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Blame, Responsibility, and Peacemaking.
Don Crewe
Leeds Beckett University, UK.

Abstract:

The Problem of Crime as an ordering principle in contemporary society is greater than the sum of all its individual crimes and offences involving conventional victims. Hence, any solution to the Problem of Crime must transcend mere crime prevention or reduction as conceived of in Crime Science or Situational Crime Control for example. One site for such a holistic approach to the Problem of Crime is what has become known as Peacemaking Criminology. Peacemaking, however is not one of the most popular forms of criminology for research academics. The reason for this one might suggest is that its foundations rely on what have been called “the great wisdom traditions”(Braswell, Fuller, & Lozoff, 2001, p. 24), Christianity, Hinduism, Buddhism, Islam, Judaism, and Native American. These traditions lie outside the Modern, Rational episteme, and indeed behave more like religions than ‘science’. By making use of Western philosophical tools, I hope to make conflict reduction and peacemaking more amenable to modern criminologists by examining the notion of blame and its relationship to responsibility, to show that blaming constitutes violence and hence a failure in our obligation to others, and thus, that peacemaking as conflict reduction can be conceived of using more Western foundations than “the great wisdom traditions”.

Blame, Responsibility, and Peacemaking

Introduction

It is an unusual person, I submit, that would demur from the idea that to reduce conflict was a desirable thing, and yet peacemaking criminology remains a minority pursuit in criminological circles. Without doubt, one reason for this is the view, strongly held by many criminologists, that conflict is not at the heart of the problem of crime, but that crime is a social pathology, it is caused by wicked or poorly socialized people, or it is the product of damaged or dysfunctional societies: criminals are different to Us, and worthy of blame, so it is said. This is a very important idea, because we tend to suppose that if we can apportion blame for a crime then we know who is responsible for it, and it is a person not a relationship or a process: importantly ‘it is not me’. John Major, erstwhile British Prime Minister, once famously said that where crime was concerned, we should condemn more and understand less. This state of affairs reverses the

conventional order of blaming, that we blame people who do bad things, to the case where we blame people *in order* that we may be able attribute bad things to them. These two concepts, blame and responsibility, have been the subject of much philosophical examination, however, their potential role in bringing peacemaking studies and practices to the fore demands a more forceful introduction of them into the criminological academic arena.

A second reason, to my mind at least, for the relative obscurity of peacemaking criminology in general criminological discourse is its choice of sources of inspiration. The criminologist's totalizing mind that looks for the causes of crime, which it so often finds in people, is nurtured on a Modern Hegelian diagram. Much Peacemaking criminology draws inspiration from what Braswell *et al.* (2001) call 'the great wisdom traditions': Christianity, Hinduism, Buddhism, Islam, Judaism, and Native American (p. 24); not fertile ground for most criminologists. DeValve's recent paper *Epistrophe: desideratum for a loving justice* (2017) in these pages, follows on very much from this tradition, arguably begun by Quinney in his *The way of peace: on crime, suffering and service* (1991), which had an expressly Buddhist foundation. From personal experience most criminologists that I have spoken to about the aspirations held by peacemaking criminologists respond by saying things like "well isn't that nice, but where's the science" or the standard realist's response, well that's all well and good but how are we going to stop these boys killing each other (Currie, 2017)¹. These 'great wisdom traditions' share what I take to be a problem for most criminologists, and that is their doxastic nature. For all that we may speak of Buddhist *philosophy*, and for as much as we may approve of the results gained from engagement with these traditions, all of those mentioned by Brasswell *et al.* (2001) rely on faith. Faith and belief are the origin of the adjective doxic² – unquestioning – and questioning is unnecessary³ in the presence of faith; faith strips paradox of the power to propel enquiry. Hence, should we esteem the practical work achieved by peacemakers but have difficulty with the theoretical background for their work, a different, *perhaps* more reliable theoretical background needs to be advanced, and this is my purpose in this paper. Peacemaking based on the 'great wisdom traditions' says "peacemaking is a good thing to do because the Buddha (God, Vishnu etc.) has said so". What I hope to demonstrate is not that peacemaking is a good thing in these terms but that peacemaking, in the form of the eradication of blame, must form at least part of human intersubjectivity. I intend therefore, to begin with a brief examination of some empirical accounts (as over against normative ones) of the nature of blame and hope to show that there are problems with the majority of them. I shall then propose what I think is a new model of the structure of blame. I shall relate this structure to an account of human ethical subjectivity to be found in Levinas in order that I may claim that blaming is violence, and that, speaking normatively, we ought not to blame. My origin, then, will not be the 'great wisdom traditions', but phenomenological inquiry. Whilst not entirely "science", or even scientific, phenomenology does, at least, claim empirical roots in Husserl's call to get back to the things themselves⁴, by its attempt to disclose the meaning of meaning and the nature of the experience of (human) experience: that is, one's subjectivity.

Freedom and Responsibility in Criminology:

¹ In response to my *Criminology and Violence: Reflections on Elliott Currie's The Roots of Danger* (2017)

² From δόξα, to accept or believe, and mere appearance or conjecture ... whether well-grounded or not (Liddel & Scott, 1897, p. 383) hence, by implication, unquestioning, as in doxology, a statement of faith at the end of a communal religious text: Hymn, psalm, canticle etc.

³ That is, not that people with faith do not question, but in the presence of faith questioning is unnecessary.

⁴ This comes from William James (1967 [1912]) via Husserl (1976 [1913]). James summarised his view thus, 'To be radical, an empiricism must neither admit into its constructions any element that is not directly experienced, nor exclude from them any element that is directly experienced.' James (p. 42) .

