Avant La Loi Veil: Collisions between Literature and Reproductive Law in 20th Century France *Georgiana Saroka*

What happens when a woman doesn't have control over her body, fertility, and sexuality? What if a woman does not possess the ability to choose what happens to her body... when the lack of options surrounding contraception becomes the basis for myriad life decisions and anxieties? What if this lack of options pushes a woman towards illegal options? This clash between policing of the body, lack of contraception, the illegalization of abortion, and a lack of sexual education leads us to one woman: Annie Ernaux. Born in the 20th century, Ernaux's words lead us into a world where laws are not seen, but felt. Where family 'rules' and 'laws,' or lack thereof, cause young women to tempt fate and risk getting caught breaking national law. Ernaux's writings break stereotypes in revealing the tension between the worlds of her women characters and opens up a portal into the unseen world, bringing women's issues once shrouded in shame, into the light. Writing becomes a means of learning, processing, exposing, and even educating, as Ernaux transgresses boundaries. She writes:

"I had gradually changed in my tastes, my habits, my interests and my whole outlook on the world, as a result of an education which took me away from my original background. For a long time I refused to admit this divide; no one spoke about it, said what it was like, or how it came about...From the very first line- this is something that I can see more clearly now...a desire to transgress all boundaries. In its content: saying the unsayable, feeling ashamed of one's parents, humiliated, wanting to be like everyone else; speaking about the female body, menstruation, erotic pleasure, abortion."

This quote by Ernaux describes the platform from which she is writing her first novel, *Cleaned Out*, and serves as a reference point from which one can look at her subsequent writings. Though all written at different times in Ernaux's life, the novels are rich and the narratives serve as a means of revelation. In saying the unsayable and transgressing boundaries, these works show the strength of literature in memorializing and educating, and they provide a platform from which the silent narratives of generations past can be heard and discussed. Ernaux returns to her origins throughout her novels and links them to shame and inevitable failure as she processes her lived experiences. In processing her own experiences, Ernaux reveals the lived experiences of countless women prior to the legalization of abortion in 1975.

Reproductive Law 1870-1973

While abortion, contraception, and health care are worldwide, debated topics today, their legal roots can be traced back hundreds of years. Under Article 317 of the French Penal Code of 1810, both abortionists and their patients could be imprisoned, but enforcement was weak. The devastating loss of Frenchmen during the Franco-Prussian War (1870-1871) brought with it anxieties over a rapidly declining birthrate and loss of authority, both worldwide, and at home. In response, the Société d'anthropologie from 1873-1875 revealed their male-dominant legal narrative of control over the female body, revealing that it was men's responsibility to engage in family planning. Clémence Royer, the only female member of the Société, revealed the gap in that logic in stating "science, like law, made exclusively by men, has too much considered the woman as an absolutely passive being, without instincts, without passions, without her own interests. Being always at least one half [of those] involved in the reproduction of the species, she must play a role, and a dominant role, in its more or less rapid multiplication." Royer's words reveal the social reality of law; women were not included in the legal debate and passing of laws concerning their bodies. She advocated for revolutionary concepts such as eugenic abortions, legal equality for legitimate and illegitimate children, and legal divorce. iii These concepts were both contrary to the law and contrary to the goals of the French nation which favored virility, male legal initiative, and an increased birth rate. These anxieties carried France into the Third Republic (1870-1940) and the tensions between private life and policy continued to escalate.

After World War I, fears of depopulation only increased and traditional gender roles were challenged as women took on historically male jobs. Amidst this tumultuous time, a law was passed in 1920 that significantly limited the availability of contraception and abortion. Although abortion had been illegal in France since 1810, with the law of 1920, imprisonment became more widely enforced. Also, the selling and discussion of contraception became prohibited...well, almost. All forms of female contraception became illegal; however, male condoms were still accessible which informs us that law transcended into a targeted, gendered discrimination over women's role in prevention of pregnancy. In a contradictory manner, while abortion was illegal, there was not an increase in support to mothers who otherwise would have chosen abortion. This presents another side of republican motherhood and raises questions of what role the law should play in denying women the right to choose whether or not they become mothers. However, abortions were still happening and in the 1920s and 1930s, abortions averaged 400,000 per year; by 1945, the number was estimated to be around one million. A 1950 study conducted by the Institut national d'études démographiques (INED) showed that half of the women seeking out abortions were poor, married, and carried out the abortions themselves.

