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Deliberative Democracy in the EU

Countering Populism with Participation and Debate

Edited by
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1. DEMOCRACY AS AN ECOSYSTEM

STEVEN BLOCKMANS

Immersed in Greek history, and a bit later also in Greek tragedy and philosophy, I had to, sooner or later, come across that cursed word: politics. Cursed today, since for the ancient Greeks, politikon had many positive meanings: public, civic, daily, ordinary, sociable, even polite! The spelling of the word polite is not a coincidence.

Donald Tusk

Athens Democracy Forum, 9 October 2019

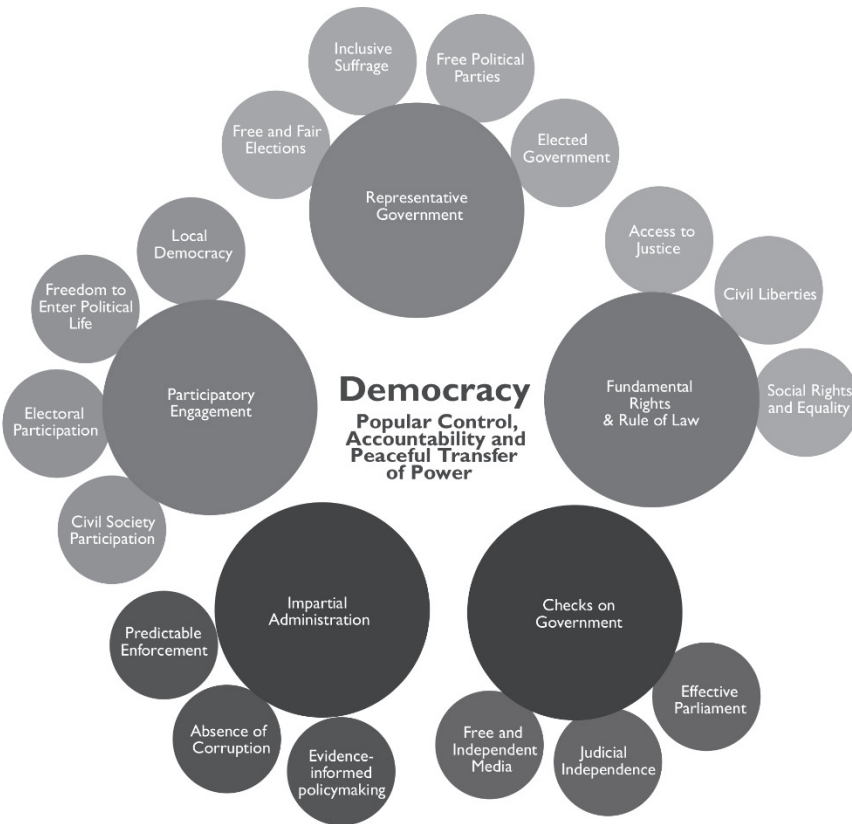
1.1 Democracy means more than just holding elections

Elections are the preferred way to freely transfer power from one term to the next and from one political party or coalition to another. They are an essential element of democracy. But if the process of power transfer is corrupted, democracy risks collapse. Reliance on voters, civil society organisations and neutral observers to fully exercise their freedoms as laid down in international human rights conventions is an integral part of holding democratic elections. Without free, fair and regular elections, liberal democracy is inconceivable.

Elections are no guarantee that democracy will take root and hold, however. If the history of political participation in Europe over the past 800 years is anything to go by, successful attempts at gaining voice have been patchy, while leaders' attempts to silence these voices and consolidate their own power have been almost constant (Blockmans, 2020).

Recent developments in certain EU member states have again shown us that democratically elected leaders will try and use majoritarian rule to curb freedoms, overstep the constitutional limits of their powers, protect the interests of their cronies and recycle themselves through seemingly free and fair elections. In their recent book *How Democracies Die*, two Harvard professors of politics write: “Since the end of the Cold War, most democratic breakdowns have been caused not by generals and soldiers but by elected governments themselves” (Levitsky and Ziblatt, 2018).