The above notwithstanding, it is reasonable to begin with a brief account of the problems with the concepts freedom, blame and moral responsibility as they are encountered in the criminological world. Conventionally, if I am not free to do otherwise than I do, then it is said that I may not be held morally responsible for my actions. Hence, in this view, the major obstacle to my moral responsibility in criminological thought is determinism: if my actions are determined in any way, then I cannot be held morally responsible for them. It is the case, however, that determinism *must* be true in one form or and thus, without further examination of the issue, we would be forced to conclude that one cannot be held responsible for one's actions. Even if free will for the compatibilist⁵ is an emergent property, it emerges it emerges from a given state: I cannot get out of bed unless I am in bed, and if I am in bed, I cannot (right now) be otherwise. If I am in Antarctica, I cannot clime a palm and pick bananas, because I am in Antarctica. The word 'am' is crucial, it represents the facticity⁶ of the world(now) and while there is facticity there must be determination of some kind. In the nth degree we are fixed in the flow of time and there is no possibility of changing the facticity of this. It has been suggested, however, by several writers, that this requirement for the capacity to have done otherwise, often labelled agency, is either incoherent (Strawson, 1991), incompatible with things that we take to be true of the world (Peerboom, 2001), incapable of producing meaningful speech on the matter (Nagel, 1987) or that the locutions free will or free choice are oxymoronic (Crewe, 2013). However, some contend that determinism *is* compatible with free will, and thus moral responsibility. This usually involves the claim that freedom emerges (in the hard sense) from the complex nexus of possibilities presented by the factual present. We might cite Mill here

All organized bodies are composed of parts similar to those composing inorganic nature, and which have even themselves existed in an inorganic state; but the phenomena of life, which result from the juxtaposition of those parts in a certain manner, bear no analogy to any of the effects which would be produced by the action of the component substances considered as mere physical agents. To whatever degree we might imagine our knowledge of the properties of the several ingredients of a living body to be extended and perfected, it is certain that no mere summing up of the separate actions of those elements will ever amount to the action of the living body itself. (2015 [1843], pp. Bk.III, Ch.6, §1).

This is Mill in the mid-19th century talking about *emergence*! Knowledge of the facticity of a situation, whilst determining it in a technical sense does not predict or guarantee what capacities will emerge from that situation. Hence, should we extend this idea into the realm of freedom and determinism it means that whilst we are determined and therefore not free in the strict sense, our behaviours are not fixed. Freedom then, we might aver, exists as an emergent property of factual states but it is not *sufficient* to establish moral responsibility as conventionally conceived in relation to guilt or blame.

In a thoroughly Modern, Enlightened way, criminology has been dominated in recent years by theses that emphasize the free will, rationality, and moral responsibility of offenders. Cornish & Clarke (1986), Cohen & Felson (1979), Felson (1990) (*inter alia ad infinitum*) have developed theses that privilege the capacity for rationality in offending behaviour – I will return to the concept of rationality shortly, but one of the most damning criticisms of this kind of criminological thinking is that it denies the determining facticity of the world to the offender and yet asserts that the outcomes of offenders' choices become factual in the lives of victims. Moreover, the aspects of the behaviour in question that these theses take to be material to one's

⁵ Compatibilist. One who believes that the concept of free will is compatible with the thesis of determinism.

⁶ Facticity. The inescapable *is-now-ness* of the world.

blameworthiness they permit to lie in the gift of power, and yet frequently they attribute the nature of those aspects to the 'character' of the choosing individual. Yet further, when such writers talk about "bounded rationality"⁷, the limitations on rationality only ever seem to affect the subjects' competence as criminals, not their freedom to choose.

The two concepts blame and responsibility are so closely related in the common mind that disentangling them is highly problematic since, in that common mind, to speak of one is axiomatically to speak of the other: guilt, and blame, presuppose the requirement that one respond in some way and this is the 'response' of responsibility. However, in common thought, we tend to think that guilt *implies* blame and that responsibility *follows from* guilt. What this 'following from' does not do, in common, or frequently in criminological thought, contrary to expectation, is attach responsibility as the requirement for an account (response), but the requirement for atonement or recompense: some kind of redress for a supposed damaged balance or gaining of an unfair advantage. In this account of the relationship between these concepts, blame merely means the requirement for the settling of a debt through punishment or other form of restitutive sanction. However, it is apparent when we consider that we apportion sanctions for *planning* offences that are never committed, the notion of debt repayment is an inadequate claim to be the reason for sanctioning. What appears to be being said here is that if one is involved in an action conceived of as making blameworthy then one has a debt to repay. The action may or may not need to be in infraction of the law, but, of course, we must remember, which actions are held to constitute such an infraction lies within the gift of power: which behaviours are deemed to be worthy of calling to account is decided in the subjective absence of the offending individual. In other words, what kind of imbalance is caused, and in whose favour, or that should count as worthy of sanction lies in the gift of power. On this conventional model then, offenders are not so much responsible *for* their own action but responsible *to* some other, and they are made responsible to some other *by some other*.

A further problem becomes apparent when we consider the correction of some supposed illegitimately gained imbalance: sometimes referred to as the gaining of an unfair advantage⁸. The fact that the problematic actor may be called to account because his act was in contravention of the law is in no way an indication that the balance was fairly set before the event (supposedly) changed it. Hence, any calling to account cannot *necessarily* be justified by the re-setting of a perceived imbalance (restitution): the judgement of the qualitative nature of the balance lies, again, in the gift of power. In this circumstance, then, it is apposite that we look at accounts of blame not conventionally considered by criminologists and we should start at the very beginning, which, I have heard, is a very good place to start.

Blame:

The fundamental aim of peacemaking criminologists is to eradicate conflict in criminal justice systems and in the world at large. The source of conflict in a criminal justice system rests, to my mind, on the process of cultural⁹ (dis)assemblage¹⁰ (Crewe, 2013), and this, it will be my claim, is aided, in part at least by the processes of blaming. Expressly, we do not punish people

⁷ Bounded rationality is the idea borrowed by Cornish & Clarke (1986) among others, from behavioural economics, that people's decision-making is limited by sub-optimal appreciation of the circumstances in which the decision is being made.

⁸ See Ted Honderich's excellent *Punishment: The supposed Justifications Revisited*. (2006). See also Glover (1970), Haji (1998), and Zimmerman (1988), each of whom take blame to be a settling of some kind of moral account.

⁹ By 'cultural' I mean any intersubjective processes involved in making meanings comprehensible, one person or collectivity to another. I do not *necessarily* mean cultural affects or artefacts (although these things certainly are culturally material), and I certainly do not *necessarily* mean ethnicities.

¹⁰ In Deleuzoguattarian terms, or following DeLanda (2006).

whom we do not blame; we may attribute blame wrongly and we may attribute it (or neglect to attribute it) unfairly, and therein lies the source of much injustice: but we do not punish those we *hold* blameless¹¹. Blaming lies in the gift of power and, I will claim, is part of a process of establishing a binary opposition between the blamer and the blamed that results in the promotion of a conflictual mode of resolving social problems. It is not that this further divides us into peacemakers - good, punitivists - bad, because as I have argued strongly before (2013), the separation of acts into criminal and non-criminal, and therefore the separation of persons into criminals and non-criminals - in other words, the formal cause of crime - is a natural¹², justice free, process of socio-cultural disintegration and consolidation. Blame then, it would seem, operates as a part of a nexus of conflictual social processes whose outcome is Crime¹³ itself.