It is necessary to put these statistics into the context of the sexual revolution of the sixties, and its precursors in the fifties. Feminist movements and activists called for reforms to contraceptive and abortion laws as questions arose over controlling female fertility, family planning, and the expression of sexuality in the public arena. Movements to legalize contraception arose, such as those of the Mouvement francais pour le planning familial (MPFP), offering education and a call to reform which would usher in a way for the 1967 Loi Neuwirth, which legalized contraceptives. This law led to the creation of the Association national pour l'étude de l'avortement, or The National Association for Abortion Studies which pushed for the legalization of abortion and special considerations for women in crisis. The 1960s and 1970s also brought a new wave of young couples delaying childbearing or foregoing it all together. The use of contraceptives was legalized in December 1967; however, the fear of declining birth rates was reflected in the medical standards in France which forbid the prescribing of IUDs to childless women due to risks of infection and sterility. Vi

The movement of May 1968, recognized as the spark of the sexual revolution in France, led the way for The Mouvement de libération des femmes (MLF) to demand free contraceptives and abortions for women. In 1971, well-known author Simone de Beauvoir partnered up with lawyer Gisèle Halimi to form Choisir. This group exemplified the melding of law, feminism, and social reform in calling for abortions to be subsidized through Social Security and drafting a bill whose aims at repealing the 1920 law were echoed by other organizations such as MLAC, Mouvement pour la liberté de l'avortement et de la contraception. These efforts culminated in the 1973 presentation of the abortion reform to the National Assembly, providing abortions in the first trimester without questioning. The bill moved forward, but was shortly killed thereafter. It wasn't until 1975 that La Loi Veil was passed, making abortion legal and removing Article 317 from the French Penal Code. vii An amendment to this Article was made in 1979 stating that "a person performing or attempting to perform an illegal abortion on a pregnant or supposedly pregnant woman, with or without her consent, is subject to one to five years' imprisonment and payment of a fine of 1,800-100,000 French francs." The amendment goes on to state that anyone who continues to perform abortions is subject to five to ten years' imprisonment and payment of a fine of 18,000-250,000 francs. If a woman attempted to perform an abortion on herself, she was subject to six months to two years in prison and payment of a fine of 360-20,000 francs." The legality of abortion was still limited to women who were deemed as "in distress" and could only be performed by a doctor. The law therefore only covered certain women, without laying a concrete framework of what "in distress" meant. This gap in the law meant that choosing to authorize an abortion was at the discretion of the doctor and not every woman who sought out an abortion was able to obtain one. This, combined with the limitations of contraceptive availability and use, especially before 1967, is problematic. Contraceptives may have been legalized in 1967, however, only one type of contraceptive pill was available. The second generation of hormonal birth control pills didn't hit the market until 1974 and the third generation of pills in 1982. What were the options for women deemed by male doctors as "not in distress"? What place did the law hold for women who were unable to obtain contraceptives and could not obtain an abortion? These questions pave the way for the writings of Annie Ernaux.

Les Armoires Vides/Cleaned Out

Ernaux said, "When I look through *Les Armoires Vides* again, I know full well that the novel represents an act, undertaken rashly and without heed of the consequences for myself, but one which meant that henceforth for me writing would be a deciphering of real life, something which is far removed from the lyrical, ahistorical and asocial literature." Carol Sanders, author and literary critic writes that Ernaux's "first novel, presents the outpourings, the exploratory delights and the pent-up anger of a young woman split between two worlds." Ernaux's writing in *Cleaned Out* is less refined than her subsequent novels, however, in adopting a style that is more reflective and honest, Ernaux allows the reader to gain an important and "unfiltered" insight into one girl's sexuality, development, and experiences with familial and national law: Denise Lesur.

