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WITH DOI: 10.24204/EJPR.2021.3171

# THE PSYCHOPATH OBJECTION TO DIVINE COMMAND THEORY: ANOTHER REPLY TO ERIK WIELENBERG

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Abstract: Recently, Erik Wielenberg has developed a novel objection to divine command metaethics (DCM). The objection is that DCM "has the implausible implication that psychopaths have no moral obligations and hence their evil acts, no matter how evil, are morally permissible". This article criticizes Wielenberg's argument. Section 1 expounds Wielenberg's new "psychopath argument" in the context of the recent debate over the Reasonable Unbelievers Objection. Section 2 discusses two ambiguities in the argument: in particular, Wielenberg's formulation is ambiguous as to whether Wielenberg uses the word "obligation" in an objective or subjective sense. Section 3 argues that this ambiguity undercuts the argument. If Wielenberg is using the word obligation in a subjective sense, his arguments do not show that psychopaths "have no moral obligations". By contrast, if Wielenberg is using the word obligation in an objective sense, his arguments do not show that divine command theorists are committed to denying that psychopaths have obligations.

# I. RECENT DIALECTIC OVER THE REASONABLE UNBELIEVERS OBJECTION

A standard version of divine command metaethics (DCM) contends that the property of being morally required is identical with the property of being commanded by God.<sup>1</sup> Erik Wielenberg has argued such theories are problematic because they cannot account for the moral obligations of reasonable unbelievers.<sup>2</sup>

Consider those who "have been brought up in nontheistic religious communities, and quite naturally operate in terms of the assumptions of their own traditions" or the "many western philosophers [who] have explicitly considered what is to be said in favour of God's existence, but have not found it sufficiently persuasive." Wielenberg assumes some of these people are "reasonable nonbelievers,[...]their lack of belief cannot be attributed to the violation of any epistemic duty on their part." If DCM is true, these people would have no moral obligations. Seeing as reasonable nonbelievers do have moral obligations, DCM is false.

Why think DCM entails that reasonable nonbelievers lack moral obligations? Wes Morriston explains the problem this way: "commands are speech acts in which a person tells others what to do. In order successfully to issue a command, one must deliver it to its intended recipients." The problem for the reasonable nonbeliever is that "[o]n the face of it, God has not succeeded in speaking to her." Indeed,

<sup>1</sup> See, for example, Robert M. Adams, Finite and Infinite Goods: A Framework for Ethics (Oxford Univ. Press, 2002), William L. Craig, "This Most Gruesome of Guests: A Response", in Is Goodness without God Good Enough? A Debate on Faith, Secularism, and Ethics, ed. Nathan L. King and Robert K. Garcia (Rowman & Littlefield Publishers, 2009) and C. S. Evans, God and Moral Obligation (Oxford Scholarship Online, 2013).

<sup>2</sup> See, Erik J. Wielenberg, *Robust Ethics: The Metaphysics and Epistemology of Godless Normative Realism* (Oxford Univ. Press, 2017), 75–80; Erik J. Wielenberg, *Value and Virtue in a Godless Universe* (Cambridge Univ. Press, 2005), 60–65 and Wes Morriston, "The Moral Obligations of Reasonable Non-Believers", *International Journal for Philosophy of Religion* 65, no. 1 (2009).

<sup>3</sup> Morriston, "The Moral Obligations of Reasonable Non-Believers", 2.

<sup>4</sup> Wielenberg, Robust Ethics, 77.

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"God has not even succeeded in putting her in a position in which she should have "heard" a divine command."5

Put this way, the suggestion is that someone cannot hear or be the recipient of a speech act such as an assertion or a command unless that person recognizes the identity of the speaker. This is implausible. Take the Book of Hebrews, the author of which is anonymous. Does it follow one cannot read or interpret the speech acts made by the human author in that text? Obviously not.

