Much critical scholarship has detailed the punitive effects of accusations that lead to criminalization. Less well documented is the founding role that accusation plays in creating potential criminals. In an attempt at redress, this collection foregrounds how ideas and rituals of accusation initiate criminalization processes. It offers various perspectives on the mechanisms by which legal persons come to be identified as suitable subjects for criminal justice arenas. By analyzing how criminal accusation operates in theoretical, historical, socio-legal, criminological, political, cultural, and procedural realms, this book launches an important new field of inquiry.

External challenges, strategic threats, and war have shaped the course of modern British history. This volume examines how Britain mobilized to meet these challenges and how developments in the constitution, state, public sphere, and economy were a response to foreign policy issues from the Restoration to the rise of New Labour.

The case of the Borough of Bradford v Pickles was the first to establish the principle that it is not unlawful for a property owner to exercise his or her property rights maliciously and to the detriment of others or the public interest. This book explores why the common law developed in this way.

In 1935, the English writer Stephen Spender wrote that the historical pressures of his era should "turn the reader's and writer's attention outwards from himself to the world." Combining historical, formalist, and archival approaches, Thomas S. Davis examines late modernism's decisive turn toward everyday life, locating in the heightened scrutiny of details, textures, and experiences an intimate attempt to conceptualize geopolitical disorder. The Extinct Scene reads a range of mid-century texts, films, and phenomena that reflect the decline of the British Empire and seismic shifts in the global political order. Davis follows the rise of documentary film culture and the British Documentary Film Movement, especially the work of John Grierson, Humphrey Jennings, and Basil Wright. He then considers the influence of late modernist periodical culture on social attitudes and customs, and presents original analyses of novels by Virginia Woolf.
Christopher Isherwood, and Colin MacInnes; the interwar travel narratives of W. H. Auden, Christopher Isherwood, and George Orwell; the wartime gothic fiction of Elizabeth Bowen; the poetry of H. D.; the sketches of Henry Moore; and the postimperial Anglophone Caribbean works of Vic Reid, Sam Selvon, and George Lamming. By considering this group of writers and artists, Davis recasts late modernism as an art of scale: by detailing the particulars of everyday life, these figures could better project large-scale geopolitical events and crises.

The Primacy of Foreign Policy in British History, 1660–2000 Gerald Le Dain (1924–2007) was appointed to the Supreme Court of Canada in 1984. This collectively written biography traces fifty years of his steady, creative, and conciliatory involvement with military service, the legal academy, legislative reform, university administration, and judicial decision-making. This book assembles contributions from the in-house historian of the law firm where Le Dain first practised, from students and colleagues in the law schools where he taught, from a research associate in his Commission of Inquiry into the non-medical use of drugs, from two of his successors on the Federal Court of Appeal, and from three judicial clerks to Le Dain at the Supreme Court of Canada. Also reproduced here is a transcript of a recent CBC documentary about his 1988 forced resignation from the Supreme Court following a short-term depressive illness, with commentary from Le Dain’s family and co-workers.

Gerald Le Dain was a tireless worker and a highly respected judge. In a series of essays that cover the different periods and dimensions of his career, Tracings of Gerald Le Dain’s Life in the Law is an important and compassionate account of one man’s commitment to the law in Canada. Contributors include Harry W. Arthurs, G. Blaine Baker, Bonnie Brown, Rosemary Cairns-Way, John M. Evans, Melvyn Green, Bernard J. Hibbits, Peter W. Hogg, Richard A. Janda, C. Ian Kyer, Andree Lajoie, Gerald E. Le Dain, Allen M. Linden, Roderick A. Macdonald, Louise Rolland, and Stephen A. Scott.

Tracings of Gerald Le Dain’s Life in the Law How did this nineteenth-century novelist change the way we think? “A fine contribution to the sociology of literature . . . Highly recommended.” —Choice What are the sources of the commonly held presumption that reading literature should make people more just, humane, and sophisticated? Looking at literary history in relation to the cultural histories of reading, publishing, and education, The Pleasures of Memory illuminates the ways in which Dickens’s serial fiction shaped not only the popular practice of reading for pleasure and instruction but also the school subject we now know as “English.” Sarah Winter shows how Dickens’s serial fiction instigated specific reading practices by reworking the conventions of religious didactic tracts from which most Victorians learned to read. Incorporating an influential associationist psychology of learning founded on the cumulative functioning of memory, Dickens’s serial novels consistently led readers to reflect on their reading as a form of shared experience. Dickens’s celebrity authorship, Winter argues, represented both a successful marketing program for popular fiction and a cultural politics addressed to a politically unaffiliated, social-activist Victorian readership. As late-nineteenth-century educational reforms consolidated British and American readers into “mass” populations served by state school systems, Dickens’s beloved novels came to embody the socially inclusive and humanizing goals of democratic education.