Ernaux's first novel provides an introduction to themes such as memory, sexuality, shame, abortion, religion, and intellectual life. Another central theme in her writings is the public expression of the private life, and as Sanders writes "It is not surprising that woman writers, who are describing "private" things whose public expression has until recently been suppressed, frequently choose to use an autobiographical or semi-autobiographical form." This idea can be seen in the novel's title and its translation; *Les Armoires Vides/Cleaned Out*, published in 1974 (one year before La Loi Veil) and translated into English in 1990. While it can be translated literally as empty closet/cabinet, another translation suggests dead closet/cabinet. Both translations provide foreshadowing of the content to come, a cleaning out of the conscience. The image of cleansing and renewal through Lesur's abortion signifies a paradoxal renewal and birth through the death of her unborn child. This novel provides a starting point for her to self-analyze and process her abortion in relation to her childhood and she later returns to her abortion in *L'événement/ The Happening*. As Sanders states, "Sifting through the past in the light of the present is thus both an exorcising, a cleaning out, and an attempt to come to terms with the past."

Cleaned Out starts in the middle of the narrative, without an introduction, as the main character Denise waits for her backstreet abortion to finish. Right from the beginning, we see her linking sex and punishment as she feels shooting pain and heat and describes it as "a sort of exquisite pleasure... Just what I deserve. If they could see me now..." This scene begins a narrative that shows that Lesur was bound to fail and she describes herself as ignorant and the situation as only her fault. She thinks back to her childhood and feels shame asking how this could

have happened to her and she attributes it to her upbringing and the clash between her home life and socialization at school. However, as the narrative continues, we see that her home life and the formation of her views on sexuality play a large part in her ending up having an abortion. She talks about her sexual education as "mere speculation." xi Sexuality and anatomy were equally mysterious to Denise as her family spoke of sexual encounters outside of marriage in hushed tones while gossiping and "then comes the word that sums it all up, 'A slut." This negative view of sexuality is furthered when brought into dialogue with her Catholic schooling and feelings of inferiority towards the other girls. Later, a priest tells her about the "monster growing between (your) legs, a flat, red cockroach, unclean. Don't ever look at it, don't ever touch it, don't let anyone see it, the Devil's down there..." These experiences taught Denise that sexuality is a dirty thing and that she should be ashamed of her body, a notion which she carries with her into her first sexual encounters.

Strikingly, Denise admits that she sees herself as "born to be bad" and describes herself as being trapped, as if her inability to escape the reality of her family is the source of all of her shortcomings, sexual or otherwise. Denise repeatedly returns to her origins in order to explain her failures. xiv She feels inferior to the privileged families and tries to change this through her education. She states "in the grammar exercises, in the vocabulary tests, in the strange sentences...They may be creeping up slowly...To stay ahead, to have my revenge, I entered more and more into the school game."xv Here she presents her plan for moving from failure to success, in the process delighting her parents and finding favor and acceptance in those around her. Education is equated with success and escaping her family. This theme of 'Education and Success' therefore is undermined by another theme of 'Sexuality and Failure'; failing her family, failure in education, and even legal failure. She imagines her family saying "we did everything for you, everything, so that you could get ahead! This is how you thank us!"xvi How she views herself is projected onto others as she likens her condition to a song on the radio that says "I didn't steal, I didn't kill, but I didn't listen to what my mother said..." She further recounts the "Stories that lie in wait for me, that warn me what my future might be...If I listen to them, if I don't watch myself, if I allow myself to like things at home, as I once did, then I shall become like them.."xviii Her abortion signifies failing to escape her upbringing. This sense of failure also translates to her studies at school. Her getting pregnant means that she failed and fell into the trap of her childhood, but it could mean the end of her studies if she keeps the child. Through this narrative, we also see that she views her consequences as purely social, not legal, and that her fear of failure is rooted in social shame.

Her first relationship with a boy in her next to last year in school, not surprisingly, shows the development of shame, intertwined with sexuality. "I set out quite shamelessly on a boy hunt... It was a question of skill, or luck, or even willpower." This quotation perfectly shows her

naivety in both her own sexuality and encounters with the opposite sex, undoubtedly influenced by her lack of education on sexuality, and the types of men she encounters on a day to day basis at the shop. Also, this crucial moment sets a precedent in her life in seeing sexual conquests as daring and escaping fate a question of skill, luck, or willpower, a mind-set which ultimately fails her. She writes "Naïve, I had thought it would be like being first in an essay, the vengeful satisfaction of doing it better...not feeling ashamed of being Denise Lesur." The link between her sexuality, her family, and education becomes fractured through her abortion, as she writes "My parents had had it, my studies meant nothing anymore." Her past continues to haunt her as her pursuits of men of higher class are followed by a tormented sense of being free, without ever truly being rid of her past.

