

GERMAN LEGAL TERMINOLOGY IN THE AREA OF HIGHER EDUCATION AND THE USE OF ENGLISH IN THE NATIONAL VARIETIES OF GERMAN SPOKEN IN AUSTRIA, GERMANY AND SWITZERLAND

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Abstract: This paper investigates German legal terminology in the area of higher education in Austria, Germany and Switzerland. Particular emphasis is put on the influence of English in this field arising from internationalization and the creation of the European Higher Education Area. One can assume that due to the Bologna Process – initiated on the European level with the aim of creating more comparable, compatible and coherent higher education systems – there is a wider use of English terminology than before in the field of higher education.

German legal and administrative language employed in the higher education sector in the aforementioned countries has been analysed within the framework of this study with the help of comparable specialized corpora of university legislative texts. In addition, a reference corpus of international legal texts dealing with the same topic has been employed. The analysis will endeavour to establish to what extent English terminology is being used.

Zusammenfassung: Die vorliegende Untersuchung befasst sich mit der deutschen Rechtssprache im Bereich des Hochschulwesens in Österreich, Deutschland und der Schweiz und dem Einfluss des Englischen in diesem Bereich auf Grund der Internationalisierung und der Schaffung eines europäischen Hochschulraumes. Durch den Bologna Prozess, einer Initiative auf europäischer Ebene mit dem Ziel eine vergleichbarere und wettbewerbsfähigere Hochschulausbildung zu schaffen, ist es naheliegend, einen weiter verbreiteten Gebrauch des Englischen in diesem Bereich anzunehmen.

Mit Hilfe von vergleichbaren fachsprachlichen Korpora aus Universitätsgesetzen wurde die deutsche Recht- und Verwaltungssprache im Bereich des Hochschulwesens untersucht. Weiters wurde ein Vergleichskorpus mit internationalen Erklärungen und Communiqués zum Bologna Prozess erstellt. Die Untersuchung zielt darauf ab, zu zeigen, inwieweit englische Terminologie im Bereich des Hochschulwesens verwendet wird.

Introduction

The contact between cultures and thereby between languages is a well-known phenomenon and constitutes one of the reasons for language change and development. For over half a century English has been considered as the lingua franca of international communication, with nearly every language being influenced by English terminology, both every day language and specialized language. But is the same true of legal and administrative language in the higher education sector? Since the launch of this

intergovernmental initiative which aims to create a European Higher Education Area and to promote the European system of higher education worldwide, the so-called “Bologna Process”, the question regarding how much English terminology is used in German university terminology has come to the fore.

This paper firstly outlines the backbone of the research carried out, i.e. the Bologna Process, before clarifying the basic terms relevant for this study and reviewing the corpus and methods applied. The results of the statistical and linguistic analysis are then discussed and, to conclude, consideration is given to the next steps to be explored.

Background

The Bologna Process is an intergovernmental initiative which aims to create the European Higher Education Area and to promote the European system of higher education worldwide. It was launched in 1999 when 29 Education Ministries signed the Bologna Declaration on the European Space for Higher Education (cf. Reinalda and Rulesza 2006, 21; Neave and Olsen 2007, 135ff). The main objectives of the Bologna Process are: to remove the obstacles to student and university staff mobility across Europe; to enhance the appeal of European higher education worldwide; to establish a common structure of higher education systems across Europe, and for this common structure to be based on two main cycles, undergraduate and graduate (a third cycle, doctoral studies, was not part of the initial Bologna Process system but was incorporated at a later stage). Its decision-making procedure is based on the consent of all the participating countries, currently totalling 46, and is independent from the framework of the European Union. The ten Bologna Action Lines are: the adoption of a system of easily readable and comparable degrees; the adoption of an essentially two-cycle system; the establishment of a system of credits; the promotion of mobility by overcoming obstacles; the promotion of European cooperation in quality assurance; the promotion of the European dimension in higher education; the focus on lifelong learning; the involvement of students; the promotion of the attractiveness of the European Higher Education Area and the adoption of doctoral studies and promoting the synergy between the European Higher Education Area and the European Research Area²³ (cf. also Reinalda and Rulesza 2006, 9).

Since the Bologna Process was initiated at the European level and given the fact that so many countries have chosen to take part, it seems fair to assume that English terminology, especially for newly introduced concepts, will influence national languages of the participating countries in the area of higher education.

