

CRITICAL ASSESSMENT OF THE STRENGTHS AND LIMITATIONS OF VICTIMOLOGICAL THEORETICAL PERSPECTIVES

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ABSTRACT

This paper critically assesses the strengths and limitations of different theoretical victimological paradigms. In doing so it relied on secondary sources of data such as published research works, journal articles, textbooks, internet-based materials, among others. Although there are significant controversies over what constitutes victimisation and how victims should be handled, there are two major perspectives in victimology: the positivist and the anti-positivist paradigms. Positivist paradigm concerns itself with distinguishing victims who in some way could be responsible for their victimisation and the recognition of personal and situational factors which engender a uniform pattern of victimisation. The anti-positivist paradigm facilitates an understanding of the nature of victimisation perpetrated against susceptible classes by the state and society. The positivist perspective focuses on victim proneness, victim precipitation, victim culpability, relies mainly on quantitative methods and pursues a legalistic conception of crime. The anti-positivist perspective focuses attention on the life experiences of the victims of crime, the actions of the state, the impacts of victimisation on vulnerable groups, relies mainly on qualitative methods and looks at crime from a wider prism. In conclusion, this paper submits that efforts at developing more comprehensive theories of victimology, should focus on the multifactorial dimensions of victimhood and victimisation, because crime has divergent, multifactorial, and complex dimensions. Unfortunately, current paradigms are entrapped with the problem of focusing on one dimension of victimisation and victimhood, while standing alone. However, the trajectory of the criminal justice process has been transformed by the aggregation of these paradigms. Nonetheless, victimology needs to create a single theoretical framework which must describe accurately all related events without using random elements and must predict all relevant future events accurately.

Keywords: Victimology, Positivist, Radical, Critical, Feminism, Left Realism.

INTRODUCTION

What is Victimology?

Victimology refers to the scientific study of the etiology and implications of victimisation as well as to show the criminal justice system and other systems of the society accommodate, hinder, or promote the course of victims of crime in society (Daigle, 2017). It conducts assessments of the descriptions of victims and perpetrators of crime, studies the susceptible

groups within the society, investigates the pervasiveness of vicious episodes, the effect of violence on victims, and seeks to discover the essence of societal norms and values about victims (Dillenburg, 2007). Although crime is an age-old phenomenon, the concept of victim of crime did not exist until well into the 17th century when the word victim was first used to refer to a person who is hurt, tortured, or killed by another (Kearon and Godfrey, 2012). The delineation of its boundaries has been a persistent struggle within the field of victimology since its early beginning (Wemmers, 2010). Nevertheless, victimology can be subdivided into three major branches or divisions (Kirchhoff *et al.*, 1994). The first is penal victimology which focuses on victims of crime or victimisation arising from criminal activities, such as rape, robbery, assault etc (Wemmers, 2017). The second is general victimology which is interested in all types of victimisations, including those affected not just by crime, but also by non-criminal events that have negatively impacted their lives, such as victimisation arising from natural disasters and accidents (Dussich, 2006). The third is human rights victimology which pays attention to victimisation arising from human rights abuses otherwise referred to as man-made victimisation of all sorts which includes persons victimised as a result of certain laws and regulations, abuse of power, occupational hazards, or an unfortunate economic situation, such as slavery, torture, migration, war, genocide etc (Sarkin, 2019). Victimology when viewed from a criminological perspective, examines the psychological effects of crimes on the victims, the interactions between victims and the criminal justice system and the relationships between victims and offenders (Gopalan, 2022).

Brief History of Victimology

Victimology emerged in the mid-20th century as a major research area in criminology although, some scholars see it as a distinct and established academic discipline (Walklate, 2007). While Fattah (2000), asserts that Frederick Wertham; a forensic psychiatrist, coined the term victimology in 1949, Daigle (2017), credits Benjamin Mendelshon with being the first to use the term in 1947. Nonetheless, Francis (2017), contends that it was Hans Von Hentig who in 1940, highlighted the latent insight which could be gained by understanding the attributes, motives, and experiences of the victims of crime towards furthering investigation and crime control.