The Pleasures of Memory If one counts the production of constitutional documents alone, the nineteenth century can lay claim to being a ’constitutional age’; one in which the generation and reception of constitutional texts served as a centre of gravity around which law and politics consistently revolved. This volume critically re-examines the role of constitutionalism in that period, in order to counter established teleological narratives that imply a consistent development from absolutism towards inclusive, participatory democracy. Various aspects of constitutional histories within and outside of Europe are examined from a comparative, transnational, and multidisciplinary historical perspective, organized around five key themes. The first part looks at constitutions as anti-revolutionary devices, and addresses state building, monarchical constitutionalism, and restorations. The second part takes up constitutions and the justification of new social inequalities, focusing on
women’s suffrage, human rights, and property. The third part uses individual country studies to take on questions of how constitutions served to promote nationalism. The use of constitutions as instruments of imperialism is covered in the fourth part, and the final part examines the ways that constitutions function simultaneously as legal and political texts. These themes reflect a certain scepticism regarding any easy relationship between stated constitutional ideals and enacted constitutional practices. Taken together, they also function as a general working hypothesis about the role of constitutions in the establishment and maintenance of a domestically and internationally imbalanced status quo, of which we are the present-day inheritors. More particularly, this volume addresses the question of the extent to which nineteenth-century constitutionalism may have set the stage for new forms of domination and discrimination, rather than inaugurating a period of ‘progress’ and increasing equality.

**Political Theories of Decolonization Routledge Q&As** give you the tools to practice and refine your exam technique, showing you how to apply your knowledge to maximum effect in assessment. Each book contains essay and problem-based questions on the most commonly examined topics, complete with expert guidance and model answers that help you to: Plan your revision and know what examiners are looking for: Introducing how best to approach revision in each subject Identifying and explaining the main elements of each question, and providing marker annotation to show how examiners will read your answer Understand and remember the law: Using memorable diagram overviews for each answer to demonstrate how the law fits together and how best to structure your answer Gain marks and understand areas of debate: Providing revision tips and advice to help you aim higher in essays and exams Highlighting areas that are contentious and on which you will need to form an opinion Avoid common errors: Identifying common pitfalls students encounter in class and in assessment The series is supported by an online resource that allows you to test your progress during the run-up to exams. Features include: multiple choice questions, bonus Q&As and podcasts.

**Rage for Order** upsets received views to show how rebellious colonies changed British attitudes to empire. Much has been written on how colonial subjects took up British and European ideas and turned them against empire when making claims to freedom and self-determination. The possibility of reverse influence has been largely overlooked. Insurgent Empire shows how Britain’s enslaved and colonial subjects were not merely victims of empire and subsequent beneficiaries of its crises of conscience but also agents whose resistance both contributed to their own liberation and shaped British ideas about freedom and who could be free. This book examines dissent over the question of empire in Britain and shows how it was influenced by rebellions and resistance in the colonies from the West Indies and East Africa to Egypt and India. It also shows how a pivotal role in fomenting dissent was played by anti-colonial campaigners based in London at the heart of the empire.