Aim of the study

The present study aims to investigate the influence of English terminology on German terminology employed in higher education laws and regulations in Austria, Germany and Switzerland, since all three countries are participants of the Bologna

²³ <http://www.ond.vlaanderen.be/hogeronderwijs/bologna/actionlines/index.htm> (accessed July 7, 2009).

Process initiative. The study is geared towards finding out how many Anglicisms are used in laws and regulations in the area of higher education in the investigated countries, how they are used in the context of the German texts and if any differences can be identified in the use of Anglicisms in the three countries. One aspect of the research focuses on new concepts created within the Bologna Process. The Anglicisms are analysed in terms of:

- frequency of use
- orthographical integration
- integration into the German context.

Corpus and method

A corpus with relevant texts within the area of higher education was created for this study. For the purposes of this paper a corpus is understood to be “a collection of naturally-occurring language text, chosen to characterize a state or variety of a language” (Sinclair 1991, 171) In this case it is a specialized corpus made up of a collection of specialized texts including not only university laws, but also Bologna Process declarations and communiqués. The three national university law corpora can be considered as so-called “comparable corpora”, i.e. corpora that do “not contain translations but consist of text from different languages which are similar or comparable with regard to a number of parameters such as text type, formality, subject-matter, time span, etc.” (Aijmer 2008, 177). In the case of these national university law corpora it is not different languages that are involved, but rather different national varieties of a language. All the other parameters are fulfilled and, as such, they can be considered as comparable corpora.

The criteria for selecting the text for the corpora were different for the various sub-corpora. On the one hand there is a so-called “Bologna Process corpus” containing all the declarations and communiqués from the Bologna Process, and on the other hand there are the 3 respective national corpora comprising all of the respective national higher education laws. For the Bologna Process corpus the criteria were the following:

- topic: Bologna Process
- type of text: international declarations and communiqués
- time range: since 1998 (starting with the Sorbonne Declaration)
- language: official German translation of the original English text

For the three national corpora the criteria were the following:

- topic: higher education
- type of text: law texts; national or regional legislation (according to the organization of the university sector in the analysed countries)
- time range: law that is currently in force
- language: standard national varieties of German

The three national corpora differ slightly from one another due to the legislative situation of the higher education system in each of the three countries concerned. The

Austrian corpus only contains one law since in Austria universities are regulated at the national level. In Germany, however, there is one umbrella law and, in addition, laws from each of the 16 federal states. The situation in Switzerland is completely different. There are no general university laws or regulations at the national level as yet in Switzerland and it follows that every university has its “own” university law issued by the respective canton, whilst the two technical universities are regulated by the Swiss Confederation. Since not all Swiss university regulations are in German, some of them were not taken into account by the study. Only the German part of any bilingual laws and regulations was included in the corpus. The Swiss corpus contains seven university laws.

Table 1: Size of the sub-corpora

Corpus	Size of each sub-corpus (in tokens)
Bologna Process corpus (BP corpus)	12653
Austrian university law corpus (AT corpus)	35170
German university law corpus (DE corpus)	473245
Swiss university law corpus (CH corpus)	24810

The first step was to find all the Anglicisms in the four sub-corpora and to relate the number of Anglicisms to the size of each sub-corpus. It seems now useful to determine what an Anglicism actually is. There are several definitions for this concept, both in dictionaries as well as in linguistic publications. According to Webster’s Third New International Dictionary of the English Language (Gove 1986, 83) an Anglicism is “a characteristic feature of English occurring in another language” or “a trend toward linguistic borrowing from English”. The Random House Dictionary of the English Language (Stein 1973, 58) defines the term as “a word, idiom or characteristic feature of the English language occurring in or borrowed by another language”. Looking at linguistic publications, more detailed definitions can be found. For Zindler an Anglicism is

ein Wort aus dem britischen oder amerikanischen Englisch im Deutschen oder eine nicht übliche Wortkomposition, jede Art der Veränderung einer deutschen Wortbedeutung oder Wortverwendung (Lehnbedeutung, Lehnübersetzung, Lehnübertragung, Lehnschöpfung, Frequenzsteigerung, Wiederbelebung) nach britischen oder amerikanischem Vorbild.” (Zindler 1959, cited in Carstensen, 1965, 30).

