OPEN SOCIETY CONTESTED: LIBERAL UNIVERSALISM VERSUS AUTOCRATIC FUNCTIONALISM IN HONG KONG

Kenneth Ka-Lok Chan

Post-1997 Hong Kong has been dubbed “a city of protest,” but the city was literally “on fire” during the 2019 unrest (BBC 2019; Dapiran 2017; Dapiran 2020). Under the “One Country, Two Systems” policy, the Hong Kong Special Administrative Region (HKSAR) has long suffered from chronic antagonisms between the pro-Beijing “patriots” who are in power by default and the predominantly prodemocracy population. In 2019, what was described as “the largest and perhaps the most relentless protest movement” during that year was triggered by a government proposal to allow extradition of suspects from Hong Kong to Mainland China for trial (Lührmann et al. 2020, 22). Although the government was eventually forced to abandon the controversial bill after millions of citizens took part in sustained demonstrations across the territory, the clashes between the police and a “leaderless struggle for democracy” turned increasingly violent (Freedom House 2020; Lai and Sing 2020). Between June 2019 and May 2020, police fired 16,223 rounds of tear gas, 10,108 rubber bullets, 1,885 sponge grenades, 2,033 beanbag rounds, and 19 live rounds of ammunition (Leung and Cheung 2020). As of January 2022, at least 10,496 protesters have been arrested and 2,909 prosecuted (Kang 2022).

In the aftermath of the political crisis, Beijing imposed its version of National Security Law (NSL) on Hong Kong, bypassing the city’s usual legislative processes and derogating from its own Basic Law, according to which it is for the HKSAR to enact such legislation on its own (HKSAR Government 2020). The law is intended to make criminal any act of secession, subversion, terrorism, and collusion with foreign forces that interfere in Hong Kong. According to the law, jury trial can be denied, and complicated cases can be transferred to courts in Mainland China (Davis 2020). Moreover, the national security apparatus has resorted to a colonial-era sedition law, despite not being deployed for decades, to persecute dissidents (Lau 2020). From July 2020 to March 2022, 183 individuals were arrested for alleged national security crimes, and the authorities targeted five companies and seized HKD 1.1 billion worth of cash and assets in a series of operations against “local terrorists” (Lai and Kellogg 2022).
The NSL also paved the way for Beijing to overhaul Hong Kong’s electoral systems at all levels which have never been free nor fair in any case: the new rules now install the so-called “patriots only” selections whereby the authorities can vet candidates’ eligibility and gain near-total control over the process as much as the outcomes of the selection (Wang 2021). The 2020 Legislative Council (LegCo) election was postponed by Beijing for at least one year (citing Covid as a reason), and it was no coincidence that democrats who participated in the primary election in July 2020 as a part of their joint campaign to win more than half of contestable seats were arrested on national security grounds later that year. The landslide victory for the democratic movement in the 2019 District Council election, taking 392 out of 452 seats, was reversed as most democrats resigned or were subsequently disqualified. New oath-taking requirements and compliance tests to ensure the “loyalty” of elected officials and civil servants may result in arbitrary dismissals or disqualifications in order to suppress the anti-mainland, anti-China sentiments ensuing from the long-drawn-out discords over the pace of democratic reform and how to hold the unrepresentative government to account (Chan 2004; Fong 2017; Fung and Chan 2017; Jang 2016; Yew and Kwong 2014; Yuen 2015).

With the leading figures either in prison or in exile, no less than 60 local and international civil society organizations, local political parties, student organizations, and independent media outlets have resolved to disband themselves; human rights advocates and defenders simply become dormant to avoid further persecutions (Kang 2021; Walker 2021; Wong and Kellogg 2021). The few remaining critics of the authorities and independent commentators have become targets of seemingly endless smear campaigns by progovernment figures and mouthpieces.