Figure 1.1 Key elements of a democratic ecosystem



Source: EPRS, *10 Trends Shaping Democracy in a Volatile World*, 31 October 2019, adapted from IDEA, the global state of democracy initiative.

“Democracy is not just an election, it is our daily life” (Tsai Ing-wen 1956). It means being involved in between elections, throughout the whole political process – from agenda-setting to the definition of policies and deciding how they are funded, to making sure that money reaches the designated communities. Democracy requires fact-based deliberation, must protect and promote the rights of all interest groups, in particular minorities, and hold corrupt elements to account.

Democracy is an entire ecosystem defined by the following key principles: representative government and impartial administration; respect for fundamental rights, including those of minorities, and the rule of law; a vibrant parliament with strong opposition; free media; and participatory engagement. Each of these elements form an integral and crucial part of a functioning democracy. There is thus no such thing as an ‘illiberal democracy’; it is a contradiction in terms.

Unfortunately, democracy is in retreat in many parts of world. Reports by Freedom House and others show the decline of democratic freedoms for 13 straight years, and the emergence of an increasing number of elected authoritarians. In Europe too we are witnessing the rise of anti-democratic leaders, including some who have consolidated power beyond constitutional limits, undermining institutions that protect freedoms of expression and association and the rule of law. Intolerance for due process, deliberative rationality and political patience poses a crisis for representative democracy in Europe (Appadurai, 2017). We should therefore ask ourselves how we ‘do’ democracy and how we might strengthen it. But first we need to understand the underlying causes of democracy fatigue.

Intolerance for due process, deliberative rationality and political patience poses a crisis for representative democracy in Europe. We should therefore ask ourselves how we ‘do’ democracy and how we might strengthen it.

1.2 Understanding what causes democracy fatigue

Observers have identified at least three challenges to democracy across Europe, indeed the world. First, the extension of the internet and social media exposes growing inequalities within and between countries. Differences in human rights protection and the uneven benefits of globalisation are dividing societies into winners and losers

on an unprecedented scale. Global markets are creating billionaires who can park their profits in tax havens. At the same time, the

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incomes of the middle and working classes have stagnated, their tax burden has increased and their livelihoods are more vulnerable to technological change (Rendueles, 2017). The democratisation of access to information is driving migrants to seek a freer and more prosperous life, even if they face an increasingly hostile welcome in several member states.

Second, governments are looking increasingly powerless in the face of global economy imperatives and the international commitments they signed up to (Krastev, 2017). Taking the Greek crisis as a case in point, this loss of economic sovereignty and the ensuing inability of the Greek government led by the (initially

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extreme) left-wing Syriza to overturn the EU's austerity policies, despite the party's popular mandate to do so, created a sense of frustration. The management of the Eurozone debt crisis has fuelled conspiracy theories that democratic government has been captured by special interests and suspicions that the EU prioritised big banks over the Greek population, whose incomes fell by about a third (Varoufakis, 2017).

Finally, there is a crisis of efficiency that erodes the legitimacy of democratic institutions even further. Every political system must strike a balance between two fundamental criteria: efficiency, i.e. the

Finally, there is a crisis of efficiency that erodes the legitimacy of democratic institutions even further.

speed with which institutions can find effective solutions to problems, and legitimacy, as in the degree to which people support the solution (Manin, 1995). Most parliaments seem to take months over

long-term strategic decisions, from investment in emerging technologies to choosing the right energy mix to combat climate change. Many member state governments appear powerless in the face of acute crises, as the spike in arrivals of refugees and migrants in 2015 revealed.