**A Jurisprudence of Power** A Civil War-era treatise addressing the power of governments in moments of emergency. The last work of Abraham Lincoln’s law of war expert Francis Lieber was long considered lost—until Will Smiley and John Fabian Witt discovered it in the National Archives. Lieber’s manuscript on emergency powers and martial law addresses important contemporary debates in law and political philosophy and stands as a significant historical discovery. As a key legal advisor to the Lincoln White House, Columbia College professor Francis Lieber was one of the architects and defenders of Lincoln’s most famous uses of emergency powers during the Civil War. Lieber’s work laid the foundation for rules now accepted worldwide. In the years after the war, Lieber and his son turned their attention to the question of emergency powers. The Liebers’ treatise addresses a vital question, as prominent since 9/11 as it was in Lieber’s lifetime: how much power should the government have in a crisis? The Liebers present a theory that aims to preserve legal restraint, while giving the executive necessary freedom of action. Smiley and Witt have written a lucid introduction that explains how this manuscript is a key discovery in two ways: both as a historical document and as an important contribution to the current debate over emergency powers in
Forms of Empire As a practising barrister, the Rt. Hon. Lord Justice Sedley wrote widely on legal and non-legal matters, and continued to do so after becoming a judge in 1992. This anthology contains classic articles, previously unpublished essays and lecture transcripts. To each, he has added reflections on what has transpired since or an explanation of the British legal and political context that originally prompted it. Covering the history, engineering and architecture of the justice system, their common theme relates to the author’s experiences as a barrister and judge, most notably in relation to the constitutional changes which have emerged in the last twenty years in the United Kingdom.

Insurgent Empire Opening the way for a reexamination of Matthew Arnold’s unique contributions to ethical criticism, James Walter Caufield emphasizes the central role of philosophical pessimism in Arnold’s master tropes of “culture” and “conduct.” Caufield uses Arnold’s ethics as a lens through which to view key literary and cultural movements of the past 150 years, demonstrating that Arnoldian conduct is grounded in a Victorian ethic of “renouncement,” a form of altruism that wholly informs both Arnold’s poetry and prose and sets him apart from the many nineteenth-century public moralists. Arnold’s thought is situated within a cultural and philosophical context that shows the continuing relevance of “renouncement” to much contemporary ethical reflection, from the political kenosis of Giorgio Agamben and the pensiero debole of Gianni Vattimo, to the ethical criticism of Wayne C. Booth and Martha Nussbaum. In refocusing attention on Arnold’s place within the broad history of critical and social thought, Caufield returns the poet and critic to his proper place as a founding father of modern cultural criticism.

Chinese Law in Imperial Eyes “At the intersection of law, literature and history this book interrogates how a dominant contemporary idea of law emerged out of specific ideas of reading in the nineteenth century. Reading shapes our identities. How we read shapes who we are. Reading also shapes our conceptions of what the law is, because the law is also a practice of reading. Focusing on the works of key Victorian writers closely associated with legal practice, this book addresses the way in which the identity of the reader of law has been modelled on the identity of the political elite. At the same time, it shows how other readers of law have been marginalized. The book thus shows how a construction of the law has emerged from the the ordering of a power that discriminates between different readers and readings. More specifically, and in response to the emerging media of photography and with it, potentially subversive ideas of exposure and visibility the book shows that there have been dominant, hidden and unrecognised guides to legal reading and to legal thought. And in making these visible the book aims also to make them contestable. This secret history of law will appeal to legal historians, legal theorists, those working at the intersection of law and literature, and others with interests in law and the visual”--


Essays in the History of Canadian Law Enacted in 1860, the Indian Penal Code is the longest serving and one of the most influential criminal codes in the common law world. This book commemorates its one hundred and fiftieth anniversary and honours the law reform legacy of Thomas Macaulay, the principal drafter of the Code. The book comprises chapters which examine the general principles of
criminal responsibility from the perspective of Macaulay, and from more recent accounts by lawmakers and reformers. These are framed by chapters that examine the history and conceptual underpinnings of Macaulay's Code, consider the need to revitalize the Indian Penal Code, and review the current challenges of principled criminal law reform and codification. This book is a valuable reference on the Indian Penal Code, and current debates about general principles of criminal law for legal academics, judges, legal practitioners and criminal law reformers. It also promises to have wider scholarly appeal, of interest to legal theorists, historians and policy specialists.

The Extinct Scene Lauren Benton and Lisa Ford find the origins of international law in empires, especially in the British Empire's sprawling efforts to refashion the imperial constitution and reorder the world. These attempts touched on all the issues of the early nineteenth century, from slavery to revolution, and changed the way we think about the empire's legacy.

Habeas Corpus After WWII, U.S. leaders sought to create liberal rule-of-law regimes in Germany and Japan, but the effort was often unsuccessful. Kostal argues that the manifest failings of America's own rule-of-law democracy were partially to blame, weakening U.S. credibility and resolve and revealing the country's ambiguous status as a global moral authority.