This chapter seeks to make an original contribution to the inquiry into the prospects of the open society against the backdrop of Hong Kong’s autocratization. Our inquiry will encompass (1) an overview of the origins of the contestation between Autocratic Functionalism and Liberal Universalism in Hong Kong; (2) the perils of Autocratic Functionalism which led to the city’s integration and convergence with China in line with Beijing’s ideological predilection and the elites’ interest, and the growing determination to struggle for the city’s liberal way of living under the auspices of Liberal Universalism; and (3) why and how the pursuit of the open society is akin to a Sisyphean task in the face of Hong Kong’s dysfunctional polity and the deterioration of its autonomy at the wake of the NSL. With the closing of civic spaces in the domestic political and policy domains, we submit that norm entrepreneurship and contestations along the global-local nexus will provide valuable insights about the opposing expectations stemming from China’s long-standing hostility toward the open society. Our study concludes that in Hong Kong’s case, the pursuit of the open society is increasingly dependent on the development of a generic identity that is both global and local, post-sovereign and post-national—or else it will fail to resist the increasingly oppressive environment.
Bringing the Global-Local Nexus Back In

Hong Kong’s distinctiveness is first and foremost a Cold War legacy when, as a British outpost in the Far East, it served as a conduit between the world and Communist China (Roberts and Carroll 2016). For much of its colonial period, the emergence of the city’s international profile was generic and unplanned. Its rise to global prominence as an economic miracle was largely attributable to its strategic location in the Asia Pacific region, the facility and attraction of a free port, an extensive transportation and communication network, the enterprising spirit and managerial professionalism of its business elites, its renowned competitiveness, and the supportive role of Chinese and overseas investments (Hsiung 1998, 242). Despite its lack of sovereignty, Hong Kong’s presence on the international stage was unquestionable. Ever since its admission to the Asian Development Bank in 1969, Hong Kong had enjoyed considerable autonomy from London to participate in a wide range of international treaties and organizations, including fifty-six international bodies, twenty-nine of which were limited to states when the city was reverted to China (Chan 2019, 165).

Sassen (2001, 174) has noted that as a global city, Hong Kong has been known as “a key intersection of different worlds,” a unique quality which has boosted the city’s self-esteem and constituted its distinct identity apart from China’s. In a similar vein, Beck (2012, ix–x) has coined the notion of “Global Domestic Politics” (Weltinnenpolitik) in an attempt to delineate what politics is like for cities like Hong Kong. In his words:

Especially world cities are example of this reality: they are part of the world … but are still part of their nations. They exemplify the logic of “both/and”—of both globalism and localism, of the transnational that cohabits with the national—which is in fact the logic of global domestic politics (rather than “either/or”).

Importantly, during the Sino-British negotiations in the early 1980s, both sides agreed that in order for Hong Kong to continue to operate as an international financial and trade hub, international backing was imperative. According to the Joint Declaration of 1984, the HKSAR would be vested with specific powers to develop external relations with states, regions, and international organizations after the handover. The Basic Law, which is HKSAR’s mini-constitution, delineates Hong Kong’s autonomous status in wide-ranging “external affairs” (Basic Law 1990). What is important is the continuous application of international treaties, including those concerning human rights, in Hong Kong after 1997. Article 39 of the Basic Law expressly states that “the provisions of the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and international labor conventions as applied to Hong Kong before 1997 shall remain in force.”
In the aftermath of the June 4th Tiananmen Square crackdown in 1989, stronger international ties were developed in order to maintain local and international confidence in Hong Kong, as instanced in the adoption of the 1992 United States-Hong Kong Policy Act. Against this background, Hong Kong has been afforded different treatment from China by the international community as a recognition of the city’s autonomous status which includes not only trade and financial services but also the commitment to human rights and democratic developments. The multilateral ties have not only helped state and nongovernmental actors to nurture international solidarity but have also enabled the international community to champion for the city’s autonomy and distinct global identity (Chan and Chong 2019; Ting 2004).

Given the strong and long-standing aversion of the population toward the Communist one-party regime in China, one salient characteristic of the politics of Hong Kong has been its liberal leanings—a strong commitment among citizens to democratic and liberal values as universal values which has brought about a resilient prodemocracy movement vis-à-vis the Chinese Communist regime since the 1980s. The autonomous status of the city has rendered it possible for the city’s inhabitants and its civil society to engage in open deliberations and debates over such “core values” as civil liberties, democracy, the rule of law, clean government, and human rights, as well as the standards and procedural requirements that are seen as appropriate and meeting the needs of Hong Kong (Hong Kong Institute of Asia-Pacific Studies 2014). Not surprisingly, the Hong Kong identity has never been successfully assimilated into the political identity in the manner that Beijing has wanted (Fung 2010).