Here, then, is the beginning. The work of blaming begins with a notable event or situation, one that pierces my threshold of consciousness. This event or situation that initiates blaming is conventionally taken to be negative, giving rise to the situation where blame is customarily set over against praise. The event or situation also always involves me, inasmuch as the *act of blaming itself* involves me, even if only vicariously in the psychosocial consequences of the event or situation. This, however, is about as far as we can go (relatively) controversially. A problem that arises immediately concerns the event or situation itself; what is it that has happened? What is the situation? A boy has joined a street gang, a boy has stabbed another, a boy has been stabbed, a mother is traumatized, some boys have been let down by society, a boy will be punished. Elsewhere, a mother needs to claim welfare benefits in order that she may feed her child, an employer lowers his employees' wages to save his business - or *his* wages. Our answer to the question "What has happened?" will have significant impact on our question "who is to blame?" because we will have some freedom with regard to what it is we are apportioning blame for. Nonetheless, we seem to be apportioning blame according to some notion of *who* caused what to happen¹⁴. Of course, this is a far from straight forward notion¹⁵ because there exist chains of causality; because the (however) infinitesimal time between cause and effect always permits unaccounted-for intervention; because all the tests for causality require knowledge of *all* other possibilities¹⁶; and because the world is not the same today as it was yesterday¹⁷ There can be, then, no *immutable consensus* concerning what has been caused, nor what (who) caused it. Hence, we can separate blame from some scientifically founded theory of causation. Our view of what has happened, how it has happened, and how we react to what has happened, are ineluctably bound up with our unique experience of the world as active subjects within it. Blame

¹¹ I leave aside the problem of exemplary sentencing here; reasonably, I think, in that even these unfortunate people have at some time been held blameworthy in the eyes of the CJS. I also leave aside the problem of wrongful convictions, in that the CJS is not *designed* for the *purpose* of inflicting wrongful convictions.

¹² As set over against pathological. I do not mean pertaining to nature and its apparent inevitability or adherence to immutable natural laws.

¹³ I distinguish, here, the whole problem of Crime from mere individual 'crimes' or mere individual infractions of law.

¹⁴ Let us leave aside merely physical causation such as the efficient 'cause' of the billiard ball going into the pocket, since we only blame living things in possession of agency or freedom of some kind. Hence, while we *do* blame the cat, this kind of blame is not the topic of this paper.

¹⁵ See my (2013) chapter 2 '*Theory as Causal Explanation*' pp: 28-46 for a fuller discussion of this issue..

¹⁶ See Mill (1888) and my (2013) chapter 2 *Op cit*.

¹⁷ Today has in it 'yesterday' as part of its past: yesterday did not. Hence, in the social sciences at least, there appear to be no immutable laws; empirical replicability only occurs in exchanges between more or less arbitrarily generated taxa. Gibbs (1982) asserts that perfect statistical correlations are "grossly unrealistic for sociology" (p. 96). This, of course, merely prompts the question: "What would be realistic?" Whatever we choose, says Gibbs, will always "reek with arbitrariness" (p. 96).

then is social, and all social phenomena are processes, hence, blame must be a process.

*Reason*¹⁸

Recent writing on blame, it has been suggested (Coates & Tognazzini, 2013, 2018) may be divided into four different approaches: cognitive approaches, emotional approaches, conative approaches, and functional approaches. In cognitive models blame is often considered to rely on a kind of “moral accounting” (Glover, 1970, p. 64; Haji, 1998). Others (Watson, 1996 *inter alia*) assert that blaming involves judgements of an aretaic kind and that the event under consideration is *attributable* (as it were, can be attached) to a lack of virtue in the character of the person being blamed. Some, notably Strawson (1962), Scanlon (1988, 1998) or Arpaly (2006), suggest that blaming occurs when the blamer judges that the blamed has harboured ill will towards him; Smith (2008), that the judgement involves the conviction that the blamed has violated some mutually agreed standard of respectful relationships between persons. Each of these accounts, however, rests on the notion of blaming as an act of evaluation, that is, a rational, reasoning, cognitive engagement with the *standard* of behaviour or character of another; blaming occurs when a blamer *judges* that the blamed person’s behaviour is unacceptable in some way. This, of course means that the blamer must claim to be in possession of a certain superior rational, reasoning sophistication, which, by its very superior reasoning rationality is taken to render the blamer’s judgement sound. Furthermore, this view of blaming being the product of rational judgements about others’ behaviour permits a self-justifying view of blaming and the blamer. The blamer’s judgements are assumed to be sound in virtue of their being the result of reasoning rationality, and we can tell that they are reasoned and rational because they are sound. This is the historical arrogance that grows, some would say, from Hegelian notions of rationality and its privileging of the dialectic with its attendant totalizing effects, but it also, as we know, flows through and perpetuates colonialism and orientalism (Said, 1995 [1978]). It is the same blind arrogance that claims the law as the arbiter of the right and the good; the arrogance that takes contingent cultural values and essentializes them as standards for judgement. This is a flaw that infects many of the cognitive models of blame, inasmuch as they frequently fail to distinguish between the normative and the deontological (Macnamara, 2013). The effect of this failure to question the nature of norms or to distinguish norms from either ‘the good’ or the law, can be seen in Hieronymi (2004) who suggests that blame carries ‘force’, as the blame-worthy behaviour thus conceived may be said to have destroyed the relationships of mutual regard that seem to be of importance to humans. These relations are not just damaged by the actions of the blamed, but by the reactive attitudes of the blamer, in that, according to Hieronymi, the blamer’s behaviour towards the blamed is affected. This notion of Hieronymi, of the rupture of mutual regard falls, of course, with the observation that I can blame someone with whom I have never, and will never, have anything to do. It also relies an uncritical view concerning the social contingency of what constitutes that relationship of mutual regard that the questionable behaviour is said to have destroyed, and who has the standing to make that judgement. Furthermore, Hieronymi conceives of this ‘force’ as being constituted by processes like punishment or shaming for example. We must state boldly that blame does not inhere in either of these processes. Punishment (amongst other things) is an unpleasant act¹⁹ *following* blaming, not blame itself. And shame is an emotion that may be experienced internally by the person who has been blamed; this is shaming, not blaming. The force of blame is also conceived of as being responsible for the intensity of the reactive attitudes, and the account exhibits a kind of circularity when combined with Wallace’s notion that to ‘find someone blameworthy is to find that person to be a fit object of such [reactive] attitudes’ (1994,

¹⁸ Let us observe at the very beginning that claims concerning what constitute reason are circular. When we ask what is reason, comes the reply, reason is that which gives reasonable answers. We then ask, what then is a reasonable answer? and we hear that it is that given by the application of reason.