Later, Morriston formulates the problem differently:

Even if he is aware of a "sign" that he somehow manages to interpret as a "command" not to steal, how can he [a reasonable nonbeliever] be subject to that command if he does not know who issued it, or that it was issued by a competent authority? To appreciate the force of this question, imagine that you have received a note saying, "Let me borrow your car. Leave it unlocked with the key in the ignition, and I will pick it up soon." If you know that the note is from your spouse, or that it is from a friend to whom you owe a favor, you may perhaps have an obligation to obey this instruction. But if the note is unsigned, the handwriting is unfamiliar, and you have no idea who the author might be, then it is as clear as day that you have no such

In the same way, it seems that even if our reasonable nonbeliever gets as far as to interpret one of Adams' "signs" as conveying the message, "Do not steal", he will be under no obligation to comply with this instruction unless and until he discovers the divine source of the message.7

It is this second version of the problem that Wielenberg cites in his work. In this example, the reasonable unbeliever is aware of a "sign" that he interprets as a "command" to refrain from stealing. The car owner has received the note and understood quite clearly the instruction. So the problem is not that he has not heard the command. The question is how someone in his situation can be "subject" to the discerned command. How can they be under an obligation to obey it?

# I.1 A Response to the Reasonable Unbelievers Objection

Matthew Flannagan has argued that Morriston's argument contains a subtle equivocation.8 In the first line, Morriston expresses a disjunction: a person is not subject to a command if he does not know (a) who issued it *or* (b) that it has an authoritative source. However, the example he cites is one where *neither* of these disjuncts holds. The owner of the car does not know who the author of the note is, nor does he know whether its source is authoritative.

However, consider an example where only one disjunct is missing, specifically, a case where someone does not know who the author of the command is but does recognize that its source as authoritative:

Suppose I am walking down what I take to be a public right of way to Orewa Beach, New Zealand. I come across a locked gate with a sign that says: "private property, do not enter, trespassers will be prosecuted." In such a situation, I recognize that the owner of the property has written the sign, though I have no idea who the owner is. Does it follow I am not subject to the command? That seems false. In order to be subject to this command, a person does not need to know who the author of the command is. All they need to know is that the command is authoritative over their conduct.9

Cases like this illustrate that if someone is aware of the imperative expressed by a command and perceives its authority over them, then they are "subject" to it. They do not have to know or correctly identify the source of the commands.<sup>10</sup>

<sup>5</sup> Morriston, "The Moral Obligations of Reasonable Non-Believers", 3.

Matthew Flannagan and Paul Copan, Did God Really Command Genocide? Coming to Terms with the Justice of God (Baker Books, 2014), 155.

<sup>7</sup> Morriston, "The Moral Obligations of Reasonable Non-Believers", 5-6.

Matthew Flannagan, "Robust Ethics and the Autonomy Thesis", Philosophia Christi 19, no. 2 (2017): 348-52. 8

Flannagan, "Robust Ethics and the Autonomy Thesis", 348.

ALINO REAN OUT AND CONTROL TO A 10 Other divine command theorist have made similar counterexamples. See William Lane Craig "William L. Craig's First Rebuttal" A Debate on God and Morality What Is the Best Account of Objective Moral Values and Duties? Eds. William Lane Craig, Erik Wielenberg and Erik J. Johnson (Routledge, 2020), 49; Evans, God and Moral Obligation, 113-14.

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I.2 Wielenberg's Reply: From Reasonable Unbelievers to Psychopaths

In his most recent article Wielenberg appears to concede this point.<sup>11</sup> However, he suggests that Flannagan's reply raises a deeper worry. This reply illustrates a "plausible principle" which he labels R:

(R) God commands person S to do act A only if S is capable of recognizing the requirement to do A as being extremely authoritative and as having imperative force.<sup>12</sup>

Wielenberg thinks R comes at a cost: when conjoined with DCM, R implies that psychopaths lack any moral obligations. He writes, "[t]he mainstream view of psychopaths in contemporary psychology and philosophy" is that they lack "conscience and are incapable of grasping the authority and force of moral demands". Therefore, "[a]ccording to principle (R) above, since psychopaths cannot grasp morality's authority and force, God has not issued any commands to them, and so DCM implies that they have no moral obligations."<sup>13</sup>

Wielenberg summarises his argument as follows:

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- [1] There are some psychopaths who are incapable of grasping the authority and force of moral demands. (empirical premise)
- [2] So, there are some psychopaths to whom God has issued no divine commands. (from 1 and R).
- [1] So, if DCM is true, then there are some psychopaths who have no moral obligations. (from 2 and DCM).
- [4] But there are no psychopaths who have no moral obligations.
- [5] Therefore, DCM is false. (from 3 and 4). 15

# **II. SOME AMBIGUITIES**

Before assessing this argument, we must first note two ambiguities.