In line with Liberal Universalism, Hong Kong has been described in a majority of scholarly work as a quasi-state with an international personality and de facto sovereign powers over a wide range of international activities (Mushkat 1992; Mushkat 1997a, 1997b; Tang 1993; Gordon 2018). Yahuda (1996, 131–4) was among the astute observers to suggest that Hong Kong’s “international profile” may be used to measure “the degree of autonomy that the Hong Kong Special Administrative Region will be allowed to exercise in practice.” Hong Kong has developed traits of paradiplomacy of a nonsovereign political entity with growing capacity to conduct external affairs in the international community (Tavares 2016; Duchacek et al. 1988; Keating 1999; Kuznetsov 2015; Aldecoa and Keating 1999). To the extent that its inhabitants are free to take advantage of the intersecting political space it has occupied, Hong Kong should be able to extend its remit beyond the conventional domains of trade and finance into norm entrepreneurship on the legal, political, and social fronts for post-1997 Hong Kong to articulate its identity (Chan 2017; Hsiung 1998; Mushkat 2006).

In contrast, to those who are mindful of the nature of the Chinese Communist regime, there are reasonable doubts that Beijing would allow the city to explore and develop itself into a nonsovereign international actor. Hence, Nossal (1997, 1

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has maintained that “the way to ensure that Hong Kong continues to be enmeshed in the international system is to maintain a high degree of ambiguity about the political components of the HKSAR’s international relations.” In practice, that means Hong Kong’s engagement with the international community must remain essentially unpolitical because Beijing is known to be easily discomfited by any attempt to internationalize the internal affairs of Hong Kong. As China has become more vocal and powerful in geopolitical rivalries with the “western, hostile forces,” the aversion toward Liberal Universalism has morphed into Autocratic Functionalism—an overarching banner under which strange bedfellows including the communists, the capitalists, sympathizers of “enlightened autocracy,” and others echo the view that the interest of China’s one-party regime must always prevail (Buckley 2013; Gan and Lau 2015; Gang 2021; Lippert and Perthes 2020; Xie 2020).

It is not hard to see where Liberal Universalism and Autocratic Functionalism have fundamental disagreements over the prospects of the open society as far as Hong Kong is concerned. To the former, the interpenetration of the global and the local arenas can bolster domestic and international checks and balances which not only safeguard the city’s long-standing liberal foundations vis-à-vis the Chinese regime but also develop the open society as a result. Moreover, the city’s dependency on China, if unchecked by institutional, political, and other means, could bring about the decay and decline of the autonomous status through integration-cum-convergence in economics, politics, and an expanding range of policy domains.

Norm entrepreneurship reckons that the inclusivity and mutuality of the open society is critical in upholding the city’s autonomy and enables activists to engage the global community in a meaningful fashion. That is how Hong Kong is of especial interest to the intellectual inquiry about the contours of contestation along the oft-neglected global-local nexus over the open society. Popper (2013, 92) seemed confident that we shall prefer freedom to slavery. In his words:

> We do not choose political freedom because it promises us this or that. We choose it because it makes possible the only dignified form of human coexistence, the only form in which we can be fully responsible for ourselves.

Popper (1997, 43 and 81) submitted that one’s “activism to resist tyranny is a moral duty, to do nothing is inhuman and morally wrong.” From time to time, the lure of the tyrant’s grandiose visions of the stronger, greater, mightier future may be hard to resist. He pithily argued that any claim to base a political project or utopian social engineering on knowledge of the future must be rigorously rejected. For one thing, one’s claim to have anticipated events and gained control over the unknown is questionable because “the future is very open and it depends on what you and I and many other people do, today, tomorrow, and the day after tomorrow.” For another thing, there is always a dangerous tendency to
deny the people their inalienable freedom and rights in the face of a destiny that is said to be inevitable or insurmountable.

The Perils of Autocratic Functionalism

“Leveraging Hong Kong’s Advantages, Meeting the Country’s Needs” has become one of the most used slogans among the business and political elites in Hong Kong and China in recent years (HKSAR Government 2018). During his term as the Chief Executive of the HKSAR, Leung Chun-ying (2017) positioned Hong Kong instrumentally as a “super-connector” for China and the world, while his successor Carrie Lam (2018b) has pledged to take full advantage of what the government thought to be the significant opportunities under the Belt and Road Initiative (BRI) and the Guangdong-Hong Kong-Macau Greater Bay Area (GBA) Development by enhancing the city’s own competitiveness and explore new areas of economic growth.