¹⁹ See Walker *Why Punish* (1991).

p. 70). According to Scanlon these attitudes reveal a *demand*²⁰ that the offending person give reasons. “[M]oral criticism claims that an agent has governed herself in a way that [is wrong]...this charge calls for her to explain why this claim is mistaken or to acknowledge that it is valid and that her self-governance has been faulty” (1998, p. 268). This claim of Scanlon’s is of a piece with the rest of his work in that it displays a contractarian position and the ‘demand’, for Scanlon, is part of that social contract. This, however is seriously problematic, in that it involves the demand for an account in the form of giving of reasons, and what counts as a reason or as reasonable, once again is in the gift of power.

Reason is a bureaucratic word. Not only is it the legitimizer of otherwise arbitrary taxa, it is itself part of a binary opposition mired in the outworking of power, and of importance of our consideration of blame: that is, the contradistinction where reason stands over against excuse. In the process of demanding and giving of accounts, reasons are taken to constitute adequate accounts and (mere) excuses not. However, what constitutes an adequate giving of account – response – is a judgement that is in the gift of the ‘reasoning’, powerful actor: my standing to blame is reproduced by my own view of myself as a reasoning human being. Hence, for example, in the eyes of some, the lack of good quality well paid work is merely an *excuse* for the need for welfare payments. The blamed person’s inadequacy as a giver of *reasons* is reinforced by my judgement of her as being an unreasoning, dishonest giver of excuses. This issue arises from blame’s role in the requirement to give account: that is, the response of *responsibility*. Reason is the tool taken to enable evaluation of which accounts are taken to be *reasonable* accounts (reasons) and which *unreasonable* (excuses); reasons are taken to be reasonable when they exhibit reason. Which account falls into which category lies in the gift of power of the “reasonable” person. Hence, one might be led to suggest, blame conceived of in this cognitive fashion is self-justifying and can carry neither the ethical standing nor the social ‘force’ one would require of an account of persons’ standing to blame, what blame is, or what it might do.

Desire

The models of blame or blaming that are labelled by Coates & Tognazzini (2013, 2018) as conative accounts, are far from immune from criticisms levelled at cognitive perspectives inasmuch as they tend to suggest that cognitive models are flawed merely in terms of being incomplete rather than seriously compromised. They are lacking, claim writers such as Sher (2006) in particular, inasmuch as they lack any backward-looking element, i.e., any response to past events. In Sher’s case, this response involves a desire that the blamed person not have performed the action for which they are being blamed. This process, according to Sher, is implicated in our very commitment to morality itself and stands as a *justification* of the practise of blaming in virtue of its claimed role in securing society’s moral stability (a supposed function to which I will return later). According to Sher, desire that the offending person had not so acted gives rise to emotions such as resentment, anger, indignation, offence, impotence, or punitiveness for example, and I will speak of models that equate blame with the emotions later. Criticism of Sher’s account comes from writers like Hieronymi (2008) or Smith (2008), who argue that relationship implied between belief and desire in the belief-desire pair (*belief* that the blamed had so acted, and hence the *desire* that he should not so act in the future) proposed by Sher does not provide the ‘force’ required to produce the emotional affects experienced by the blamer spoken of in the ‘rational account’ of Hieronymi (2004) or the emotional accounts like that of Strawson (1962) for example. However, there exist further problems with models that invoke the emotions which I shall explore below.

²⁰ Note, this is not the *command* of Levinas of which I will speak later.

Emotion:

One of the most frequently cited essays on blame is Strawson's (1962 *Op. Cit.*) *Freedom and Resentment*, in which, according to Coates & Tognazzini (2013), he attempts to mediate between two opposing views that claim to *justify* blame. On the one hand, according to Coates & Tognazzini (2013), he opposes the view of blame as being justified by libertarians like Smart (1961) or Sher (2006) who appeal to blame's claimed role in regulating norms, and on the other hand writers like Campbell (2004 [1967]) who claim that blaming requires agents to possess some kind of counter-causal freedom. Firstly, we must deny that any claim to *justify* the practice of blaming can in any way explain it, and second, that no way of fixing limits to blameworthiness explains it, tells us what it is, or what it does either. It is conventionally claimed that Strawson chooses to locate an explanation of the *practice* of blaming in what he calls the reactive attitudes. However, should this be true, it seems to me that such a claim on the part of Strawson would be rather akin to those contemporaries of Molière, made fun of in *The Imaginary Invalid*²¹, who explain the soporific effects of opium by reference to its *virtus dormitiva* or dormitive properties. I am not satisfied, however, that this is an accurate reading of what Strawson's paper is about. To my mind Strawson's paper is about certain affects he calls the reactive attitudes, and freedom – indeed, much as the title suggests²². The equation of these affects with blame by later commentators arises possibly from the failure on Strawson's part adequately to isolate blame from guilt and responsibility²³. Responsibility is commonly linked with freedom and, since Strawson's target is the question what happens to affects such as resentment in the absence of freedom on the part of those giving offence, it is not too hard to continue with the assumption that Strawson is talking about blame. I do not believe that blame is his target, or, if it is, he does not seem to mean by blame what I mean by blame. Nonetheless, I do not believe this to be true. I believe that the problem has arisen because of the negligent way in which ideas like blame, guilt, and responsibility are conflated (or more or less so) by many writers. Hence, when Strawson wishes to talk about our resentment to another's (poor) behaviour or attitude towards us and that resentment's relationship to the other's freedom, it is not unnatural for these three words to appear together. They are, however, not the same, and if our target of inquiry is blame, then we must separate them from one another. It is my belief, however, that writers in the 'reactive attitude' tradition of writing about blame are talking about something different to what I mean when I talk about blame: *they are, like Strawson, talking about reactive attitudes*: Attitudes like anger, offence, impotence or (and I think this one is important) punitiveness for example. These things are not blame – they do not constitute an *act* or *process* of blaming. Let us imagine, for example, that another driver drove into our car, what we experience is anger or frustration, we may also experience a desire to punish or for some other recompense: we do not *experience* blame. The expression of our feelings of disapprobation may *invoke* in the other a feeling of shame or self-blame but the emotion is not the *act* of blaming. Neither is the desire for recompense blaming. Both are what they are, not something else. Imagine also watching a fictional story in a film about a heinous murderer. We still experience emotions the like of those spoken of by Strawson, but we do not blame, because the event is not real, and indeed, we may not know who to blame until we reach the denouement of the story. Indeed, it appears that these affects may *propel* our inquiries into who to blame. Should this be the case, then it may be that we should look at what it is that blaming does, or what function it performs, when we have found who it is we wish to blame.