Throughout the Middle Ages the informal criminal justice system focused its response to crime on assuaging the loss suffered by victims (Hillier and Dingwall, 2021). During this era, emphasis was laid on the restoration of equity between the victim and perpetrator (Supratiknoet *al.*, 2022), and the burden of pursuing and delivering criminal justice was placed in the hands of the victim, while the principle of “*Lex-talionis*” “an eye for an eye” was the dominant philosophy (Godfrey, 2017). However, with the emergence of structured local governments and the development of formal legal statutes, crime came to be conceived as violation against the state, and focus was shifted towards offender punishments and rights, as opposed to victim rights and restoration, thus, victim involvement was eroded to little more than that of witness for the police and prosecution (Ferguson and Turvey, 2009). Consequently, criminal justice systems did not necessarily seek to help victims, rather treated victims as “forgotten actors” within the justice system (Francis, 2017). Nevertheless, since the middle of the twentieth century, the realisation of the important role of victims as a source of information about crime and criminals ultimately led to the birth of traditional victimology, through the activities of sociologists, criminologists, and legal scholars. The goal of these scholars then came from a desire to better understand the victim’s role in the criminal act, relationship to the offender, and culpability (Turvey, 2014). During its early years, victimology did not seek to address the needs of victims and alleviate their suffering, even though victims’ rights were gaining attention (Fattah, 2000). However, with time the goal of victimologists extended to the restoration of victims i.e., returning the victims to the state they were in prior to suffering harm, or loss or making them feel satisfied that justice has been served and empowering the victims (Miers, 2014). These activities once more heralded the re-emergence of victims within the purview of criminal justice system and the return of attention to victims of crime rather than overlooking them (Joseph and Jergenson, 2020).

To be able to understand and explain the clustering of victimisation in certain areas and among certain groups, the vast differences in the risk of victimisation, and to unravel the intriguing phenomenon of repeat victimisation, various theoretical models were developed (Fattah, 2000). However, there is so much controversy among victimologists over what constitutes victimisation and how it should be studied (Gopalan, 2022). While some explain broad patterns of variations in victimisation based on large-scale characteristics of the social environment, others employ concepts that focus on small-scale features of the social

environment (McDonald and McDonald, 2018). Although there are many disagreements on the central issues, at least these theories fall into two major paradigms which can be distinguished as the Positivist and the anti-Positivist perspectives (Dooley, 2018). Positivist victimological perspective finds expression in such theories as victim precipitation, theories of victim proneness, theories of victim culpability, control theories and exposure and opportunity theories (Lasky, 2019). The anti-positivist victimological perspective is articulated through critical theories and radical theories such as feminism and left realism (Kriegler, 2020).

Major Victimological Theoretical perspectives:

Positivist Perspective: This perspective dates to the beginning of victimology in the mid twentieth century and derives substantially from the works of von Hantig (1948), Wolfgang (1958), Mendelsohn (1963), Hindelang, Gottfredson and Garafalo (1978). It concerns itself with distinguishing victims who in some way could be held responsible for their own victimisation, as well as criminal victimisation that borders on interpersonal violence (Petherick, 2017). Positivist perspective promotes the recognition of personal and situational factors which engenders a uniform pattern of risk of criminal victimisation (Eliasson, 2022).

Victim precipitation theories seek to explain victimisation through the actions or characteristics of victims such as the victim's legal culpability, for example, engagement in criminal lifestyles, direct confrontation, or initiation of conflicts with others, and careless behaviour (Boskovic *et al.*, 2022). Exposure and opportunity theories explain victimisation by addressing how social contexts such as lifestyles exposure, routine activities, structural choice etc facilitate victimisation (Herrero *et al.*, 2021). Control theories seek to understand victimisation by associating the ability of individuals to avoid victimisation or to become victims with the strength of their internal and external control which are also determined by their personal and collective relationships with society (Zaykowski and Campagna, 2014). Positivist victimological theories also follow a definition of crime which reflects legalistic interpretation (Wilinski and Karlik, 2014), and argue that any attempt to go beyond the universal laws of scientific theory in the study of the systematic representation of the uniformities and sequences of phenomena in nature, plunges science into unverified claims of

religion and metaphysics (Lawford-Smith, 2022). Positivists rely mainly on data from crime surveys and criminal victimisation surveys for analysis (Davies *et al.*, 2017).