There are several other definitions; e.g. Carstensen (1965, 30) enriches the definition of Zindler with the aspects of pronunciation and syntax and the methodological division between “Britishisms” and “Americanisms”. However, Carstensen (1965, 18) himself remarks that it is difficult to draw an exact line between borrowings from British and American English.

Also other authors (cf. Langer 1995, Yang 1990, Chang 2003) have come to similar conclusions. Yang (1990, 7) remarks that “die amerikanische oder britische Herkunft der ins Deutsche entlehnten englischen Lexeme oder Lexemverbindungen [ist]

in vielen Fällen nicht eindeutig und einwandfrei festzustellen.” Schmitt (1985, 25) in his study of Anglicisms in language for special purpose uses the definition by Zindler. For the aim of his study, Busse (1993, 15) considers a word as an Anglicism if it is marked as such in the German Dictionary “Duden” (i.e. as engl. or amerikan.). To be considered as an Anglicism and included in the Dictionary of European Anglicisms (Görlach 2005, xviii) the word has to be “recognizably English in form (spelling, pronunciation, morphology) in at least one of the languages tested”. Zindler’s definition is widely accepted and still referred to, even in newer publications, like in Chang’s doctoral thesis (2003, 32), where it is used as a basic definition for the study. It is only enriched by Yang’s assumption (1990, 7) that borrowings from all English varieties are to be considered as Anglicisms, not only the words of British and American origin. For the purpose of this study, pronunciation and syntax as stated by Carstensen (1965, 30) are not relevant.

Therefore, borrowings from English with etymological origins other than English origins are also considered as Anglicisms for the purposes of this study provided that the English spelling is used, i.e. “Doctor of Philosophy” or “diploma supplement”. When counting the Anglicisms the following principles were adopted: foreign words, loan words, compound words with a foreign word or a loan word and also loan translations, like “Diplomzusatz” for “diploma supplement”, were considered as Anglicisms. Furthermore, abbreviations of Anglicisms were also counted, such as “ECTS”. Names for institutions, such as “European University Association”, “European Association of Institutions in Higher Education” and “Union of Industrial and Employers’ Confederations of Europe” and denominations of Ministries were not taken into consideration for the purpose of this research. Geographical denominations in English were excluded, too.

The next phase of the analysis took a detailed look at the Anglicisms found in the Bologna Process corpus with the aim to see if all the Anglicisms that appear in the Bologna Process corpus also appear in the three national sub-corpora. Finally, a selection of Anglicisms were taken and analyzed in terms of the orthographical integration of the Anglicisms and their integration into the German context.

Statistical analysis

Frequency of Anglicisms

This section presents the results regarding the frequency of Anglicisms in the four sub-corpora and the entire corpus.

In the combined corpus (all 4 sub-corpora together) 1112 Anglicisms were identified, constituting 0.21% of the combined corpus content. The highest percentage of Anglicisms, 0.58%, was found in the Austrian university law corpus (205 Anglicisms), followed by the Bologna Process corpus with 0.55% (69 Anglicisms). The lowest percentage was documented in the German university law corpus with only 0.17% (790 Anglicisms). The detailed results of frequency are shown in the table below.

Table 2: Number of Anglicisms in the 4 sub-corpora

Corpus	Size of the corpus (in	Number	of	Anglicisms as
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	tokens)	Anglicisms	a % of the respective (sub-) corpus
Bologna Process corpus (BP corpus)	12653	69	0.55
Austrian university law corpus (AT corpus)	35170	205	0.58
German university law corpus (DE corpus)	473245	790	0.17
Swiss university law corpus (CH corpus)	23861	48	0.20
Entire corpus	532276	1112	0.21

Hits of Bologna Process Anglicisms in the three national sub-corpora

The table below features a list of all the Anglicisms found in the Bologna Process corpus.

These specific Anglicisms were then looked up in the other three sub-corpora to see if they are also used at the national level in the three countries. The English terms found in the Bologna Process corpus are referred to as “Bologna Process Anglicisms” for the purpose of this paper.