Through this first sexual encounter we also see she is already concerned with not being liked by others and worried about not fitting in. She worries that she is not like the rest of them by engaging in sex and she does not worry about the tangible consequences of her actions. Further, her mother's reaction reinforces a negative view of sexuality and punishment as she states "To think we've done everything for this little slut, we could have sent you out to work at fourteen! And now you're carrying on with boys... if anything happens, don't you ever set foot in here again."XXI Yet, her mother still refers to sexual anatomy as "down there" and they never talk to her about sex, contraception, or the consequences of her (Denise's) actions. Denise begins to view herself as dirty and writes that she is "a slut who chases boys just like the other girls... My new self, clean and starched with pleasure, is already beginning to feel dirty and disgraceful." This image of herself contrasts with the title "Cleaned Out," perhaps showing the contrast between these first thoughts of sexuality (being dirty) and those of coming to terms with her past (becoming clean). This sense of being unclean links with punishment as she laments going from being strong and intelligent to writhing in pain from her abortion. "How can I ever get through enough exams to make up for the skeletons in the family closet? Her getting pregnant returns her to the past she couldn't fix or escape through exams, literature, and studying. "There, too, were never enough boyfriends to blot out the mortal sins of my childhood...The pleasure I get, I have won for myself, nothing to do with my parents...It was a success story." The pleasure and satisfaction derived from her success in school and boyfriends ends however, when she meets a boy in the library. He seems superior to her, which she finds attractive, but he also makes her feel inferior and embarrassed of her working-class background. Punishment is portrayed as inevitable as she recalls that "it doesn't occur to me to worry that I might get punished for what I'm doing as we nestle on the deerskin."xxiv Is this sense of uncleanliness and punishment from her Catholic background of penance and guilt, or that which derives from her family legacy of shame and lack of sexual education?

"Let me be cleaned out, through and through, freed from all that holds me back, squeezed out." This quote speaks to her abortion, but it is also a metaphor for her desire to be cleansed of who she is, her past, and mistakes. Her abortion is not just a physical act, but a symbolic one, a return to freedom, even paralleling the Catholic act of penance which was so scarring to Denise years before. In this way, she passes from the spoken penance of her Catholic school years to that of a secular, physical cleansing of her body. Her pregnancy signals a rupture in her pattern of living, showing that she can't have both school and pleasure, and that in trying to do so, she brought punishment on herself. The reaction of the boy also is revealing as he says "You idiot, why weren't you more careful!" The blame for her pregnancy is put on her alone as the woman, and the boy sees that he was not to blame; she alone has to decide the next course of action. Denise questions how this could have happened, which although biologically obvious, reawakens questions of her lack of sexual education, as she wonders "What if it's all because of him, all because of "nice" people...that I'm in the process of trying to root the last degrading remains out of my stomach, trying to justify my actions and prove I'm different, what if I got the whole thing wrong...Pregnant, for no good reason."

This concept of punishment and shame, along with the narrative about sexuality in *Cleaned Out* serves as a reference point, setting the tone for Ernaux's novel *Happening*. This novel was published in 2000, 26 years after *Cleaned Out*. This novel looks in depth at the unfolding of her experiences, from meeting a boy to her abortion and recovery. A large theme that plays out in this novel is memory, as the author is looking back decades prior at an event that largely impacted the course of her life, almost as one would celebrate a birthday. "For many years I celebrated the night of January 20-21 as an anniversary. Now I know that this ordeal and this sacrifice were necessary for me to want to have children. To accept the turmoil of reproduction inside my body and, in turn, to let the coming generations pass through me."XXXVIII Here she expresses the importance of her abortion not only on her own life, but also on that of following generations. She writes "I realize this account may exasperate or repel some readers; it may also be branded as distasteful. I believe that any experience, whatever its nature, has the inalienable right to be chronicled...if I failed to go through with this undertaking, I would be guilty of silencing the lives of women and condoning a world of male supremacy."