Private Property and Abuse of Rights in Victorian England Historically delineates the problems of genocide as a concept in relation to rival categories of mass violence.

Communal Violence in the British Empire Political Theories of Decolonization provides an introduction to some of the seminal texts of postcolonial political theory. Many theorists have pointed out that the colonized subject was a divided subject. This book argues that the postcolonial state was a divided state. Providing readers access to texts that add to our understanding of contemporary political life and global political dynamics, it illuminates how many of the central questions of political theory such as land, religion, freedom, law, and sovereignty are imaginatively explored by postcolonial thinkers.

Constitutionalism, Legitimacy, and Power Created by the Journal of International Law and Politics at New York University, the Guide to Foreign and International Legal Citations is the most comprehensive source for international citations rules. Including 45 country citation systems, as well as citation rules for international organizations, tribunals, and treaties, the updated Second Edition offers updated and expanded coverage. The only reference that focuses entirely on international citation, Guide to Foreign and International Legal Citation, Second Edition, features: manageable length, convenient Wire-O binding, and easy-to-use page format logical three-part organization: Country Citation Guides Citation Guides for International Organizations Citation Guides for International and Regional Tribunals a Country Profile for each listing followed by its Citation Guide examples that reflect acceptable variability of citation in practice

Q&A Jurisprudence Joint winner of the North American Conference on British Studies 2017 Stansky Book Prize for the best book on British Studies since 1800 Communal Violence in the British Empire focuses on how Britons interpreted, policed, and sometimes fostered violence between different ethnic and religious communities in the empire. It also asks what these outbreaks meant for the power and prestige of Britain among subject populations. Alternating between chapters of engaging narrative and chapters of careful, cross-colonial analysis, Mark Doyle uses outbreaks of communal violence in Ireland, the West Indies, and South Asia to uncover the inner workings of British imperialism: it's guiding assumptions, its mechanisms of control, its impact, and its limitations. He explains how Britons used communal violence to justify the imperial project even as that project was creating the conditions for more violence. Above all, this book demonstrates how communal violence exposed the limits of British power and, in time, helped lay the groundwork for the empire's collapse. This book
shows how violence, and the British state's handling thereof, was a fundamental part of the imperial experience for colonizer and colonized alike. It offers a new perspective on the workings of empire that will be of interest to any student of imperial or world history.

Studies in History and Jurisprudence There is a great difficulty in the way of a writer who attempts to sketch a living Constitution—a Constitution that is in actual work and power. The difficulty is that the object is in constant change. An historical writer does not feel this difficulty: he deals only with the past; he can say definitely, the Constitution worked in such and such a manner in the year at which he begins, and in a manner in such and such respects different in the year at which he ends; he begins with a definite point of time and ends with one also. But a contemporary writer who tries to paint what is before him is puzzled and a perplexed: what he sees is changing daily. He must paint it as it stood at some one time, or else he will be putting side by side in his representations things which never were contemporaneous in reality.

African Studies Series: The Struggle over State Power in Zimbabwe The essays in this volume deal with the legal history of the Province of Quebec, Upper and Lower Canada, and the Province of Canada between the British conquest of 1759 and confederation of the British North America colonies in 1867. The backbone of the modern Canadian provinces of Ontario and Quebec, this geographic area was unified politically for more than half of the period under consideration. As such, four of the papers are set in the geographic cradle of modern Quebec, four treat nineteenth-century Ontario, and the remaining four deal with the St. Lawrence and Great Lakes watershed as a whole. The authors come from disciplines as diverse as history, socio-legal studies, women's studies, and law. The majority make substantial use of second-language sources in their essays, which shade into intellectual history, social and family history, regulatory history, and political history.