II.1 Commands existing vs commands obligating

Wielenberg suggests that Flannagan's reply relies on the following principle:

(R) God commands person S to do act A only if S is capable of recognizing the requirement to do A as being extremely authoritative and as having imperative force.<sup>15</sup>

Strictly speaking, this is incorrect. R lays down conditions under which commands can *exist*. It entails that if someone does not recognize God's commands as authoritative or having imperative force, then God has not issued a command. However, Flannagan's reply does not suggest something this strong. Morriston described a situation where a command is issued, the reasonable believer "interprets it as a command to not steal", and the problem is that it fails to impose an obligation upon the hearer. Flannagan was replying to Morriston's example. He is not providing situations in which a command exists. Instead, he is stipulating conditions in which an existing command can generate an obligation.

Wielenberg appears to be aware of this. Early in the discussion, he states he is using the word command idiosyncratically to mean "obligation-bestowing command". On this usage, "no divine command is

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<sup>11</sup> Wielenberg, "Divine Command Theory and Psychopathy".

<sup>12</sup> Ibid., 4.

<sup>13</sup> Ibid., 8.

<sup>14</sup> Erik J. Wielenberg, "Divine Command Theory and Psychopathy", Religious Studies 56, no. 4 (2020): 9.

<sup>15</sup> See, Wielenberg, "Divine Command Theory and Psychopathy," 4. Strictly speaking, Flannagan's example shows that recognizing the expressed by a command and its authority is *sufficient* for a command to generate an obligation not that this is necessary for command to generate an obligation. However, I do not pursue this point further here.

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issued unless it imposes some moral obligation on those to whom it is issued."16 Consequently, we should understand R as follows:

(R1) If God commands a person S to do act A, this command imposes an obligation on S to do A only if S is capable of recognizing the requirement to do A as being extremely authoritative and as having imperative force.

# II.2 Objective Obligation vs Subjective Obligation

R1 refers to an "obligation-bestowing" command. However, the word "obligation" has both an objective and subjective sense. Holly Smith explains: "[o]bjective obligatoriness (or rightness or wrongness) is the deontic status that an action has in virtue of its actual circumstances and consequences". By contrast, "[s]ubjective obligatoriness (or rightness or wrongness) is the deontic status an action has in virtue of the agent's beliefs about its morally relevant circumstances and consequences."17

In March of 2015, David Cerven committed several armed robberies in Auckland before arranging to turn himself in to the police at a local park. When the police arrived, he announced he was armed and reached into his jacket pulling out what looked like a gun. CCTV footage showed Cerven "putting his right hand into his right-hand pocket, taking his hand out of the pocket and then appearing to clasp both hands together as if to make it look like he had a firearm in his hands". Cerven was shot and killed. Subsequent investigation revealed Cerven was unarmed.<sup>18</sup>

In Smith's terminology, the shooting of Cerven was objectively wrong. If we look at the actual circumstances, the police were shooting dead an unarmed man who was not threatening either them or the public. To kill an unarmed man is morally wrong, and police officers have an obligation not to shoot unarmed people. At the same time, the shooting of Cerven was subjectively permissible. Given what the police knew (that Cerven had stated he was armed and was reaching for what looked like a gun) and the speed in which they had to decide, their decision to fire was permissible. In the circumstances, it was reasonable to believe Cerven was armed.