Strengths of Positivist Perspective: Positivist victimology has made tremendous contributions towards the explanation and conception of some of the features of criminal victimisation through the findings connected with its empirical studies and these findings have become quantitatively and qualitatively important (Kunst *et al.*, 2015). It has laid the foundation for the development of the theoretical perspectives in victimology and has enabled the growth of victimology, as well as the reinforcement of analysis based on crime statistics (Ronel and Elisha, 2020). This has also facilitated positive changes in the way policy makers, non-governmental agencies, other organisations and the criminal justice agencies, acknowledge and respond to victims of crime and the processes of criminal victimisation (Paterson, 2021). Furthermore, with the advent of Positivist theoretical perspective, mediation and reparation procedures became preponderant (Dussich, 2015), while counselling and support services for victims were inaugurated (Cox and Walklate, 2022). Generally, due to its influence, issues relating to the effects of victimisation began to be officially addressed by governments and policy makers during the later half of the twentieth century while measures for the compensation of victims became official (Davies, 2010).

Limitations of Positivist Perspective: One of the limitations of the Positivist perspective is its concentration on street crimes to the exclusion of other kinds of victimisation such as the various forms of abuse against women and children, which are hidden (Doerner, 2017). Another limitation is its reliance on empirical data from official crime statistics which are inaccurate and do not contain data on hidden or invisible crimes (Davies *et al.*, 2017). Additionally, the extensive use of quantitative methods (Varona, 2020), and its insistence on using only the legal definition of crime have caused positivist victimology to become suggestively oblivious of the true nature and extent of criminal victimisation (Markiewicz, 2021). Positivist perspective has limited its explanatory potential because of the theoretical and operational problems which it faces due to its attempt to explain victimisation by an exploration of those held to be victims (Hope, 2012). This has also been compounded by its concentration on victims of inter-personal crime, the conception of victim-types, and those who contribute to their own victimisation (Miers, 1990). Positivist victimology's inability to recognise the reality of the effect of structural and political factors which create

and exacerbate the vulnerability of certain groups, like women, the poor and children to criminal victimisation portrays its understanding of the situation as intellectually immature and conceptually complacent (Walklate, 1989).

Methodologically, it has generally omitted the category of victimisation which is neither expressed nor expressive and is much more problematic to measure than obvious crimes against property or the person, such as victimisation of the powerless by the powerful due to its failure to go beyond the sheer description of empirical consistencies (Laufer and Hughes, 2021). In summary, positivist victimology offers a narrow understanding of ways of addressing and responding to victims and the process of criminal victimisation (Walklate, 2017).

Anti-Positivist Perspectives: These perspectives otherwise known as radical and critical or interpretative perspectives were borne out of the need to change the interpretation of victimisation articulated by positivist victimology; hence, they are offshoots of the radical and critical social sciences developed in the 1960s, in the quest for political and social changes (Long, 2021). Anti-Positivist perspectives facilitate an understanding of the nature of victimisation perpetrated against susceptible classes by the state and society rather than the narrow focus on victims of crime defined by the ruling class (Friedrichs, 1983). Thus, they argue that reductions in victimisation and minimisation of the hierarchy of who is at risk of victimisation requires addressing poverty, inequality, and vulnerability (Fohring, 2018). The perspectives which align with this model include feminism, left realism and critical victimological perspectives (Garkawe, 2001), and are guided by such concepts as power, dominance, control, and gender in their analysis (Davies *et al.*, 2017).

Feminism: Feminist theories of victimology argue that victimisation is perpetrated through the power structures enunciated by cultural patriarchy which place men over women, (DeKeseredy & Schwartz, 2009). It explores gendered theorising of perpetrators and victims of crime, investigates the knowledge about serious forms of violent victimisation and focuses on the role of women in the society, and the implications for comprehending the role of men (Walklate, 2017). This perspective also argues that victimisation operates on a gendered landscape, and that the processes of seeking justice and recovery from crime and victimisation are also gendered (Davies and Tapley, 2020). The deconstruction of the peculiarities between private and public, culture and nature, the relegation of women through

sexuality and reproduction are issues of concern to this perspective (McGarry and Walklate, 2019). Consequently, they contend that the structural location of women, the poor and children, and the negotiation of these are crucial for understanding the powerlessness and “survivalism” of women (Davies, 2017).