The combination of these and other factors has set the scene for the resurgence of populism: the promise by political upstarts of simplistic solutions to people's grievances through radical policies that dismiss existing institutions and laws as either irrelevant or inconvenient (Müller, 2016). The rise of 'cultural sovereignty' lies at the heart of the most popular of protest movements, that of the nativist far right (Mudde and Kaltwasser, 2017). Myths, lies, hate speech, and violence are the tools to deal with opponents, competitors, 'misfits' or foreigners. To paraphrase former European Council President Donald Tusk in his speech to the 2019 Democracy Forum in Athens: "It is politics understood as war". Even if no shots are fired, some part of the populist playbook aims to destroy, invalidate or totally subordinate the others. "Emotions have replaced reason, while in political mathematics, dividing and subtracting have displaced multiplying and adding" (Tusk, 2019).

With a focus on what divides the people rather than on what could and should unite them, populists give a bad name to the term *Politeia*, which Cicero translated into Latin as *Res Publica*, the public affair. In the year we commemorate the centennial of Max Weber's death, this is perhaps the greatest challenge of

In the year we commemorate the centennial of Max Weber's death, this is perhaps the greatest challenge of today: how to overcome the forces of growing polarisation and restore politics to the art of deliberating and acting in the common good, guided by the ethics of conviction and responsibility.

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1.3 Drivers of positive change

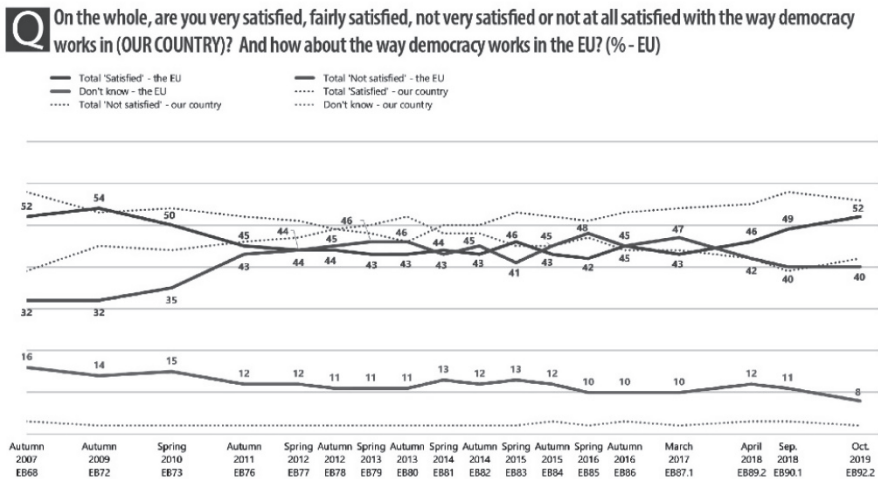
Despite the recurrence of populist victories at the ballot box and prevailing uncertainties around Brexit and the future of Europe, the proportion of citizens with a confident outlook towards the European Union has remained steady, with 59% support for membership (Parlemeter, October 2019). One in two Europeans in 20 member states also agreed that their voice counts in the EU. This figure had been rising since the 2016 Brexit referendum and spiked immediately after the European Parliament elections of May 2019. The share of those who believe that their voice counts in the EU is back to the level

registered at the beginning of 2019 (49%, -7). The flipside is that a worrying 46% of Europeans still disagreed with this statement, while 5% did not know.

The 2019 post-electoral Eurobarometer survey highlighted the increase in satisfaction with a range of aspects of democracy in the EU, strengthening the impression of strong democratic values associated with citizen engagement in Europe. Europeans particularly appreciated free and fair elections (75%), freedom of speech (74%) and respect of fundamental rights (73%), with clear improvements registering for the fight against disinformation in the media (48%, +8) and against corruption (43%, +7).

Fifty-two percent of Europeans were satisfied with the way democracy works in the Union and 56% shared this opinion concerning their own country (see Figure 1.2). This feeling had improved over the previous 12 months with regards to the EU democratic process, while changes were less significant on the functioning of democracy at the national level.