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²² The main thrust of Strawson's paper concerns what he takes to be the impossibility that the reactive attitudes can be reduced to rational consideration and thus eradicated. He does this by showing that these reactive attitudes persist even when blame should be impossible due to lack of freedom on the part of the actor who is blamed. Blame, then, in Strawson's paper, is only epiphenomenologically linked with the reactive attitudes.

²³ The word 'blame' occurs only seven times in the whole essay. On three of those occasions it appears in the same sentence as guilt and responsibility and is not distinguished from them in any way.

Function:

If we remain sceptical about the socially uncritical nature of cognitive accounts of blame, the necessity of the reactive attitudes to blaming, or the force of judgements about past behaviour sufficiently to drive the emotions, then we may turn to accounts that place blame in the context of its social capacities: in other words, what it does. What, then, do we do when we blame? We have seen already that Smith (2008) and Sher (2006), keen to praise the practice of blaming, have suggested that blaming is implicated in securing a particular kind of moral world. Such views tend to rely on a supposed communicative, expressive function for blame. Among the most recent writing in this vein, Fricker (2016) argues that blame's function is to communicate faults to the blamed: one might assume, further to consolidate social norms. A significant problem for this kind of claim – along with its apparent appeal to consensus views of norms – is that blaming is not always ostensive, or it may only be expressed in private among like-minded people and not to the offending person: bar room talk, country club talk, or the talk of cabbies for example. Should the blaming be ostensive, but within such a semi-private situation, it may serve as a signal to others that one belongs to a particular “club”, in that we exhibit a particular cultural agreement with others in terms of whom we blame and for what, and the person being blamed is always ‘them’ or the Other. I say this despite the common locution “I blame myself”; self-blaming does not, except in pathological situations, involve the reactive attitudes bound up with the disturbing effects of the behaviour of others. In this semi-communal light, blaming appears to reveal itself as a part of the assembling processes of social collectivities. The reader will note that I do not say that it is part of the structure, or cohesiveness of societies despite most functionalist models suggesting that blaming is a force for good. This is a Parsonian kind of consensus-functionalism where everything fits together very nicely in a positive way, forming cozy, stable collectivities (like a jigsaw). We must recognize, however, that every process of assemblage also constitutes a process of disassemblage. Even if blame does perform a consolidating moral-cultural function it also performs the work of disassemblage: it is also divisive; it divides the blamer from the blamed, the blamer community from the blamed community, me from the Other.

According to a significant strand of thinking, blame performs the function of protest (Hieronymi, 2001; McGeer, 2013; Talbert, 2012) through the *expression* of the ‘reactive attitudes’. According to Smith (2013), blaming occurs when we alter our behaviour or attitudes in such a way that they serve as protest and an ostensive ‘standing up for our values’²⁴. A significant difficulty here again, as above, is that blame is not necessarily expressed – we may count ourselves as blaming someone, but we don’t have to tell anyone about it. The question arises (although it is by no means a fatal question), in order to blame, must we alter our attitudes as Smith suggests, and if so must we make those changes visible. Furthermore, may we still blame if we do not express it. I think that persons in circumstances where expressions of disapprobation concerning worker’s working conditions are forbidden, or in places where blaming government policies is capitally sanctioned, would take issue with the idea that blame must be expressed to count as such. Watson (2011) attempts to deal with this problem by suggesting that resentment is merely ‘*incipiently* (my emphasis) communicative’ and says that in ‘some elusive sense, resentment “is *meant* (my emphasis) to be expressed”’ (p. 328). It appears to me that Watson is skating on very thin ice if he claims that the way something (blame) is, is dictated by the way he thinks it *could* be²⁵, and consequently he seems to me to be clutching at straws²⁶. We may also note of those accounts of blame that claim that it is communicative to the offender, that we feel Strawson’s reactive attitudes about events in the past and apportion blame to the wrongdoers even when events are so far in the past that those responsible are dead, witness

²⁴ See also Franklin *Valuing Blame* (2013), and Houston *In Praise of Blame* (1992)

²⁵ i.e. *incipiently*, not *actually* communicative.

²⁶ See also Mckenna *Conversation and Responsibility* (2012), and Macnamara *Holding Others Responsible* (2015).

Holocaust memorial for example.

A new structure for blame:

The above notwithstanding, it is my belief that inquiry into the function of blame is the most likely route to making sense of blame. Accordingly, Wallace (1994) opens an important strain of thought in claiming that when we blame someone we attribute something to them²⁷, and what we attribute in this circumstance is responsibility for having caused that event that gives rise in us to the reactive attitude; anger, offence, impotence, punitiveness etc. I believe that Wallace is in part right; I believe we do attribute responsibility, but I don't think that blaming is the key element in this process, I think the key element is sense-making, and hence I think that Wallace's 'structure' – the *responsibility* (of another) for a negative act *causes* in us the reactive attitude – is incorrect. I believe we are brought to experience reactive attitudes in varying degrees and of varying kinds by the distressing events or situations, (not by the blaming or blameworthiness of the other for those events), that disrupt my equilibrium and distress me, and with which I claimed above, the blaming process begins. It is this unease, or discomfiture at the new *perturbing* situation or event that gives rise, I submit, to resentment, indignation, impotence etc. As humans so often do, we wish to make sense of these distressing acts, events, and situations, and one of the ways in which we do this is by blaming *in the process of* attributing responsibility, more often than not (but not always), in the form of identifying cause. A person found to be responsible in this causal sense is considered (or perhaps, more accurately, felt) to be account-able, which account is the *response of responsibility*. A significant epiphenomenon attached to this process is that in attributing responsibility to others, we absolve *ourselves* of responsibility for the distressing circumstance, (and this may be a somewhat pleasurable feeling of being let-of-the-hook, perhaps²⁸). When expressed this way, blaming may involve a desire that the blamed person make account of themselves or respond in the sense of their being held *responsible*. When attached to the facticity of inequalities of power to define situations, blame structured this way becomes a regulator of the capacity to call to account, that is, to *hold* responsible, to regulate what counts as responsible behaviour, and to regulate what counts or is deemed acceptable as a response.