It is impossible to lose sight of the economic significance of Hong Kong to China (Ting 2004, 2007; Yue 2007; Béja 2008; Ting and Lai 2012; Shen 2016; Herrero and Ng 2020). The city has long served the Chinese enterprises as a springboard to enter the global economy and simultaneously a conduit for international traders and investors to enter the Chinese market. The financial environment has provided an important strategic platform for internationalizing the Renminbi (RMB). Hong Kong plays a key role as a private wealth management center for high-net worth individuals from Mainland China, including many members of the political and economic elites.

How has Hong Kong’s contribution to China’s growth with respect to global trade and finance been translated into favorable conditions for its pursuit of the open society? Rezvani (2012) has submitted that “(Hong Kong) is a partially independent political entity which exercises constitutional powers that are robustly defended by the political-economic influence (rather than constitutional influence) which it exerts upon China’s central government … prevents maximalist interference from Beijing.” What this line of analysis refers to as “maximalist interference” is not clear, but more importantly, the assumption about the political-economic influence that Hong Kong musters on Beijing and its actions toward the city is clearly misplaced.

Concerns about threats to Hong Kong’s autonomy have largely intensified since Beijing published on June 10, 2014, a White Paper entitled The Practice of the “One Country, Two Systems” Policy in the Hong Kong Special Administrative Region (State Council 2014), according to which the so-called Central Leadership now “directly exercises jurisdiction over the HKSAR” through the National People’s Congress and its Standing Committee, the President of the State, the Central People’s Government, and the Central Military Commission. The former LegCo President Jasper Tsang has described the White Paper as a “turning point” in China’s policy toward the city because such notions as “comprehensive jurisdiction” and “supervisory power” did not appear in the Basic
Law and—prior to the White Paper—they were not mentioned by Chinese officials. It goes without saying that veteran politicians and business elites from the pro-Beijing camp like Tsang were quick to adapt to a new stage of Autocratic Functionalism (Cheung 2017).

The crux of the matter is that the elites have to display their loyalty toward Beijing to remain in the game. When the crunch comes, these elites find themselves immediately deprived of the very thing that they have claimed to have, namely the political-economic influence over China. That economic integration with China has weakened, not strengthened, the city’s autonomy became obvious during the heats of the 2019 protests in Hong Kong as Beijing made several bizarre moves against the city’s business sector. For example, China threatened to block Cathay Pacific flights from using the air space if the company failed to make sure its pilots and crew members were not supportive of the protests. As a result, dozens of employees were either sacked or advised to resign voluntarily, some merely for displaying their sympathies toward the protesters on social media (Branigan and Hale 2019). Even more perplexing was the story that the American Chamber of Commerce Hong Kong President, Tara Joseph, and Chair, Robert Grieves, were refused entry to Macau to attend an AmCham event. No reason was given (AFP 2019). In the past few years, Hong Kong has witnessed the expulsion of foreign correspondents and barring of international observers, parliamentarians, and researchers from entering the city (Zhou 2020).

Actions like this would only undermine international confidence in Hong Kong’s autonomy and signal the beginning of the end of the “One Country, Two Systems” policy as we know it. Can Hong Kong’s political entity be aptly described as “partially independent” when Carrie Lam (2018a) advised the people of Hong Kong “to fully or better integrate with national development as laid down by President Xi Jinping in his report to the 19th National Congress of the Communist Party of China”? The answer can only be in the negative. Speaking at a briefing with foreign journalists in Hong Kong in October 2017, Song Ruan, Deputy Commissioner at the Chinese Foreign Ministry’s Office in Hong Kong, reportedly declared that, under President Xi Jinping’s leadership, the “One Country, Two Systems” policy now “has a new political position in the overall work of the party and the state since Hong Kong was reincorporated into the national governance system” (Cheung 2017).

