aversions that our fellows can comprehend, and that they respond in ways that we can anticipate. It is a hard question how similar we are qua human beings, but both empirical and conceptual works can help us to work out a general picture. If this is true, maybe community, equality, liberty and happiness are all universal values that human beings should embrace, and the requirement of justice is that they need be balanced in such a way that a person's life be functioning well. There is, in effect, no question of their priorities over each other, as the previous theories falsely pose. All we need to do is to specify the conditions of a normal human life with the help of the partial theories, and examine how different ways of balancing our human values contribute to its flourishing or deterioration. The 'Human Nature Theories' approach, in short, urge us to embrace as many human nature theories as possible, and to show by empirical studies why a particular political arrangement is problematic from the perspectives of most, if not all, of these theories.

Following this model, I reject the very idea of liberal tolerance in the topic of global justice. It is not true that tolerance towards the behavior of other countries, or peoples, is necessary when no universal human nature can be found. And it is also not true that we can criticize them because there are some abstract rights we find them violating. Rather, empirical studies will show what is it like for *their* people to take the behavior as unjust, and how such perception coincide with ours. We may think of a few terms in which such a judgment can be made: the quality of life, mental health, basic living necessities, means for subsistence…so on and so forth. There may be terms which remain controversial (such as filial piety and radical freedom); and for practical reasons we shall avoiding using them.

3. Governing Megacities: the Case of China

3.1 From global justice back to internal affairs
Having endorsed an anti-Rawlsian approach to global justice, I shall now turn to some empirical studies about China's style of governance, which I take to be in need of improvement from the ethical point of view. These studies concern what scholars call the governance of 'megacities' or 'global cites' in China. To be sure, it has long been noted that urban regimes can be active promoters of economic development rather being a mere provider of social services. In what follows, I will focus on the Chinese household registration system (the *hukou* system), and add to these literatures by showing how a state-enforced system of unfree labor is a crucial aspect of urban capitalist growth in China. This study will serve to illustrate how that Western countries' tolerant attitude towards China's economic expansion constitutes a problem from the perspective of global justice, as it is not even consistent with the theories of human nature that both Chinese and Westerners accept.

 3.2 The Chinese "anti-politics machine"
Within greater China, the most widely discussed case of intercity competition is that between Hong Kong and Shanghai. Since the 1990s Shanghai has meteorically resurged as one of China's key financial centers while Hong Kong experienced a

series of economic setbacks from 1997 to 2003 during which the city was hit with the East Asian financial crisis, the burst of the dot-com bubble and the SARS epidemics. Hong Kong has long played the role of a metropolitan command center that coordinates the flow of finance capital and economic activities between China and the rest of the world. However, the contrast in the economic fortunes between Hong Kong and Shanghai in the last decade has spurred a debate about the possible replacement of the former by the latter as the region's top global city (Hong Kong Trade Development Council Research Department, 2001; Li, X., and Stender, N. A., 2002; Meyer, D, R., 2004)).

To achieve "global city" status, many urban regimes engage in a promotional campaign that aims at attracting multinational corporations (MNCs) to set up regional headquarters in their cities. One strategy that cities adopt to market themselves as the preferred site of specialized service operation is the construction of hardware; such as the building of the tallest skyscraper in the world, a state of the art airport and the introduction of high speed magnetic train. Besides the creation of a built environment that is conducive for MNC activities, the competition to be the region's global city also entails adopting a new mode of governance.

In their study of Post-Fordist urban development in North America and Western Europe, Neil Brenner and Nik Theodore argue that as cities vie with one another to attract investment in order to generate high-value added business activities, these cities are transformed into "institutional laboratories for neoliberal experiments" (Brenner and Theodore 2002: 368). Cities in the greater China region are undergoing a similar transformation. The race to improve "competitiveness" entails the implementation of a neoliberal policy agenda that reduces welfare spending, deregulates the market and privatizes public services. But given the current hype about China's emergence as the world's economic powerhouse, there is relatively little critique of the neoliberal turn that many Chinese cities have undertaken.

The discourse on the competitiveness of Chinese cities includes research reports by business consultants, academics, government officials and journalists. These writings take for granted the goal of attaining global city status and accept without challenge the "need" of neoliberal reform. The focus of these literatures is primarily on the strengths and weaknesses of these different cities and on ways to improve the competitiveness of particular cities (Magretta 1998; Dunn 2005; Tung and Ng 2006). These works are uncritical in so far as they do not explain how the social and political pre-conditions that enable urban capitalism in Chinese cities to emerge are produced. More specifically, they do not address how state power is used to maintain a system of unfree labor and reproduce a specific type of rural-urban relation that is necessary for Chinese urban capitalist development.

The Chinese urban growth complex can also be characterized as an "anti-politics machine" (Ferguson, 1990). To be sure, politics are not completely taken out of the Chinese case, since Western media is replete with reminders of human rights violation and "undemocratic" practices by the Chinese state even though similar abuses of political power are also common among Western allies such as Saudi Arabia and Pakistan. Despite their condemnation of the Chinese political system, these critics are nonetheless "anti-political" since they glorify the country's capitalist reform while ignoring how the very same political system is what makes capitalist development in

China possible in the first place. Economic growth in Chinese cities today is dependent on migrant workers from the country side. A state-enforced household registration system that separates the Chinese working into two segments---one urban and one rural---illustrates how the disciplinary power of the state facilitate the production and reproduction of Chinese urban capitalism.