Left realism: Left realism was developed in the 1980s by Jock Young, John Lea, Roger Matthews etc (DeKeseredy and Donnermeyer, 2013), and was borne out of the desire for an accurate victimology which could evidentially and politically respond to the prevailing situation in the United Kingdom (Walklate, 2015). The reflection of the reality of the origins, nature and impact of crime are its fundamental precepts therefore, it emphasises the necessity to pay attention to the impact of intra-class crime committed against the poor (Wolhuter *et al.*, 2008). This perspective argues that the scope of victimology should include all victims of criminal injustices, social injustices, accidental and epistemic injustices (Pemberton *et al.*, 2019), which includes both hermeneutical and testimonial injustices (Giladi, 2018). It perceives victimisation as a social construct rather than an objective condition and is interested in understanding how it is constructed (Mooney, 2022), how the victim and the perpetrator labels are applied, the consequences of these labels both for those labelled and the authors of the labels (Van Dijk, 2020). It concerns itself with merging the analysis of the lived experiences of the victims and the actions of the state (Walklate, 2013). This perspective argues that risk rates and vulnerability are impacts of victimisation and that the vulnerable groups within the society are socially and geographically the focus of victimisation (Pratt and Turanovic, 2021).

Critical Victimology: Critical victimology was developed by Mawby and Walklate and emerged from the appreciation of the achievements of left realism (Davis, 2003). It focuses on structural factors such as patriarchy and poverty, which place vulnerable groups such as women, children, and the poor at greater risk of victimisation (Hale and Harkness, 2022). Critical victimological theories argue that social marginalisation and political forces such as state crime enhances risk of victimisation (Peguero and Hong, 2020). Critical victimology focuses on deconstructing the theory of victim blaming through an analysis of concepts of intersectionality and ideal victim by highlighting the techniques through which race, gender, class, and other identities shape social constructions of victimisation (Spencer & Walklate, 2016). They explore how legislations about specific categories of victims are executed, especially with reference to the abuse of power by elites as well as how public policy

responds to different types of victimisations (Weis, 2022). It tries to grapple with the ineffectively addressed question of “what constitutes real”? which it believes is crucial to the development of an empirical science and argues that behind the disguise of scientific objectivity positivists hide their values (Walklate, 2017).

“This view of victimology takes seriously the need for a development of an empirically based, rational and objective science; but in contrast to radical victimology, one which gets “beyond the mere appearance” of things towards understanding those mechanisms which underpin and generate the appearance” (Davis *et al.*, 2017, p. 5).

Strengths of Anti-Positivist: Generally, by moving away from the conception of victimology as concerned with victims of crime as defined within the law (Daigle, 2017), radicalism in victimology identifies the importance of problematising the law and the state as a means of facilitating a proper understanding of the process of victimisation (Jamar, 2021). These radical perspectives have contextualised victimisation and its impact within the wider interaction of political, social, and economic framework of society (Fitz-Gibbon and Walklate, 2018), as well as drawn attention to the immoderations of governments by redeploing the telescope of victimology towards the activities of the state and its agents which brings about victimisation (Dancig-Rosenberg and Yosef, 2019). Additionally, these perspectives facilitated the identification and documentation of local level victims of crime and the disputation of the claim that crime occurs rarely (Crawford and Goodey, 2019). They have also enabled the decision to address victimisation in conjunction with local policy makers, voluntary organisations, feminist movement, left-wing activists and the state (Davies, 2017). They prompted the engagement of neighbourhood-based struggles (Kirchengast, 2016), and the recognition of what the victims of crime undergo in socially disadvantaged localities (Millward *et al.*, 2022). These perspectives have successfully highlighted the mutual relationship between structure and intervention and the nexus between inequality, vulnerability, and victimisation, by focusing on the analysis of the influence exerted on crime and victimisation by contemporary destructive free enterprise (Davies *et al.*, 2017).

Feminism has enhanced the neutrality of victimology as a branch of knowledge by compelling the acknowledgement of women as occupiers of both the private and public sphere while making visible and naming experiences and processes which were once unspoken and hidden (Spalek, 2017). It admits and fights the inevitable reality by highlighting the relative structural positions of powerlessness of women and children, which marks the

vital introductory idea for a future structurally informed critical victimology (Federman and Niezen, 2022). Through this it has constructed a structural reality of victims and survivors in ways which hitherto may have been unknown (Rooney and Aolain, 2018). Feminism has also established that policing and protection from violence does not suffuse the private sphere as much as it pervades the public sphere (Sweet, 2021). It has also highlighted how the gender-wise approach to responding to victims has proved that risk and fear of victimisation are patterned by gender and that women are predominantly the victims of certain forms of victimisation (Davies, 2017).