The Resilience of Liberal Universalism

In The Open Society and Its Enemies, Popper (1945) empathically observed that “one hears too often the suggestion that some form or other of totalitarianism is inevitable … [But] the future depends on ourselves, and we do not depend on any historical necessity.” Hence, he defined the open society as one in which individuals are confronted with personal decisions, stressing that “if we wish to remain human, then there is only one way, the way into the open society …
into the unknown, the uncertain and insecure.” According to Popper, participation in public life is not only desirable but also necessary, a moral obligation which one’s preference for political freedom entails. In pursuit of a dignified form of human coexistence, people who have chosen freedom have to learn to take responsibility for the choices they make, including all the entailing consequences, intended as well as unintended.

Over the past twenty-five years, the mainstay of the Hong Kong society has long displayed an unequivocal commitment to the moral, institutional, and policy values of the open society. There have been copious endeavors by nonstate actors and the citizenry at large to take advantage of the opportunities available along the global-local nexus to safeguard the city’s norms and values. Liberal Universalism has informed many concerted campaigns in both local and international arenas to stand up for the open society and to hold the ruling elites to account. The formation of two human rights coalitions to engage the United Nations Human Rights Council’s 2018 Universal Periodic Review on Hong Kong’s human rights condition brought together ninety-one civil society organizations and political groupings from Hong Kong, whose testimonies embodied a free, open, and democratic vision of Hong Kong (Hong Kong Human Rights Monitor 2018; HKUPRC 2018; United Nations Human Rights Council 2018). Cycles of mass protests and ad hoc mobilization broke out from time to time in response to perceived threats to freedom and the city’s unique identity, while the democratic opposition squeezed its way into the restrictive electoral arena to articulate and channel people’s dissent and aspirations for change. Before the 2019 protests against the extradition law, the world witnessed some determined pushbacks against authoritarianism such as the anti-national security law movement in 2003 (Fu et al. 2005) and during the 2014 Umbrella Movement, when tens of thousands of citizens occupied the main streets in three districts for no less than seventy-nine days to demand full universal suffrage (Cheng 2016; Veg 2017; Wong and Chu 2017).

But it was the 2019 anti-government movement which reached out to the international community and cities around the world on an unprecedented scale. For example, “Stand with Hong Kong. Fight for Freedom” surged within a short period of time to become a global movement, accounting for fifty-eight events in 2019 that took place at either national or regional levels across Australia, Germany, the United Kingdom, the United States, and Canada (Stand With Hong Kong 2019). Importantly, a number of large-scale, sustainable, and multilingual campaigns were initiated by netizens to rally international support for Hong Kong, including a crowdfunding action which raised HK$5 million (US$643,000) within just a few hours for an international advertisement campaign to urge leaders attending the G20 Summit in Osaka in June 2019 to speak out on Hong Kong (Cheng 2019). On September 29, Hong Kong was the focus of a worldwide anti-authoritarian rally involving twenty-four countries and sixty-five cities.
According to *Anti-Extradition Bill Movement: People’s Public Sentiment Report*, which has been jointly carried out by the Hong Kong Public Opinion Research Institute and Project Citizens Foundation (2020, 57–58),

The Anti-Extradition Bill Movement in Hong Kong is not simply a movement of Hong Kong people protesting against a specific bill or against a local government, its police force, or even against a regime, it is a clash between liberalism versus paternalism … The Hong Kong experience will provide an important reference on the future development of the world.

Notably, new “citizens diplomacy” platforms gained momentum with the help of activists from Hong Kong, such as Network DIPLO (Wong 2020), as well as the Hong Kong Democratic Alliance of Overseas Postgraduates which was founded by a group of overseas Hong Kong postgraduate students (HKAOPS 2019). For its part, the Hong Kong Higher Institutions International Affairs Delegation (HKHIIAD 2019), whose members appeared in parliamentary hearings to give evidence and meet with officials to lobby for Hong Kong, described its mission as “mobilizing international support for the protection of human rights, autonomy, and democracy in Hong Kong through citizen diplomacy.” There were numerous online petitions to foreign governments and parliaments for new legislative and executive measures in response to the deterioration of the situation in Hong Kong, which resulted in the passage of the Hong Kong Democracy and Human Rights Act\(^2\) and another one to prohibit the commercial export of covered munition items to the Hong Kong Police Force\(^3\) in the United States toward the end of the year (Hung 2018).