This example highlights some important differences between objective and subjective obligations. The existence of an objective obligation is independent of our knowledge of it. A person can be objectively obligated to act, even though through no fault of their own they are unaware that they are under any such requirement to perform that act. This is not true of a subjective obligation, which holds in "virtue of the agent's beliefs about its morally relevant circumstances and consequences."19

Subjective obligations are also closely associated with blameworthiness. Donagan points out that objective and subjective obligations play different roles in moral thinking. "When an agent and his moral counsellors are considering the moral permissibility of a proposed action, the first question to arise is, is it materially (objectively) permissible?"20 The agent is to attempt to discern his objective duties as accurately possible and to perform them. We utilize subjective obligations when someone has done what they believe to be their objective obligations, and we are raising questions about their culpability and blameworthiness. If the agent acted with non-culpable ignorance, even if the act is objectively wrong, he is excused and not subject to blame for performing it. Whereas if he does wrong knowingly and intentionally, violating his subjective obligation, he is blameworthy.

Consequently, there are two possible interpretations of R1:

(R1. Subjective) If God commands a person S to do act A, this command imposes a subjective obligation on S to do A only if S is capable of recognizing the requirement to do A as being extremely authoritative and as having imperative force.

<sup>16</sup> Wielenberg, "Divine Command Theory and Psychopathy," 2.

<sup>17</sup> Holly Smith, "The Moral Clout of Reasonable Beliefs", in Oxford Studies in Normative Ethics, ed. Mark Timmons (Oxford OF THE STATE OF TH

New Zealand Herald. 2018. Big Read: The life and death of David Cerven. July 24. Accessed 8.10.2019.

Smith, "The Moral Clout of Reasonable Beliefs," 4.

Alan Donagan, The Theory of Morality (Univ. of Chicago Press, 1977), 137.

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(R1. *Objective*) If God commands a person S to do act A, this command imposes an objective obligation on S to do A only if S is capable of recognizing the requirement to do A as being extremely authoritative and as having imperative force.

Similarly, premise [4] could mean:

[4S] But there are no psychopaths who have no *subjective* moral obligations.

Or

[40] But there are no psychopaths who have no *objective* moral obligations.

### III. A RESPONSE TO THE PSYCHOPATHY ARGUMENT

This ambiguity makes trouble for Wielenberg's argument. If his argument is to avoid committing the fallacy of equivocation, the word "obligation" must be used the same way in both R and premise [4]. However, this is not the case. If we interpret the word obligation in the subjective sense, premise [4] is not justified by the evidence Wielenberg offers. By contrast, if we interpret obligation in the objective sense, then the idea that divine command theorists are committed to [R] is unjustified.

III.1 The Subjectivist Interpretation

Suppose we interpret [R] and [4] in the subjective sense:

- (R1 *Subjective*) If God commands a person S to do act A, this command imposes a *subjective* obligation on S to do A only if S is capable of recognizing the requirement to do A as being extremely authoritative and as having imperative force.
- [1] There are some psychopaths who are incapable of grasping the authority and force of moral demands. (empirical premise)
- [2\*] So, there are some psychopaths to whom God has issued commands that generate no subjective obligations. (from 1 and R).
- [3\*] So, if DCM is true, then there are some psychopaths who have no subjective moral obligations. (from 2 and DCM).
- [4S] But there are no psychopaths who have no subjective moral obligations.
- [5.] Therefore, DCM is false. (from 3 and 4)

If we interpret [4] in terms of [4S], then Wielenberg must hold that psychopaths act contrary to their non-culpable recognition of what morality requires. The data he cites, however, does not support this.

To defend premise [1], Wielenberg cites various studies which contend that psychopaths are "morally blind", may "lack a conscience", 21 "do not understand the concept of morality" 22 and "lack the constraints necessary to understand that they have obligations." 23 They "do not appear... to be aware of the need to justify actions which infringe moral rules" and do "not even understand the notion of a moral standard in any 'serious' sense". 24 Wielenberg explains that "[p]hilosophers disagree on whether this moral blindness exempts them from responsibility for their bad behaviour". 25 Furthermore, he is not challenging the idea that psychopaths "violate moral obligations but are not (legally or morally) responsible for doing

<sup>21</sup> Wielenberg, "Divine Command Theory and Psychopathy," 5.

<sup>22</sup> Ibid., 5–6.

<sup>23</sup> Ibid., 6.

<sup>24</sup> Ibid., 5-6.