The structure of blame, then, one might suggest is as follows; an event occurs creating a situation which unsettles our equilibrium in a negative way, i.e. disturbs, upsets, or distresses us. Should this unsettling or distressing experience elicit in us the kind of reactive attitude envisioned by Strawson, we, as humans so often do, attempt to make sense of this new world, which activity frequently involves a search for cause. This search, however (because, indeed it may not even be possible) is far from always sound in either its method or its results. Nonetheless, we blame the person identified, which means that we require of them some kind of response: we hold them responsible. Often the desired response is that the blamed make recompense in some way; usually in a Kantian way, that the blamed redress some imbalance in a way proportionate to, or equal to the *disease* that infects our composure²⁹. In some aspects – the expectation of an account present in the act of blaming, for example – I concur with Scanlon (1998). However, where we part company in a most significant way is in our conceptions of what constitutes the response of 'responding-to'. It follows from the belief that all human being is intersubjective – being-with-the-Other – that our responding to one another occurs in an intersubjective way, rather than in Scanlon's violent, totalizing, and objectifying form of demand. In consequence of this disagreement, I will return to the nature of the response of responsibility,

²⁷ See also Shaver, *The Attribution of Blame: Causality, Responsibility, and Blameworthiness*. (1985).

²⁸ This, surely, was the feel-good-factor that John Major, erstwhile British Prime Minister, meant to engender in the voter when he made his comment about blaming more and understanding less.

²⁹ Of course, this opens up a whole hornet's nest of debate concerning the justification for, or the social reasons for expecting this kind of recompense. See *inter alia* Honderich (2006) and Garland (1990).

or of holding responsible below.

I return, first, however, to the proposed structure of blame outlined above. This structure improves on previous accounts, I believe, in several ways. In contrast to cognitive models, it is not open to the vicissitudes of cultural notions of acceptable behaviour; it calls only upon an unsettling, disturbing movement in *our* equilibrium and our attempt to make sense of this new world. Moreover, it is not *necessary* to make a judgement that some form of moral code has been broken, or some agreed standard of politeness (let's say) required for human interaction infringed upon. If, for example the behaviour in question does not cause in us *dis-ease*, then we will not go in search of someone to blame. In terms of conative models my proposed structure does not *require* either a backward looking belief, nor a forward looking desire. It does not require a judgement about moral standards, or courtesy. It merely relies upon whether or not *my* emotions have been stirred by my new distressing disequilibrium. Neither is it *necessary* that I harbour a desire that the offending person (should there be one) not perform the act again; my anxiety may manifest itself even if it is impossible for the event or situation to occur again, and that anxiety will be *sufficient* motivation for me to attempt to make sense of my new world. The model proposed does, however *require* conceptual separation of emotions from the process or act of blaming. The emotions in question *follow* from the *disturbing* event or situation and they propel attempts to make sense of the situation, but they are not necessary. A mother may wish to find out which of her children is responsible for some family infraction for example; she need not experience resentment, or indignation among other things as suggested by Strawson (1962 *Op. cit.*), but she does blame, and then call the offending child to account. Whilst they may be present throughout our initial perturbation, our sense making processes, our blaming processes and our calling to account, their omnipresence throughout the whole sense-making process, from event to holding responsible, indicates that the reactive attitudes and blame are not the same thing since the two may *or may not* happen simultaneously. As I suggested above, I believe we are on much more solid ground examining what function(s) blaming may perform, and I suggested that blaming may be the process by which we indicate those persons from whom we require an account. The structure I suggest also has the advantage that unlike most functional accounts it eradicates the necessity for blaming to be ostensive. The same is true of the idea that blame constitutes protest. We may protest, but protestation is protestation, not blaming, and I believe, blaming is the act of labelling those to be called to account. It is interesting, of course, moving on from this point, that the failure of that person or body thus identified to be owing an account to furnish one (the Police behaviour after the Hillsborough disaster³⁰ in the UK provide just such an example) may constitute a second disequilibrium to which our sense making apparatuses are directed. The families of the victims of the Hillsborough disaster have fought for 29 years so far to get an adequate account from the police in the case. It is my belief, therefore that the process of blaming labels the person or persons from whom we feel we are owed an account or a response, as in being held responsible. It is to this problematic notion of giving account, or *responding*, that I now turn.

Responsibility: Selves and Others:

The foregoing would constitute a straightforward model, I think, were it not for the

³⁰ Hillsborough is a football stadium in the city of Sheffield in Yorkshire, UK. At a match on the 15th April 1989 the police opened the turnstiles to ease congestion outside the ground, causing overcrowding in the ground. In the resulting crush 96 fans died and 766 were injured. For very nearly 30 years the police blamed the fans, even suggesting that fans had urinated on dying victims and robbed them rather than help them. Several inquiries found the police account to be accurate. On the 12th September 2012 an independent panel concluded that none of the fans were responsible in any way for the disaster. It also found that 164 witness statements had been altered by the police. Finally, on the 9th August 2017 the officer in charge on the day was charged with 95 counts of manslaughter by gross negligence. As I write, the officer concerned has finally had the charges put to him in court 10/09/2018.

significant problems with the idea of holding responsible, I of the Other, or the Other of me. This relationship between persons is fundamental to understanding our place – as Human – in the world of others. Intersubjectivity axiomatically relies upon communication between “individuals”³¹, that is, responding to one another, being responsible thereto. Should it be that we can call upon others to be responsible to us, we, as others-to-them, must also, therefore, be taken to be responsible to them. We are aware that we do not just exist in this relationship of responsibility with others when we are trying to make sense of distressing situations. We are said to be responsible *to* others for our behaviour, and we are said to be responsible *for* ourselves, but we are also said to be responsible *for* others in the sense of *substituting* our good-behaviour-knowledge for that of children in our charge for example³², and it is worthy of note that in this circumstance we speak of children’s reduced capacity to *behave* responsibly. However, this sense of responsibility by substitution is not merely confined to our responsibility for people with restricted capacity for responsible behaviour. Engagement with our subjectivity as Human reveals a far more powerful structure of responsibility, and one that gives us cause, through its relationship with blaming, to inquire into blame’s role in the production of conflict, or the absence of blame in the reduction of conflict. Hence my attachment of this discussion to the notion of peacemaking.