Table 3: Anglicisms in the Bologna Process corpus (BP corpus)

Anglicisms in BP corpus	Number
Bachelor	1
Bachelorabschluss	2
credit	1
cross-border	1
Diploma Supplement	4
Diplomzusatz	3
ECTS*	10
European Credit Transfer System	1
European Higher Education Area	1
follow-up*	28
global setting	1
graduate	2
guidelines	1
Higher Education	1
Joint Declaration	1
learning	1
Master*	3

peer review	2
quality provision	1
range	1
stocktaking	1
undergraduate	2

*Compounds were also included (e.g. follow-up group)

The results in Table 4 below show that the English terms “Bachelor” and “Master” (and their compounds), “Diploma Supplement” and the abbreviation “ECTS” (and ECTS compounds) are the most popular English terms from the Bologna Process corpus that are found in the other three corpora. Bologna Process Anglicisms account for 53% of all Anglicisms found in the German university law corpus, that is to say more than half. Findings from the Austrian corpus are even more significant, with 68% of all the Anglicisms being Bologna Process Anglicisms. The Swiss corpus only features two hits for “Bachelor” and “Master”, namely “Bachelortitel” (Bachelor degree) and “Mastertitel” (Master degree). The possible reasons for the low percentage of Bologna Process Anglicisms in the Swiss corpus are discussed below.

Table 4: Comparison of the frequency of Anglicisms found in the 4 sub-corpora

Bologna Process Anglicisms	BP corpus	AT corpus	DE corpus	CH corpus
Bachelor*	3	38	168	1
credit	1	0	5	0
cross-border	1	0	0	0
Diploma Supplement	4	1	16	0
Diplomzusatz	3	0	0	0
ECTS*	10	15	10	0
European Credit Transfer System**	1	1	7	0
European Higher Education Area	1	0	0	0
Follow-up group	28	0	0	0
global setting	1	0	0	0
graduate	2	0	1	0
guidelines	1	0	0	0
Higher Education	1	0	0	0
Joint Declaration	1	0	0	0
learning	1	0	0	0
Master*	3	85	208	1
peer review	2	0	1	0
quality provision	1	0	2	0
range	1	0	0	0
stocktaking	1	0	0	0
undergraduate	2	0	0	0

* Compounds were also counted

** Different spelling variations were also counted

Linguistic analysis

This section presents and discusses the results of certain aspects of linguistic analyses that were carried out, namely the orthographic integration of a selection of Anglicisms from the BP corpus and their integration into the German context. For the purposes of this paper the following sample of Anglicisms was used: “Bachelorabschluss”, “European Credit Transfer System”, “Follow-up group” and “Diploma Supplement”.

Orthographical integration

The phonemic and graphemic integration of the chosen Anglicisms into German is analyzed in this section. Orthographical variations for an Anglicism often exist. According to Gabler (1986, 18) this is a consequence of the spelling of the foreign word being adapted to German spelling. One of the best known adaptations to German spelling is the replacement of the English “c” at the beginning of the word with the German “k” like Codierung/Kodierung and Club/Klub, or the replacement of the English “sh” with the German “sch” (cf. Busse 1993, 185). According to a study by Langner (1995, 175) only 28% of Anglicisms in German found in the Duden German dictionary are orthographically integrated. This study did not distinguish between upper case and lower case spelling and the same integration strategies as those used by Béchet-Tsarnos (2005), i.e. upper case, lower case, original, hyphen and adaptation, were adopted but extended to include the category of adaptation with a hyphen. Furthermore, the writing of compounds as one word was counted as an adaptation for the purpose of the present paper.

Bachelorabschluss

The term “bachelor” in the area of higher education is understood to be an undergraduate academic degree in accordance with the system of the Bologna Process system after the successful completion of the first cycle of studies lasting at least three years.²⁴ Table 5 below details the frequency of the compound “Bachelorabschluss” (bachelor degree) in the 4 sub-corpora. In the corpus 4 upper case examples were found, whilst no lower case examples were identified.