<sup>25</sup> Ibid., 8.

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so". <sup>26</sup> If this is true, then the evidence does not support [4S]. If [4] is to be consistent with the evidence provided for [1], [4] must be interpreted as [4O].

# III.2 The Objectivist Interpretation

Suppose then we adopt an "objectivist" interpretation of the argument.

- (R1 *Objective*) If God commands a person S to do act A, this command imposes an *objective* obligation on S to do A only if S is capable of recognizing the requirement to do A as being extremely authoritative and as having imperative force.
- [1] There are some psychopaths who are incapable of grasping the authority and force of moral demands. (empirical premise)
- [2\*\*] So, there are some psychopaths to whom God has issued commands that generate no objective obligations. (from 1 and R).
- [3] So, if DCM is true, then there are some psychopaths who have no objective moral obligations. (from 2 and DCM).
- [40] But there are no psychopaths who have no objective moral obligations.
- [5] Therefore, DCM is false. (from 3 and 4)

On the objectivist interpretation, Wielenberg must hold that the divine command theorist is committed not just to R1, but specifically to (R1. *Objective*). However, the arguments he offers do not support this.

Wielenberg offers two reasons for thinking a divine command theorist is committed to R. One is that several divine command theorists make arguments that commit them to R:

A distinctive feature of DCM is that a given human being has moral obligations only if a divine command is somehow communicated to that human being. This aspect of the theory is emphasized by many proponents of the theory. For example, Adams writes: 'A command does not exist or have any force unless it is issued—that is, unless it is in some way communicated' (R. Adams (1999), 263). In defence of this position, Adams memorably remarks that '[g]ames in which one party incurs guilt for failing to guess the unexpressed wishes of the other party are not nice games. They are no nicer if God is thought of as a party to them' (ibid., 261).

Stephen Evans similarly emphasizes the importance of divine communication in this passage:

A law that was passed in secret and never revealed to anyone would hardly be binding on the citizens of a state. It is true that it is often said that ignorance of the law is not a valid excuse for not obeying the law, but this principle surely assumes that the law in question is a matter of public record and that the individual who should obey the law could have known about it. Something similar must hold for moral laws as well. (Evans (2013), 37) <sup>27</sup>

It is unclear that these arguments commit the divine command theorist to (R1 *Objective*). Neither Adams nor Evans mentions the distinction between objective and subjective obligations, and throughout much of *Finite and Infinite Goods* Adams uses the word in a straightforwardly objective sense.<sup>28</sup> However, whatever meaning of the word they intend throughout their work, it seems the argument they offer in these passages about "binding obligations" relies on a subjective as opposed to an objective conception of obligation.

<sup>26</sup> Ibid., 8.

<sup>27</sup> Wielenberg, "Divine Command Theory and Psychopathy," 2.

<sup>28</sup> For example, Adams writes; "If an act is morally wrong, then in the absence of a sufficient excuse, it is appropriate for the agent to be blamed by others and by himself... [a] particularly interesting sort of excuse is the erroneous belief that the act was right ...". Later, Adams states; "[W]e conceive of moral rightness and wrongness as properties that actions have, and of moral obligations as features of situations, that are mostly independent of our beliefs...What the Nazis did to the Jews was wrong whether or not the Nazis thought so". Moreover, "God's commands are the standard, conformity to which constitutes the ethical validity of human social requirements...God's commands may go beyond human standards, revealing new ethical obligations not previously known" Finite and Infinite Goods, 235, 247, 262 I am grateful to an anonymous reviewer for pointing these examples out. By contrast, Adams uses the phrase "binding obligation" only once.

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Adams repudiates a "picture of divine-human relations, one in which the wish of God's heart imposes binding obligations without even being communicated, much less issuing in a command." Why? Because "[g]ames in which one *party incurs guilt* for failing to guess the unexpressed wishes of the other party are not nice games. They are no nicer if God is thought of as a party to them." Note the inference: if unexpressed divine volitions impose "binding obligations", then people will *incur guilt* in situations in which it is unjust to hold them blameworthy due to non-culpable ignorance. A requirement does not impose a "binding obligation" on someone if that person cannot be reasonably expected to know about it. Evans thinks a law "passed in secret" would not be "binding" on citizens. Why not? Because a requirement only generates a binding obligation when the subject "could have known" about it and lacks a *valid excuse* for violating it.