Figure 1.2 Satisfaction with how democracy works

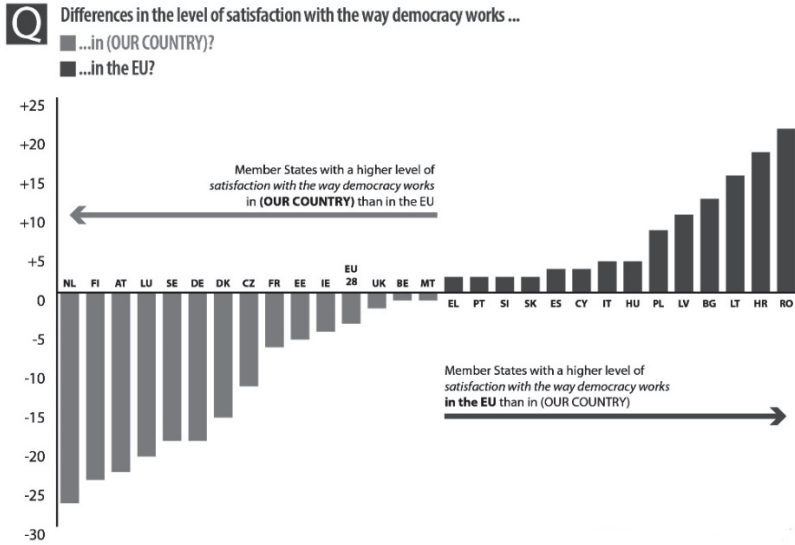


Source: Parlemeter 2019 (92.2), QB13.

The October 2019 Parlemeter nevertheless revealed a significant weakening of the perception that their voice counted among young people (48%, -12) and students (52%, -10) These drops in numbers might point towards signs of a more rapid

disengagement within the youth demographic, marked by an unprecedented level of mobilisation at the last European ballot.¹

Figure 1.3 Satisfaction with EU versus national democracy



Source: Parlemeter 2019 (92.2), QB13a-QB13b.

Beyond these top-line figures, a wide spectrum of national situations becomes apparent, particularly a pronounced divide in assessing the functioning of the domestic political system. Figure 1.3 shows that in October 2019, the overall degree of satisfaction with European democracy in 14 member states was greater than that expressed for the national one. These differences were particularly striking for Bulgaria, Croatia, Latvia, Lithuania, Poland and Romania. Hungary, Poland, the Czech Republic and Spain showed the highest increases in support for EU democracy. These endorsements should be seen in context and take account of specific political developments such as the EU institutions’ position on compliance with the rule of law in Hungary and Poland and the uncertain political climate in Spain.

¹ Eurobarometer Survey 91.5, *Have the European elections entered a new dimension?* September 2019.

Table 1.1 Satisfaction with level of political participation

QB8.4 How satisfied or not are you with the following aspects of democracy in the European Union? Possibility for individual citizens to participate in political life (e.g. as candidates in elections, members of political parties) (%) (SENSITIVE QUESTION)

	Very satisfied	Fairly satisfied	Not very satisfied	Not at all satisfied	Refusal (SPONTANEOUS)	Don't know	Total "Satisfied"	Total "Not Satisfied"
EU 28	14	49	22	7	2	6	63	29
BE	12	58	22	6	1	1	70	28
BG	9	36	30	14	1	10	45	44
CZ	11	53	20	7	2	7	64	27
DK	29	49	12	2	1	7	78	14
DE	20	49	21	4	2	4	69	25
EE	18	53	14	4	0	11	71	18
IE	20	56	14	2	1	7	76	16
EL	11	44	32	9	0	4	55	41
ES	14	42	29	11	1	3	56	40
FR	9	51	25	7	1	7	60	32
HR	15	38	29	16	1	1	53	45
IT	9	45	27	11	2	6	54	38
CY	15	47	27	6	0	5	62	33
LV	17	51	17	7	1	7	68	24
LT	12	44	28	6	1	9	56	34
LU	16	51	18	5	3	7	67	23
HU	17	47	24	8	1	3	64	32
MT	15	54	17	3	0	11	69	20
NL	19	54	14	4	1	8	73	18
AT	20	49	22	5	1	3	69	27
PL	16	58	16	4	4	2	74	20
PT	5	64	19	4	1	7	69	23
RO	10	37	29	16	4	4	47	45
SI	13	44	27	10	1	5	57	37
SK	9	51	22	7	2	9	60	29
FI	18	52	19	4	1	6	70	23
SE	15	50	16	4	2	13	65	20
UK	13	50	17	7	3	10	63	24