Codification, Macaulay and the Indian Penal Code How did American schoolchildren, French philosophers, Russian Sinologists, Dutch merchants, and British lawyers imagine China and Chinese law? What happened when agents of presumably dominant Western empires had to endure the humiliations and anxieties of maintaining a profitable but precarious relationship with China? In Chinese Law in Imperial Eyes, Li Chen provides a richly textured analysis of these related issues and their intersection with law, culture, and politics in the eighteenth and nineteenth centuries. Using a wide array of sources, Chen's study focuses on the power dynamics of Sino-Western relations during the formative century before the First Opium War (1839-1842). He highlights the centrality of law to modern imperial ideology and politics and brings new insight to the origins of comparative Chinese law in the West, the First Opium War, and foreign extraterritoriality in China. The shifting balance of economic and political power formed and transformed knowledge of China and Chinese law in different contact zones. Chen argues that recovering the variegated and contradictory roles of Chinese law in Western "modernization" helps provincialize the subsequent Euro-American discourse of global modernity. Chen draws attention to important yet underanalyzed sites in which imperial sovereignty, national identity, cultural tradition, or international law and order were defined and restructured. His valuable case studies show how constructed differences between societies were hardened into cultural or racial boundaries and then politicized to rationalize international conflicts and hierarchy.

The Language of Law and Food This title explores the legal role of torture and other violence as it was used in colonial ruling. It rigorously attempts to theorize the nature of this violence, including its materiality and its effects on the bodies of the colonized, and those who perpetrated it. This book provides a full examination of the history of torture in colonial India.
Online Library A Jurisprudence Of Power
Victorian Empire And The Rule Of Law Oxford
Studies In Modern Legal History

Laying Down the Law

The Victorian Geopolitical Aesthetic This book provides an in-depth contextual analysis of the role of international law in the growth of British presence in West Africa during the early- and mid-nineteenth century. It highlights this period as an important experimentation phase which saw the genesis of the treaties that have now become associated with the Scramble for Africa.

States of Violence This text reconstructs the martial law suppression of the Jamaica uprising of 1865, and the subsequent debate and litigation these events spawned in England

Law, Literature, and the Power of Reading The establishment of legal institutions was a key part of the process of state construction in Africa, and these institutions have played a crucial role in the projection of state authority across space. This is especially the case in colonial and postcolonial Zimbabwe. George Karekwaivanane offers a unique long-term study of law and politics in Zimbabwe, which examines how the law was used in the constitution and contestation of state power across the late-colonial and postcolonial periods. Through this, he offers insight on recent debates about judicial independence, adherence to human rights, and the observation of the rule of law in contemporary Zimbabwean politics. The book sheds light on the prominent place that law has assumed in Zimbabwe's recent political struggles for those researching the history of the state and power in Southern Africa. It also carries forward important debates on the role of law in state-making, and will also appeal to those interested in African legal history.

A Jurisprudence of Power This book brings together scholarship on three different forms of state violence, examining each for what it can tell us about the conditions under which states use violence and the significance of violence to our understanding of states. This book calls into question the legitimacy of state uses of violence and mounts a sustained effort at interpretation, sense making, and critique.

Guide to Foreign and International Legal Citations

Colonial Terror This book reconsiders the use of food metaphors and the relationship between law and food in an interdisciplinary perspective to examine how food related topics can be used to describe or identify rules, norms, or prescriptions of all kinds. The links between law and food are as old as the concept of law. Many authors have been using such links in creative ways to express specific features of law. This is because the language of food and cooking offers legal thinkers and teachers mouth-watering metaphors, comparing rules to recipes, and their combination to culinary processes. This collection focuses on this relationship between law and food and takes us far beyond their mere interaction, to explore different ways of using these two apparently so diverse elements to describe different phenomena of the legal reality. The authors use the link between food and law to describe different aspects of the legal landscape in different areas and jurisdictions. Bringing together metaphors and indirect correlations between law and food, the book explores different models of approaching legal issues and considering different legal challenges from a completely new perspective, in line with the multidisciplinary approach that leads comparative legal studies today and, to a certain extent, revisiting and enriching it. With contributions in English and French, the book will be of interest to academics and researchers working in the areas of law and food, law and language, and comparative legal studies.