### The Open Society: Down, but Not Out

Autocratic Functionalism, which is deceptively apolitical, calls for a convergence of local and national interests. In the name of national security, the authorities have proceeded to remodel Hong Kong on all fronts. Although the NSL provides that human rights shall be respected and protected, the law requires the government to “take necessary measures to strengthen public communication, guidance, supervision and regulation over matters concerning national security, including those relating to schools and universities, social organizations, the media and the internet.” Within months, public libraries removed titles about the June 4th Tiananmen Square crackdown and books authored by the opposition figures from their shelves, new powers are

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given to film censors, schools and universities are required to propagate the NSL and assist in the promotion of national education. Student organizations, exhibitions, media, pollsters, lectures, and seminars are closely monitored and targeted for suspected national security violations (Davis 2021; Hong Kong Journalists Association 2021). To intimidate activists overseas, no less than six warrants are issued for democrats who are called by officials as “criminals” and “fugitives.” Moreover, the NSL authorizes extra-territorial operations, for example, London-based Hong Kong Watch is targeted: its website blocked in Hong Kong, its chief spokesman received death threats, and lately warnings from the National Security Department (Hong Kong Watch 2022). International solidarity with Hong Kong’s uphill battle against an overpowering one-party regime was dismissed by Beijing and the HKSAR government as a violation of Chinese sovereignty.

Paradoxically, the more China attempts to flex its muscles over Hong Kong, net confidence in the “One Country, Two Systems” policy reached its new low as a result (Hong Kong Public Opinion Research Institute 2022). The normative appeal of the open society as a custodian for the city’s distinctive values and identity is expected to grow against the backdrop of the moral and institutional decay of the official, “Orwellian,” realm. While organized dissent is enfeebled due to the combined effects of mobilization fatigue, oppression, and intimidation, this must not be mistaken as servility so far as the majority of the people seem prepared to carry on rejecting it, as one of the prodemocracy leaders in exile, Nathan Law (2021, 114), has observed:

Confronted by the most powerful, controlling and repressive authoritarian power, protesters must be like water. We must be able to flow over any obstacle and take on any form.

To the extent that fear is a powerful ally of the autocratic regimes, the community of the oppressed would have to learn to manage fear and to mitigate the harmful effects and costs inflicted on the people at large. Small acts of resistance and large-scale nonconformity against the moral and institutional decay, albeit assuming unorganized and leaderless forms, were evident during the Legislative Council election on December 19, 2021. To prevent any attempt to turn the fake polls into a de facto referendum, the government has outlawed calls to cast blank ballots, arrested those for publicizing such calls and threatened pollsters asking the public about their voting intentions. In the event, the democratic opposition resolved to ignore the elections altogether. The prodemocracy voters stayed away from the poll in a form of silent protest (Yeung 2021). The turnout was 30.2% by close of polls, the lowest ever since the first few directly elected seats were introduced in the 1990s, far lower than the previous record high of 58% in the last legislative election five years ago, or the 71.2% turnout at the 2019 District Council Election which unequivocally delivered a victory for the democracy movement. The silent protest spoke volumes.
Conclusion

That international factors matter is an observation shared widely in the literature on Hong Kong Studies. It is a geopolitical as well as a geoeconomic reality. The aim of this chapter is to critically reflect on the relevance the open society to the debates about Hong Kong’s relations with China and the world from two lenses, namely Liberal Universalism and Autocratic Functionalism. The open society undoubtedly has many fair-weather friends, but it is most relevant to circumstances in which the advocates are found fighting uphill battles such as those in Hong Kong. Twenty-five years after the handover, our analysis has shown that Hong Kong suffers from a series of chronic contradictions which have eventually undermined both internal and external autonomy. The city’s civil society and the prodemocracy movement seen to be “endangering national security” have been dealt a fatal blow by the vaguely termed national security crimes. Paradoxically, as Hong Kong is left with a dysfunctional polity buttressed by the omnipresent interventions from Beijing, the norm contestation around the open society has been rendered more, not less, pertinent along the global-local nexus. By way of closing, the defense of Hong Kong as the open society against autocratization has resembled that of a norm entrepreneur focusing on the logic of appropriateness and the development of soft power buttressed by universal norms and local core values.

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