Happening is centered on the dialogue of abortion, and while it reveals the lived experience of an illegal act, it can be paralleled to many life experiences that transcend sexuality and gender. "I have finished putting into words what I consider to be an extreme human experience, bearing on life and death, times, law, ethics and taboo- an experience that sweeps through the body. I have rid myself of the only feeling of guilt in connection with this event: the fact that it had happened to me and I had done nothing about it." Ernaux expresses her desire to return to this particular part of her life as an investigation and recollection of what remains for most a

silent topic. "Paradoxically, when a new law abolishing discrimination is passed, former victims tend to remain silent on the grounds that "now it's all over." So what went on is surrounded by the same veil of secrecy as before." The narrative serves to commemorate the story of many who have remained silent and shamed and to bring knowledge to the next generation. There is significance in Ernaux sharing this story, especially in publishing it one year before La Loi Veil. The fact that she originally published it under the pretense that it was a fictionalized story also shows the fear in revealing her narrative. How many more women never shared their own experiences out of fear of being arrested and shamed?

In this way, Happening goes beyond the themes found in Cleaned Out, exemplifying not only personal realization, but the role of time in clarifying and healing, both physically and metaphorically. As the novel progresses we see the effects of her sexual formation on how she views her pregnancy and abortion. This starts as she is in the waiting room at the hospital for a pregnancy test and she reflects on "the motions of lovemaking... the reason for my being here today. I likened the embracing and writhing of naked bodies to a dance of death...Yet I couldn't associate the two: lovemaking, warm skin, and sperm and my presence in the waiting room. I couldn't imagine sex ever being related to something else." Unlike Cleaned Out, she actually uses the word "sex" in this novel, and yet, she doesn't mention the word "pregnancy". Throughout the novel she describes the fetus inside of her through non-human descriptors, as she refuses to admit the life and personality inside, as a coping mechanism. She calls it "this REALITY," "evil creature," "baby doll," and "Indian doll" before coming to terms after the birth that it is a fetus. She does not use the terms "expecting" or "pregnant" because "They endorsed a future event that would never materialize. There was no point in naming something that I was planning to get rid of."

A point of interest in this story is that of contraception, or lack thereof. The only mention of contraception is when she writes about using the Ogino method, which consisted of calculating one's menstrual cycle in order to know when one is fertile. In describing the conception she says "According to the Ogino method for birth control, I was in a risky period but somehow I couldn't imagine that it would "catch on" inside my loins. When I made love and climaxed, I felt that my body was basically no different from that of a man." This rich phrase shows the dissociation between sexuality and pregnancy, biologically inevitable, but still conceptually difficult for her. Also, it shows that she sees an inherent difference between male and female sexuality in implying that if she were a man she wouldn't have to worry about pregnancy and wouldn't be in her present predicament. She sees that her pregnancy is a punishment and ties in the concept of social reproduction in recognizing that "there existed a connection between my social background and my present condition... the thing growing inside me I saw as the stigma of social failure."

lies the articulation of what was hinted at in Cleaned Out: inevitable social failure through pregnancy, brought about by the expression of her sexuality. Soon, she meets with LB, an intelligent journalist, and is comforted that "someone like her had gotten an abortion." This further shows the link between her sexuality and education in seeing that perhaps being educated doesn't free one from making mistakes. Yet she still writes that "plunging a knitting needle into a womb weighed little next to ruining one's career," thus associating both pregnancy with the ending of a woman's career, and showing that women are still having abortions despite the ban. She reveals that it was worth it to go against the law in order to save her studies. For many, the choice between motherhood and a career that is still prevalent today, and could quickly lead one to abort. Either way, as Ernaux points out, there is an inescapable shame on the part of the woman. "Girls who abort and unwed mothers from working-class Rouen were handed the same treatment. In fact, they probably despised her more... on the one hand, doctors, on the other, workers or women who abort, between those who rule and those who are ruled." As she rightfully points out "you couldn't tell whether abortion was banned because it was wrong or wrong because it was banned. People judged according to the law, they didn't judge the law."

However, her continual view of herself as a misfit launches her into a search for self-realization, and she finds comfort in the stories of LB. As she points out, not much was written on abortion, and much of her education on the subject was from local gossip. Thus, she has trouble with her identity in this time, seeing herself move from an exemplary student to desperate girl. She thinks about her search for a backstreet abortionist and her lack of connections as a loss of self. She writes:

"Now these "intellectual heavens" were out of reach: I was wallowing down below, my body overcome with nausea. One moment I would be longing to regain my powers of reasoning once I had gotten rid of my problem. The next moment I believed that the knowledge I had acquired was but an artificial structure that had definitely collapsed" xxxix

Despite the physical state she is in, she views her inability to write her thesis as worse than needing to abort. This furthers the theme of pregnancy signaling failure and removal from her studies, which, as in Cleaned Out represents that she did not achieve liberation from her upbringing and her mother's generation of shameful sex. However, Ernaux sexualizes her novel in describing that the writing of this book is like an orgasm, a getting to the heart of something, spontaneous and without force. She further likens her writing of this novel to a state of expectancy and states that she is "afraid that the act of writing will shatter this vision, just like sexual fantasies fade as soon as we have climaxed."