A significant question begged by the foregoing discussion of blame is “what does it mean to respond to another?” in the form of being *responsible*. The question has origins in Cartesian scepticism concerning the existence of other minds, and which is expressed in Husserl as the question, “how is the intentional content of our experience of other minds constituted?” (Husserl, 1969 [1931]). This question was of particular interest to Emanuel Levinas. The problem seemed to be that every way of conceiving of *anOther* appeared to rely on one’s knowledge of oneself, that is, it arises solipsistically from our own subjectivity: questioning the nature of the Other only ever seemed to give answers about ourselves. Sartre (1967 [1957]) begins his attempt to avoid this solipsism by considering himself a monad, a mere *consumer* of the *hæcceity*³³ of the world. In this circumstance there could be no specification (of the Other – or anything else for that matter) arising from Sartre’s own experience since there would be no others with whom to share meanings³⁴. This is emphasised in Sartre by his insistence that our first encounter with the Other manifests itself in the form of shame. ‘When another approaches me in my role as mere consumer of the *isness* of the world’, says Sartre, ‘I am cast by her as a voyeur’ (1967 [1957], p. 353). However, Sartre’s own shame cannot be the first encounter since it requires that he already believes the Other considers his voyeurism *worthy* of shame and this belief originates in Sartre himself; Sartre has not found what is sometimes called by Husserl, the “first movement” but the second. It is at this point in the chain of ideas that Levinas’ notions of response come to be of interest.

What, then, if it is not in shame as Sartre suggests, is the nature of responding that underlies human intersubjectivity? For Sartre, the Other brings with her a law, through which she establishes a kind of normativity that defines my freedom, showing its limits by revealing a contest between two equal competing claims for freedom. This claim to freedom of the Other, however, can only be recognized by me from my own subjectivity, and therefore (because it arises from *my* subjectivity) Sartre says that this must be the *second* movement of the encounter (1967 [1957], p. 382)³⁵. However, our attempt to identify the enduring core of anything (the intersubjective and its ethicality for example), must be to establish the nature of the *first*

³¹ If indeed it is possible to be an “in-divid-ual”, i.e. some kind of totality – we are, of course, all *dividuals*.

³² I have elsewhere referred to these kinds of responsibility as ‘mere responsibility’ (2011 Op. cit.) in contrast to the *infinite* responsibility of Levinas.

³³ *Hæcceity*. The mere *isness* of things, as over against quiddity (what-ness) or about-ness

³⁴ See Wittgenstien’s “Private language argument” (2001 [1953]).

³⁵ Following Husserl when he says “the intrinsically first other (*the first non-Ego*) is the Other ego” (1969 [1931], p. 107)

movement'. In the hands of Levinas, this move brings us to a point of primary importance in our discussion of the relationship between blame and responsibility. According to Levinas, the Other brings with her not a law (as in Sartre) but a command³⁶, and she brings this to the relationship before I have any intellection of her what so ever. A command does not merely come into conflict with my freedom as would a law, but it creates an obligation from which I cannot resist. The command revealed by (the face³⁷ of) the Other is 'thou shalt not commit murder' (Levinas, 1969, p. 199), or, you will not kill me. Levinas notes elsewhere that this command 'is the end of powers' (1967 [1957], p. 87) the end of my freedom, my "I can"³⁸. That is, not that my freedom can be done away with, nor that my freedom no longer conflicts with the freedom of others, but that my freedom has a limit and that limit is set by a command in a way that a law cannot. Of course, one may argue, I can commit murder, and one would be right, however, this does not mean that the command has been eradicated, it simply means that should I kill, I would have chosen to ignore or transgress the command: neither the command nor the obligation has gone away. I may continue to blame despite being called by the same kind of command not to blame as not to kill. In killing I have failed in my obligation, not eradicated it, so it is should I continue to blame. The command reveals an irrevocable asymmetry that is a phenomenologically necessary quality of my relationship with the Other in that she constitutes me in *my* experience by *my response to the command emanating from her, prior to her in any way entering my experience*. My first experience of myself is formed in my response to the obligation – my *responsibility* – for her or to her before any kind of communality. Hence, the command (the obligation) uncovers the normative nature of the intersubjective; the ethical and the mode of experiencing anything as anything at all (normativity³⁹) are disclosed as being inseparable: the enduring nature of human intersubjectivity is shown to *consist* in the ethical. This obligation to the Other is infinite and manifests itself, according to Levinas in a universal responsibility. Levinas' insistence that rather than Sartre's 'law', the Other brings a command, and that a command imposes an irrecusable obligation, the question 'Who am I?' cannot be answered by recourse to my own experience. It can only be answered by examining *my response* to the obligation to the Other before I have any communality with her whatsoever, and this response discloses my *responsibility* for the other; I can, therefore I must, respond.

I move now to the relevance of this account of our response-making – our unavoidable responsibility to the Other – for our discussion of the origins of peacemaking. I may speak of responsibility to myself, responsibility for myself to others, and responsibility *for* others. It is the latter of these which is of interest here. I do not mean, here, the kind of responsibility for others we have in mind when we consider the kind of relationship that frequently occurs between children and parents in virtue of the perceived deficiencies of childhood of which I spoke earlier, I speak of responsibility for the other in the Levinasian sense. What Levinas has in mind is not an 'accounting for' oneself or 'answering for' another, but the circumstance where the responsible self is an irreplaceable *substitute* for the Other: any and every Other. Hence, axiomatically, and without any possibility if things being otherwise, I sublimate my responsibility for myself or to myself into responsibility *for* the other, in the form of a total substitution for him, resulting in the erasure of my 'ego'⁴⁰. This is constituted by a total hollowing out of my *self*, (rather in the way that Jacqueline du Pre, or Glenn Gould used to speak of emptying out of themselves to allow the music to speak, as it were, through an empty vessel). Moreover, because I do not take up this

³⁶ Note, not the 'demand' of Scanlon.