Table 5: The use of “Bachelorabschluss” in the 4 sub-corpora

	BP corpus	AT corpus	DE corpus	CH corpus
Spelling				
Upper case	2	0	23	0
Lower case	0	0	0	0
Orthography				
Original	0	0	0	0
Hyphen	1	0	3	0

²⁴ Bologna Declaration 1999 <http://ec.europa.eu/education/policies/educ/bologna/bologna.pdf> (accessed July 22, 2009)

Adaptation	1	0	20	0
Adaptation with a hyphen	0	0	0	0

European Credit Transfer System

The European Credit Transfer System “is a tool which enables students to collect credits for learning achieved through higher education. ECTS is a learner-centred system which aims to increase transparency of learning outcomes and learning processes.”²⁵

In the overall corpus both the original version “European Credit Transfer System” and the version with a hyphen, “Europäisches Credit-Transfer-System”, were found.

The following variations were found for European Credit Transfer System being adapted with a hyphen: “europäisches Kredit-Transfer-System”, “europäisches Kredittransfer-System” and “europäisches Kredit-Transfersystem”.

Table 6: The use of “European Credit Transfer System” in the 4 sub-corpora

	BP corpus	AT corpus	DE corpus	CH corpus
Spelling				
Upper case	1	1	9	0
Lower case	0	0	0	0
Orthography				
Original	1	1	3	0
Hyphen	0	0	1	0
Adaptation	0	0	0	0
Adaptation with a hyphen	0	0	5	0

Follow-up group

In the context of the Bologna Process, the term “follow-up group” is understood to be a working group for follow-up work initiated at the meeting of European Ministers in charge of Higher Education in Prague on May 19th 2001 composed of representatives of all signatories, new participants and the European Commission and chaired by the EU Presidency at the time.²⁶ This term was only found in the Bologna Process corpus and featured once in its original form written with a capital “F”, once in an adapted form (Follow-up Gruppe) and 26 times in an adapted version with a hyphen (Follow-up-Gruppe).

Table 7: The use of “Follow-up group“ in the 4 sub-corpora

²⁵ http://ec.europa.eu/education/lifelong-learning-policy/doc/ects/key_en.pdf (accessed July 22, 2009)

²⁶ Prague Communiqué 2001
http://www.bologna-bergen2005.no/Docs/00-Main_doc/010519PRAGUE_COMMUNIQUE.PDF
 (accessed July 22, 2009).

	BP corpus	AT corpus	DE corpus	CH corpus
Spelling				
Upper case	28	0	0	0
Lower case	0	0	0	0
Orthography				
Original	1	0	0	0
Hyphen	0	0	0	0
Adaption	1	0	0	0
Adaption with a hyphen	26	0	0	0

Diploma supplement

The term “Diploma Supplement” in the context of higher education is taken to mean “a document attached to a higher education diploma aiming at improving international ‘transparency’ and at facilitating the academic and professional recognition of qualifications (diplomas, degrees, certificates etc.)”²⁷ Instances of both upper case and lower case spellings were found. The original version was more often used than the variants with a hyphen and for this term no adapted versions were found.

Table 8: The use of “Diploma Supplement “ in the 4 sub-corpora

	BP corpus	AT corpus	DE corpus	CH corpus
Spelling				
Upper case	4	1	14	0
Lower case	0	0	2	0
Orthography				
Original	4	1	12	0
Hyphen	0	0	4	0
Adaption	0	0	0	0
Adaption with a hyphen	0	0	0	0

Integration into the German context

In this section the Anglicisms were analyzed from the perspective of integration into the German context. Particular emphasis was put on how the Anglicisms appear in the national German text (in the flowing text, in brakes etc.), whether or not they were explained in some way and whether or not a German translation was used. Similar analyses were undertaken by Béchet-Tsarnos (2005) for Anglicisms in economic newspapers.

The integration of Anglicisms in university law texts can be illustrated with the example of the term “Diploma Supplement”. “Diploma Supplement” is a concept that was born with the Bologna Process and, as such, is really a new term. In the German translation of official Bologna Process documents, the term appears in brackets after the

²⁷ http://ec.europa.eu/education/lifelong-learning-policy/doc1239_en.htm (accessed July 22, 2009)

German translation in the text. In the Austrian and German corpora this type of integration into the context was not identified at all. The inverse was, however, found, i.e. “Diploma Supplement” as a term in the running text with the German translation in brackets afterwards, but there are no hits in the entire corpus for the German translation suggested in official Bologna Process documents. In national legislation other translation variations were chosen.

Many examples were found of explanations given in German with the Anglicism in brackets afterwards. In the German corpus a great deal of examples for Anglicisms standing alone in the running text without explanation or translation were observed and in such instances the Anglicisms were often used in article headings or the term had been previously explained earlier on in the text.