Curiously, the least mentioned character in the story is that of the man who got her pregnant. He is described as failing to show interest and removed, furthering Ernaux's narrative that pregnancy and abortion are seen as female issues. Women are left with the responsibility of the child, whether that means the shame of birthing a love child, or the shame of having an abortion. This also signifies that the legal responsibility is also a "woman's issue." Taking into consideration the French National Assembly's perspective of gendered family roles, I ask: How can family planning (preventative) be a solely male issue, but dealing with the reality of pregnancy (reactionary) a female issue? Ernaux depicts female solidarity through the characters of LB and the abortionist Mme P-R who help create a community of solidarity and help with the process of choosing to abort and carrying it out. Ernaux doesn't use real names, which shows both a discretion for the people's private lives, but more importantly, it de-personalizes the story and extends it towards the greater audience, who can identify with it. In not writing out names, the novel serves as homage to those whose stories were never told.

The symbolism of birthing continues as she sees the abortion, paradoxically, as a birthing of herself. "I feel that the woman who is busying herself between my legs, inserting the speculum, is giving birth to me. At that point I killed my own mother inside of me." Thus, the act of killing the fetus inside her, she is killing the metaphorical "mother inside," that is her past and upbringing, bringing forth her birth, a new start; cleaned out. In this cleansing, the return to religion appears when she feels saved in listening to Bach's "Passion According to St John" and feels saved and after confessing to a priest one last time she realizes that she is "through with religion." In a sense, this almost religious experience of "birthing" through her abortion, delivers her from her past by both forgiving and freeing. The novel ends as she is applauded for doing what she did and is given a diaphragm. It took her all of what happened in order to finally be given a contraceptive device, almost signifying that she had to earn the liberation and control over her own body, symbolizing the struggle for women to have control over their sexuality and fertility.

The narrative shift from that of a teenager to that of a mother shows that this is an ageless issue of sexual identity. Publishing this novel brings people "closer to people's judgement and the 'normal' values of society." Ernaux's narratives show that questions surrounding sexuality and identity are not restricted to a single age group or social status, but are questions which all can identify with, and her novels provide a means to expose and reveal these questions. These novels show the strength of a personal narrative in educating and revealing how societal norms inform law and punishment. Yes, the novels are structured around narratives of growing up and abortion, but in diving into these works and walking through the process of writing with Ernaux, the reader is able to see the greater picture, that is what it means to be human and what it means to act against the law. Regardless of the arguments over whether Ernaux's works are autobiographical or semi-autobiographical, they reveal the narratives of women, lost due to fear of being

arrested. Her writings provide insights to current events and questions over the legal control over women's bodies and the function of law in regards to health and identity. These issues transcend time, rendering Ernaux's writings relevant in historical and legal analysis. Ernaux's accounts of obtaining an illegal abortion provide insight into the experience of many prior to the legalization of abortion in France through La Loi Veil in 1975, but also serves as a tool for the liberation of future generations. She does not advocate for or against abortion, yet her thought-provoking prose causes readers to question the effect of male-dominated and male-initiated laws on women. Transgressing boundaries through recounting a story about an illegal procedure is, in and of itself, shocking, but what is more shocking is that this brings these issues from the private to the public sphere. Hundreds of years have passed, and yet certain "women's issues" are still relegated to "women's spheres" and deemed dirty, inappropriate, and taboo. Ernaux's writing have merit in opening up discussion surrounding women and gender studies, health, sociology, law, and much more. Who knew a 20th century French woman writer could provide insight and accounts that are as applicable today as they were in the 1960s? Ernaux's novels show the strength of a personal narrative in educating and revealing, and allows the reader to see the greater picture of what it means to be human, what it means to be a woman, and the visceral effects of the law.

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