Critical victimology draws attention to circumstances which though create grave victimisation are not identified as such and sheds light on the institutions and structural relations that favour explicit descriptions of victimisation at the expense of others (Daigle, 2020), while scrutinising the manner through which the social structure affects victims lived realities and is interested in documenting these lived realities of victims (Wolhuter *et al.*, 2008). The exploration of the importance of processes which go on behind the scenes and which contribute to the creation of the victims we see and those we do not see by the critical perspective enables victimology to address the consequences of those hidden and seen processes which have always been top on the agenda of the feminists and left realists (Walklate, 2017). It initiated the adoption of an ontological philosophy and epistemological paradigm based on subjectivity and constructivism, which demands a critical rethinking of the relationship between procedures and perceptions without completely abandoning criminal victimisation survey (Mawby and Walklate 1994). This reinforces the fact that the interpretations of lived realities of victims of crime and victimisation cannot be completely captured by criminal victimisation surveys (Crawford *et al.*, 1990). This enables an in-dept understanding of human behaviour by looking at the social world through the prism of the victims and making sense of the observed world with the aid of processes employed by these victims rather than through the aegis of certain inflexible, intangible systematic perceptions (Pemberton *et al.*, 2019).

It has reformed the criminological agenda by making victims “vital players” instead of “forgotten actors” in the criminal justice process by presenting information gained through crime surveys and qualitative studies of the effect of crime, victim needs and services consequently, bringing victims to the centre of criminological investigation (Zedner, 2002). Critical victimology’s ability to understand the real nature of victimisation rests on its

exploration of the ways in which public policy acknowledges various forms of victimisation and the application of laws relating to specific groups of victims such as women and children (Matthews, 2021).

Limitations of the Anti-Positivist Perspectives: Feminists conceal the experiences of ethnic minority women by using the experiences of white women as the basis for appraising all women's experiences of victimisation (Collins, 2015). Even though a gendered approach to victimisation is sometimes helpful and useful, it could at other times create ambiguity therefore, feminism needs to give equal significance to other vital variables relevant to understanding victimisation such as age, economic and class explanations instead of relying solely on gender (Davies, 2010).

An obvious limitation of left realism is its inability to develop appropriate research methods that can fully account for the experiences of victims of crime (Webber, 2021). Another weakness is the assumption that common ideals of universal treaties can produce suitable definitions of victimisation and victimhood, without articulating how these ideals may be factually specific, hence slipping into positivism and limiting its research agenda (Wolhuter *et al.*, 2008). Furthermore, the theoretical difficulty within it which fosters the inability to appropriately delineate what constitutes social reality constitutes another limitation (Andell, 2019). Also, its simplistic interpretation of the affiliation between law and social class has culminated in a simplistic appraisal of the role of the state (McGarry and Walklate, 2015). The way research emanating from it employs criminal victimisation surveys, which shows its inability to understand that victimisation surveys may not be suitable in the study of some cases and that many victims may not be willing to disclose their victimisation in a victim survey are additional limitations (Lynch, 2006).

Although left realism considers human rights an important conceptual and political question, it has been unable to develop an appropriate analytical framework through which the question of how a shared and varied conception of rights and citizenship might be accomplished (Abbas, 2019). The effect of its humanistic message appears to be weakened by its seemingly insensitivity towards the immediate suffering of victims of conventional predatory crime (Mawby and Walklate 1994). While left realism recognises the role of the state in the square of crime (Young, 1991), it has abandoned this at the experiential level, and this has led to what Jefferson *et al.*, (1992) referred to as inaccurate or incomplete representation of criminal

victimisation. To assign the task of altering and enduring the circumstances under which victims act to the victims through victims' movements advocacy for the recognition of victims' rights by critical victimology is a limitation (Holder and Robinson, 2021).