Table 10: Type of integration for “Diploma Supplement” into the German context in the 4 sub-corpora

Integration type	BP corpus	AT corpus	DE corpus	CH corpus*
Running text without German explanation or translation	1	0	9	0
Anglicism in brackets with German translation	3	0	0	0
Anglicism in brackets with German explanation	0	0	6	0
German translation in brackets	0	0	1	0
Anglicism in brackets and between quotation marks with German explanation	0	1	0	0

* Since there are no hits for this term in the Swiss corpus, a value of “0” has been entered in this column, but for the sake of completeness the Swiss corpus is also shown in the table.

Discussion of the results

During the course of the statistical analysis of the entire university law corpus in the context of the Bologna Process, Anglicisms were found to constitute 0.20% of the entire corpus. A close look at the single sub-corpora showed the highest percentage of Anglicisms to be in the Austrian university law corpus (58%), followed by the Bologna Process corpus with 55%. The lowest percentage of Anglicisms was found in the German university law corpus, i.e. only 0.17%. A detailed analysis of Bologna Process Anglicisms shows that 68% of all the Anglicisms in the Austrian university law corpus and 53% of all the Anglicisms in the German university law corpus are Bologna Process Anglicisms. This illustrates that English terminology is being used in university legislation in Germany and Austria as a result of the Bologna Process, since terms like Bachelor, Master and Diploma Supplement have only recently been introduced into the national university system. The results in the Swiss corpus paint a completely different

picture; there are only two hits for Bologna Process Anglicisms, the compounds “Bachelortitel” and “Mastertitel”.

One reason for the low percentage of Bologna Process Anglicisms in the Swiss corpus could be the period from which the texts date. Since one of the selection criteria for the corpora was that the law should be currently in effect, the corpus contains also law texts that were created prior to the launch of the Bologna Process. It is thus evident that in those texts no Bologna Process Anglicisms were found. According to the linguistic analysis of the small selection of Anglicisms, it is fair to say that some terms are better adapted to the German spelling than others. For example, for “European Credit Transfer System” different versions of adaptation to the German spelling were found. In the German university law corpus a higher frequency of adapted versions was documented than of the original version, whilst in the Austrian university law corpus only the original version was found. For “Diploma Supplement”, however, the original version was used very often in three sub-corpora. Only 4 times versions with a hyphen were found.

All types of integration were found with regards to “Diploma Supplement”, i.e. the Anglicism in the running text and without translation or explanation, as well as the Anglicism with the translation in brackets. An analysis would need to be carried out on a larger sample to ascertain whether one type of integration into the German context is preferred.

Conclusions and future work

Many studies have been carried out concerning the use of Anglicisms in the German language in Germany, Austria and Switzerland (see also Busse 1993; Béchet-Tsarnos 1995; Muhr 2004; Muhr 2009; Rash 2009). It seems likely to compare the results of these studies with the results of the present study. To compare different results, the describing approaches, the counting systems and the classification systems on the basis of the studies should be the same or at least similar. Under point 4 we have already seen, that there are different types of definitions for an Anglicism. That is, the different studies do not use the same definition type and that leads to different describing approaches because for example it makes a difference if a loan translation is counted as an Anglicism or not. Another problem is the inconsistency in the counting system, that means what is counted or not, if abbreviations, proper names or product names are counted. Differences also result from whether types or tokens in the corpus are counted, if only headwords or every inflected form are counted or if words like “diploma supplement” are counted as one word or two words, because each of the components could also appear alone. However, due to the problem of the different definitions of Anglicisms and various counting systems applied, it is difficult to relate the results of the present study with the results of former studies. (cf. Muhr 2009, 124ff). The discussion of the results points out that more than half of the Anglicisms used in the Austrian and German university law corpora, 68% in the Austrian corpus and 53% in the German corpus, are directly linked to the Bologna Process initiative and the creation of the European Higher Education Area. English terms like “Bachelor”, “Master” and “European Credit Transfer System” have been introduced into Austrian, German and Swiss university legislation as a result of the Bologna Process initiative. Further research

is underway using additional text corpora including texts on a university level, such as university statutes, to verify whether results at the national/regional law level differ from the results at a university level.

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