To Save the Country In Forms of Empire, Nathan K. Hensley shows how the modern state's anguished relationship to violence pushed writers to expand the capacities of literary form. The Victorian era is often imagined as an "age of equipoise," but the period between 1837 and 1901 included more than two hundred separate wars. What is the difference, though, between peace and war? Forms of Empire
unpacks the seeming paradoxes of the Pax Britannica’s endless conflict, showing that the much vaunted equipoise of the nineteenth-century state depended on physical force to guarantee it. But the violence hidden in the shadows of all law—the violence of sovereign power itself—shuddered most visibly into being at the edges of law’s reach, in the Empire, where emergency was the rule and death perversely routinized. This book follows some of the nineteenth century’s most astute literary thinkers—George Eliot, Charles Dickens, Wilkie Collins, A.C. Swinburne, H. Rider Haggard, and Robert Louis Stevenson among them—as they wrestled with the sometimes sickening interplay between order and force, and generated new formal techniques to account for fact that an Empire built on freedom had death coiled at its very heart. In contrast to the progressive idealism we have inherited from the Victorians, the writers at the core of Forms of Empire moved beyond embarrassment and denial in the face of modernity’s uncanny relation to killing. Instead they sought effects—free indirect discourse, lyric tension, and the idea of literary “character” itself—that might render thinkable the conceptual vertigoes of liberal violence. In the process, they touched up to the dark core of our post-Victorian modernity. Drawing on archival work, literary analyses, and a theoretical framework that troubles the distinction between “historicist” and “formalist” approaches, Forms of Empire links the Victorian period to the present and articulates a forceful vision of why literary thinking matters now.

Fifty Years of the British Indian Ocean Territory How did realist fiction alter in the effort to craft forms and genres receptive to the dynamism of an expanding empire and globalizing world? Do these nineteenth-century variations on the “geopolitical aesthetic” continue to resonate today? Crossing literary criticism, political theory, and longue durée history, The Victorian Geopolitical Aesthetic explores these questions from the standpoint of nineteenth-century novelists such as Wilkie Collins, George Eliot, Gustave Flaubert, and Anthony Trollope, as well as successors including E. M. Forster and the creators of recent television serials. By looking at the category of “sovereignty” at multiple scales and in diverse contexts, Lauren M. E. Goodlad shows that the ideological crucible for “high” realism was not a hegemonic liberalism. It was, rather, a clash of modern liberal ideals struggling to distinstruct themselves from a powerful conservative vision of empire while striving to negotiate the inequalities of power which a supposedly universalistic liberalism had helped to generate. The material occasion for the Victorian era’s rich realist experiments was the long transition from an informal empire of trade that could be celebrated as liberal to a neo-feudal imperialism that only Tories could warmly embrace. The book places realism’s geopolitical aesthetic at the heart of recurring modern experiences of breached sovereignty, forgotten history, and subjective exile. The Coda, titled “The Way We Historicize Now”, concludes the study with connections to recent debates about “surface reading”, “distant reading”, and the hermeneutics of suspicion.

The Problems of Genocide This book offers a detailed account of the legal issues concerning the British Indian Ocean Territory (Chagos Islands) by leading experts in the field. It examines the broader significance of the ongoing Bancoult litigation in the UK Courts, the Chagos Islanders’ petition to the European Court of Human Rights and Mauritius’ successful challenge, under the UN Convention of the Law of the Sea, to the UK government’s creation of a Marine Protected Area around the Chagos Archipelago. This book, produced in response to the 50th anniversary of the BIOT’s founding, also assesses the impact of the decisions taken in respect of the Territory against a wider background of decolonization while addressing important questions about the lawfulness of maintaining Overseas Territories in the post-colonial era. The chapter ‘Anachronistic As Colonial Remnants May Be’ - Locating the Rights of the Chagos Islanders As A Case Study of the Operation of Human Rights Law in Colonial Territories is open access under a CC BY 4.0 license via link.springer.com.

Reason of State

Essays in the History of Canadian Law The essays in this volume deal with the legal history of the
Province of Quebec, Upper and Lower Canada, and the Province of Canada between the British conquest of 1759 and confederation of the British North America colonies in 1867. The backbone of the modern Canadian provinces of Ontario and Quebec, this geographic area was unified politically for more than half of the period under consideration. As such, four of the papers are set in the geographic cradle of modern Quebec, four treat nineteenth-century Ontario, and the remaining four deal with the St. Lawrence and Great Lakes watershed as a whole. The authors come from disciplines as diverse as history, socio-legal studies, women’s studies, and law. The majority make substantial use of second-language sources in their essays, which shade into intellectual history, social and family history, regulatory history, and political history.

The Struggle over State Power in Zimbabwe A revisionist history of habeas corpus the world's most revered legal device. Habeas corpus was not established to protect the rights of the individual but rather to protect the individual from abusive judges and jailers.

Ashes and Sparks An original work on the important idea of reason of state and British and imperial history and constitutional theory.

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