Crime and victimisation have divergent and multifactorial and complex dimensions, therefore, any serious effort to develop more comprehensive theories of victimology, ought to focus on the multifactorial dimensions of victimisation (Gopalan, 2022). Unfortunately, the different theoretical paradigms of victimology each deal with different aspects of victimisation while standing individually, thus they are entrapped with the problem of focusing on one or two aspects or dimensions of victimisation (Walklate *et al.*, 2019). However, the trajectory of the criminal justice process has been transformed by the aggregation of these perspectives, ranging from the basic views of the early positivist victimologists to the challenges of radical and critical victimologists (Tapley and Davies, 2020).

These victimological paradigms collectively have changed perceptions of crime victims and their treatment, as well as influenced the political rhetoric and policy responses and challenged professional cultures (Cook and Walklate, 2019). This has led to the development and implementation of standard international protocols on victimhood, which have positively changed how victims of crime are perceived, as well as how they are treated. It has also influenced policy responses and political rhetoric, challenged professional cultures, and has influenced the criminal justice system's attitude towards the promotion of the rights of victims and in denouncing the abuse of power across the world (Shamsudeen, 2022). These include the establishment of Victims' Compensation Commissions or Boards in many countries around the world (Ajogwu, 2021), as well as the creation and spread of victim-offender mediation programmes and the re-emergence of restitution by offenders (Elliott, 2020). Furthermore, victim therapy emerged as a common and acceptable way of dealing with the traumatic effects of victimisation (Ochberg, 2013). Nevertheless, the acceptance and implementation of the restorative justice paradigm is thought to have the capacity to decide the future developments in victimological theory (Crawford, 2019).

Nonetheless, since victimology is a scientific endeavour and applies scientific methodology, it necessarily needs to create a single theoretical framework (O'Connell, 2008). This framework must describe accurately all relevant events without using any random elements

and must predict accurately all relevant future events and, like the theories of other scientific studies, the framework may become inconclusive when exceptions arise, therefore, it must be amendable, because amendments or changes in primary theories are inevitable when these theories can no longer explain the exceptions (Rayejian, 2013). This new victimology theoretical framework in addition, must interact with human right laws as well as other extant criminal and non-criminal laws ((Bassiouni, 2006). The core or essence as well as the highest level of this envisaged victimological theoretical framework must be the victim, victimhood, or victimisation and from this essence other components which operate at the lower levels and subordinated to the higher ones will be derived (Dussich, 2006). Therefore, it must reflect the normative standards prescribed by the United Nations (Asli, 2021).

Conclusion: Whereas positivists focus on victim proneness, precipitation, and culpability, relies only on quantitative methods, and pursues a definition of crime which reflects legalistic interpretation, radical and critical perspectives focus attention on lived experiences of victims, actions of the state and impacts of victimisation on vulnerable groups within society, rely mainly on qualitative methods and looks at crime from a wider prism. Some of the strengths of positivism include laying the foundation for development and growth of victimology, explanation and conception of some of the features of criminal victimisation and facilitating the change in perception and treatment of victims. However, its emphasis on victim's proneness, culpability and precipitation, extensive use of quantitative methods and reliance on data from official crime statistics have led to theoretical and operational difficulties which have limited its explanatory potential, especially about invisible crimes. Thus, it offers a narrow understanding of ways of addressing and responding to victims and the process of criminal victimisation.

The contextualisation of victimisation within the wider interaction of political, social, and economic framework of society, drawing attention to the immoderations of government that perpetrate victimisation, recognition of the plight of victims in socially disadvantaged localities are some of the strengths of the anti-positivist approaches which promote their understanding of hidden crimes. The development of an empirically based, rational and objective science is another of the strengths of critical perspective. However, the inability to articulate reliable research agenda, sliding into positivism, and the inability to effectively define what constitutes real are some of the limitations of left realism. Feminists' use of gender as the only important variable in its exploration of victimisation, and critical

victimology's assignment of the task of altering and enduring the circumstances under which victims act to the victims constitute part of their respective limitations.

Since crime and victimisation have divergent/multifactorial and complex dimensions, efforts at developing more comprehensive theories of victimology, ought to focus on the multifactorial elements of victimisation, unfortunately each of these existing theoretical paradigms in victimology tend to focus on one or two aspects/dimensions of victimisation. However, the trajectory of the criminal justice processes has been transformed by the aggregation of these perspectives. As a result, theories arising from these paradigms have together facilitated the development and implementation of standard international protocols on victimhood.

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