3.3 Rural migrant workers and blocked mobility
One undesirable consequence of inter-city competition is the problem of 'forced and bonded labour', as is facilitated by the so-called *hukou* or household registration system. (Chan, 2000: 262). China's household registration system originates in the planned socialist economic period and it allows urban governments to distribute rights and welfare only to legal urban residents. During this current round of capitalist development in China, the hukou system no longer blocks rural migrants' movement to the cities. But it does not mean that they have the same rights and freedom as the urbanites. For example, they can still obtain official approval for their activities in the city by acquiring a variety of permits, to name a few—Temporary Residency Permit, Work Permit, Rental House Safety Permit, Marriage and Birth Permit, Business Permit…etc. However, even with all these permits they are still not entitled to local government subsidies and insurance benefits because of their lack of hukou. For example, migrants' children have to pay more for their education in the cities. Besides inequality in the distribution of public goods, there is another form of inequality between rural migrants and urban residents that is more relevant to the analysis here---the exclusion of migrant workers from jobs that require a local hukou.

Lots of job positions in state-owned firms, the local government and even in business owned by multinational corporations are given only to people with a local hukou. Rural migrants have a more restricted job mobility than their urban counterparts; the lack of a hukou makes them ineligible to apply for certain jobs even if they qualify in all the other aspects. Unlike urban workers, rural migrant workers experience occupational confinement since they are excluded from certain job positions and their occupational choices are restricted within a certain number of job categories.

Rural migrant workers are locked into an employment relationship not merely because of the de jure restrictions, but also because factory management is taking advantage of the system. One strategy that factory management employs is to help rural migrant workers pay for their temporary work permits as an advance of their wages. Many factories also ask the workers to pay a deposit (yajin) when they are hired. Worker who intend to reclaim the deposits are then made to stay regardless of the working conditions of the factories (Chan, 2000: 263). Another strategy taken by some factories, though illegal, is the confiscation of the workers' identity cards. Many workers are not able to leave their employers without their consents because of the need to reclaim their identity cards. Irregular pay schedule and not paying workers their wages in full are other strategies that factory management uses. Workers also remain with their employers because they hope to recover their back wages. (Chan and Zhu 2003: 564).

3.4 Rural migrant workers as unfree labor
Examples of labor systems based on violence or state coercion are slavery and serfdom, which are also referred to as unfree labor Workers in these systems are considered unfree since they are coerced into labor by the state or powerful social

classes through threats of violence. On the other hand, free wage laborers, for example the proletariat, are free in the sense of being free from extra-economic coercion and are compelled to work only because of economic pressure.

Under the contemporary household registration system, Chinese rural migrant workers are also not "free". First, the system has formal restrictions on the type of jobs that rural migrants can apply for. As a result, rural migrants enjoy less freedom in job mobility than their urban counterparts. Secondly, as Chan's research shows, the household registration system also places rural migrants in a particular vulnerable position because of their lack of equal citizenship rights (Solinger, 1999). Some factory owners are able to exploit the situation and retain their rural migrant workers as bonded labor.

The Chinese urban growth complex is composed of government officials, academics, journalists and MNC business consultants. Together they constitute an "anti-politics machine" since they fail to note how state power and other forms of coercion are part and parcel of Chinese urban growth. The above discussion shows how the exercise of state power creates a low-cost rural labor force for urban development. The attendant vulnerability of these rural workers also increases the disciplinary power of the employers. If the above analysis is right, then it is problematic to criticize Chinese state coercion while glorifying Chinese capitalist development. This is an untenable position because, as it is shown in the Chinese case, capitalism does not necessitate democratic practices but is dependent and maintained by state coercion. And the capitalization of China is so strong a demand from transnational enterprises that we may question who should take responsibility for the problem of forced labor just raised above. In fact, there are a great number of stakeholders to be considered, so much so that the problem is no longer a local one.

4. Conclusion: Right and wrong across borders

The rise of China, arguably, is a complicated issue; and it seems not fruitful to attack it on the orthodox grounds given by nationalists and human rights advocates of the West. My suggestion, by contrast, is that its problematic aspect consists in a certain kind of injustice, which is *global* in the sense that the Western world plays a role in it. But since I have said that a case of global injustice must be due to the violation of human nature, I now will have to say why the state coercion of migrant workers in China is problematic on the best theories of human nature we know. As should be clear now, the above analysis does not explain the matter in terms of some abstract values like communality, utility, or liberty. What it shows is that the prospective of a better form of human life is closed by the 'urban growth machine'. There is, moreover, in the Western countries' defense of China's capitalism a false appeal to the democratization of its megacities. What pertains to the political control of the migrant workers' mobility is the urge for the economic growth, which in turn makes it hard to see how they are provided with the resources necessary for a 'normal' human life. Having said that, political sanctions from the West are in fact very unlikely to take place, as the kind of capitalist ideology that Western countries can criticize is in fact strongly held by themselves. And even if de facto sanctions exist, the motivation behind them is far from being a moral consciousness that we may treasure. This may be a familiar Marxist theme. But many other theories—such as Freudianism, Christianity, Confucianism, or even Darwinism—can agree with it too. Ironically, the

pre-condition for a sense of global justice here is perhaps not Western countries' willingness to intervene with China's 'internal affairs', but their openness to a critique of their own value systems.

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