³⁷ There is not room here to examine Levinas' concept 'The Face'. For a discussion of this concept see Peperzak (1997); Morgan (2011); Perpich (2008).

³⁸ For an examination of the relationship between 'power' and capacity ('can') see my (2010)

³⁹ For a brief statement of the relation between normativity and the origin of intersubjectivity see my, (2015) Perpich (2008). In detail, of course, Sartre (Op. cit.).

⁴⁰ The response to this command Levinas likens to the Judaic 'Hineni' Abraham's response to God when God calls on him to cease the sacrifice of Isaac (Genesis 22:1) Abraham responds, 'Hineni' – voici, in Levinas' French – here am I. The connotation is with a total offering of the self as in the Christian notion that Christ substituted himself totally for all, and all in all.

command freely, I cannot pass it on to another: I cannot ask anyone else to step into my shoes. Levinas frequently referred in conversation on this topic to

‘that sentence in Dostoevsky: “We are all guilty of all and for all men before all, and I more than the others .” This is not owing to such or such a guilt which is really mine, or to offences that I would have committed; but because I am responsible for a total responsibility, which answers for all the others and for all in the others, even for their responsibility. I always have one responsibility more than the others’ (See Vinokurov, 2003).

The *infinite*⁴¹, irrecusable asymmetry of this requirement to substitute our responsibility as a replacement for any responsibility of any Other, axiomatically reveals that this ethical requirement must be foundational in the nature of the intersubjective. It also reveals that blaming is a form of violence⁴², in that it occurs in the absence of the blamed as subject, rather in the way of a trial absent the defendant: it subjects the ‘soul’ of the Other to erasure.

Though it is not the place of a paper of this kind to provide a kind of moral rule-book, or a set of tests for good behaviour, as Critchley (2007) has put it, ‘[e]thical argument is neither like logic, which is inductively true, nor science, which is deductively true. There is a point at which the rationality of moral argumentation gives way to moral recommendation, even exhortation, an appeal to the individual reader from an individual writer’ (p. 10); we are at that point here. The concerns relating to the question “what is to be done?” (or “what is it that must not be done?”) attendant upon this irrecusable ethic speak very much to the solidity of the *foundations* of peacemaking criminology of which I spoke at the beginning of this paper. If we take the nature of blame and its relationship to responsibility to be as I have suggested, and we take the nature of the response to be as Levinas suggests, then we must conclude that we must not blame. If blame and understanding are set over against one another, then surely the way forward is always understanding: without understanding (of the circumstances causing our *dis-ease*) we cannot justifiably blame, and should we adequately understand, we would have no need to blame. Moreover, understanding reveals our own part in the event or circumstance causing our *dis-ease*. For example, if we think of a crime in Mertonian terms, let us say, the theft of a loaf of bread, understanding rather than blaming reveals that our own desires, sometimes expressed through our voting behaviour for example, may have contributed to the infraction. Indeed, our desires may have had an influence on the reason that the infraction is (or remains) illegal. However, whilst consideration of the infraction in this way might alter the judgement concerning what counts as a reason and what an excuse, and makes us, at least in part *responsible* – liable to give account – for our part in the chain of events, this only speaks to our responsibility for ourselves to humanity in general. It does not speak to our ineluctable responsibility for the thief of the loaf of bread. Hence, this view should lead us not merely to understanding but to *act*⁴³. Our responsibility to the Other means not asking “what does she owe me?”, as in the title of Scanlon’s *What We Owe each Other?* (1998) but always, though not merely, first, “what do I owe her?”. In our example therefore, we do not just owe her leniency, nor merely a loaf of bread. We owe her an economy for example, that means she does not have to break the law⁴⁴, or a law that does not mean that she must weigh up illegality against the starvation of her children. And this probably means eradicating the conflict between haves and have-nots almost certainly by

⁴¹ That is, axiomatically, there can be no exceptions.

⁴² See my *Criminology and Violence: Reflections on Elliott Currie’s The Roots of Danger* (Crewe, 2017).

⁴³ It is imperative to note that this example does not presuppose that Levinas’ structure of responsibility is merely a model for praxis; it was certainly not intended as such. Indeed, its description of the very foundation of subjectivity as being-ethical or ethical-being, or as Levinas puts it “Otherwise than Being” (Levinas, 1991 [1974]): beyond or before praxis. Any concrete application of this metaethical is necessarily dependent on the accident of the facticity of the world and can be arrived at only through consideration of the specific details of each case. The existence of bad praxis does not mean that Levinas is wrong. Indeed, all it means is that I have failed in my obligation to the other.

⁴⁴ This is not to suggest that she is forced by the economy to commit crime but that the economy is part of the factual state from which her choices must emerge.

fiscal means, but also (and this would make the fiscal policy easier to sell) by not blaming the financially disadvantaged for their own disadvantage. It means a kind of social justice absent blaming, because social justice is impossible in the presence of conflict (the presence of inequalities between conflicting parties ensures that this is so⁴⁵). Levinas' structure of intersubjectivity, would indicate that the act of blaming in the form of demanding an account, indicates our failure in our obligation to and for the Other. Others have written at length and far more eloquently about peacemaking, but I hope that this paper provides a firmer grounding for calls to eradicate conflict in Western criminology than do 'the great wisdom traditions'. The core of the great Richard Quinney's work suggests that there are only two kinds of criminologists, those who think that criminals are different to themselves and those who don't (Pepinsky, 1991, p. 303). Attempting to separate a criminal's understanding of himself from our understanding of him, that is, to grasp his perspective of himself as though our own subjectivity has no part in our view, constitutes violence to him as another that counts as such, as Levinas structure of intersubjectivity informs us. Blaming is revealed as violence because it operates to erase the subjectivity of the Other. Moreover, blaming is inevitably implicated in a conflictual mode of resolving social problems, contrary to the desires of peacemakers. When blaming is present, it contributes to the conflict through this unsustainable and violent division between the blamer and the blamed. Should we desire to provide a solid foundation for peacemaking, we must recognise that not only is the command "thou shalt not kill", it must also be "thou shalt not blame".

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⁴⁵ I take it that *equality* is impossible since it equates to *identity* – and identity is impossible.

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