Consequently, when Adams and Evans refer to "binding obligations" they presuppose an obligation that fails to hold if the person subject to it is non-culpably ignorant of it and does not "incur guilt" for violating it. This requires a subjectivist conception of obligation.

The same point applies to the second argument Wielenberg himself makes for R:

Suppose that your city's government launches a traffic safety program that involves putting up lots of new stop signs throughout the city. Suppose also that because of budget problems, the city cannot afford proper stop signs for your neighbourhood and instead posts in your neighbourhood several new stop signs made of construction paper with 'STOP' handwritten on them in crayon. Although the city has the authority to impose certain obligations on you by posting stop signs, and you understand that the signs are directing you to stop, you do not recognize the instruction to stop conveyed by such signs as having authority over your conduct — and that is because the government has not done enough to communicate that authority to you. Consequently, these cheaper stop signs fail to impose any obligations upon you...If God issues a sign to you directing you to do something while knowing that you are incapable of recognizing the instruction as having authority over you, then you are in a situation relevantly like people living in the neighbourhood with handwritten stop signs.<sup>32</sup>

Wielenberg refers to signs that "fail to impose any obligation". He does not make explicit whether he is referring to an objective or subjective obligation. Several features of the situation suggest his example assumes the latter. Wielenberg grants that the council has the authority to impose certain obligations by posting signs and the council has posted signs. The reason you lack an obligation is that you cannot be reasonably expected to recognize the instruction to stop. This assumes that the existence of an obligation depends on one recognizing its existence, and as such, presupposes a subjective conception of obligation.

Some comments Wielenberg himself makes support this:

Recall the stop sign example I discussed earlier. Let us add to that example that the government notified almost everyone in your neighbourhood that the new stop signs would be made of construction paper but that they were nevertheless legitimate stop signs. However, again because of budget problems, the government failed to notify you alone about the new construction paper stop signs. I do not see how the fact that everyone else got the memo about the stop signs does anything to generate an obligation for you to obey the new handwritten stop signs in the neighbourhood. And when it comes to morality, psychopaths are relevantly like you in this example. As Adams says, '[g]ames in which one party incurs guilt for failing to guess the unexpressed wishes of the other party are not nice games.'<sup>33</sup>

The last line here is essential: the reason the stop signs do not generate obligations is that you do not *incur guilt for failing to guess*. We do not have an obligation to comply with the instructions because we are non-culpably ignorant and so cannot legitimately be blamed for failing to comply. This argument assumes one is obligated to obey a requirement only if we know about it and are blameworthy for violating it. So, it relies on a subjective concept of obligation.

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<sup>29</sup> Adams, Finite and Infinite Goods, 261.

<sup>30</sup> Ibid., 261

<sup>31</sup> It is worth emphasizing here that guilt for Adams is not synonymous with merely violating an objective duty. Guilt is closely linked to blame and sanctions. Adams thinks of guilt as a rupture of a relationship whereby one alienates oneself from another, a rupture that is expiated by actions like reparation, apology and forgiveness that remove the guilt.

<sup>32</sup> Wielenberg, "Divine Command Theory and Psychopathy," 4.

<sup>33</sup> Wielenberg, "Divine Command Theory and Psychopathy," 11–12.

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# 4. CONCLUSION

My conclusion, therefore, is that Wielenberg's latest round in the dialectic on divine command metaethics is unsuccessful. His new psychopathy objection commits the fallacy of equivocation. When he claims that God's commands do not impose an obligation unless the person commanded is capable of recognizing the requirement as both authoritative and as having imperative force, he must use the word obligation either in a subjective or objective sense. If he has in mind the former, then the very data he cites does not support his claim that psychopaths have moral obligations. If he uses the word in an objective sense, then divine command theorists are not committed to denying that psychopaths have moral obligations and the arguments Wielenberg provides do not support the conclusion that they do.

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