Source: Eurobarometer, 2018.

Table 1.2 Satisfaction with respect for the rule of law

QB8.5 How satisfied or not are you with the following aspects of democracy in the European Union? Rule of law (e.g. respect for independence of the judiciary, the integrity and impartiality of the electoral system) (%) (SENSITIVE QUESTION)

	Very satisfied	Fairly satisfied	Not very satisfied	Not at all satisfied	Refusal (SPONTANEOUS)	Don't know	Total "Satisfied"	Total "Not Satisfied"
EU-28	12	45	27	9	2	5	57	36
BE	12	60	20	6	1	1	72	26
BG	6	26	34	24	1	9	32	58
CZ	8	40	32	14	2	4	48	46
DK	29	47	13	2	1	8	76	15
DE	15	48	27	5	1	4	63	32
EE	13	57	17	3	0	10	70	20
IE	21	56	13	2	1	7	77	15
EL	9	39	37	12	0	3	48	49
ES	13	37	32	14	1	3	50	46
FR	9	44	29	10	1	7	53	39
HR	7	33	34	23	1	2	40	57
IT	10	38	33	12	1	6	48	45
CY	19	45	25	7	0	4	64	32
LV	8	40	29	9	1	13	48	38
LT	11	43	32	6	1	7	54	38
LU	16	49	15	7	4	9	65	22
HU	13	44	26	12	1	4	57	38
MT	12	50	20	5	1	12	62	25
NL	15	54	21	4	1	5	69	25
AT	22	50	20	4	1	3	72	24
PL	13	49	25	8	3	2	62	33
PT	5	53	27	6	1	8	58	33
RO	9	37	31	16	3	4	46	47
SI	4	30	36	26	1	3	34	62
SK	6	35	34	15	2	8	41	49
FI	17	50	23	4	0	6	67	27
SE	13	51	20	3	1	12	64	23
UK	13	49	18	8	3	9	62	26

Source: Eurobarometer, 2018.

These findings confirm those of previous Eurobarometer surveys that citizens' expectations of the EU and European democracy are strong, in particular the possibility for individuals to participate in political life (see Figure 1.4) and for respect for the rule of law (see Figure 1.5).

Citizens aspire to more freedom, a greater say in politics, and higher levels of accountability in 'their' (multi-layered) European Union.

Rather than looking for alternatives to democracy, one should instead seek to reform Europe's faltering political systems through concrete measures that enhance their functioning.

While barely three years ago less than half of young Europeans believed that living in a democracy was essential (Foa and Mounk, 2017), the above-mentioned figures and other polls (see Chapter 3) show that most citizens aspire to more freedom, a greater say in politics, and higher levels of accountability in 'their' (multi-layered) European Union (see Chapter 4). Arguably, liberal democracy remains an aspiration because it delivers.²

This is an important finding. It means that rather than looking for alternatives to democracy (autocracy or technocracy), one should instead seek to reform Europe's faltering political systems through concrete measures that enhance their functioning.

1.4 Which liberal democracy model?

James S. Fishkin, a professor at Stanford University and a leading political theorist, has compared four models of democracy: competitive democracy, elite deliberation, participatory democracy and deliberative democracy - in light of four democratic principles: political equality, participation, deliberation and 'non-tyranny' (Fishkin, 2018). Ideally, a democracy would embody all of these principles.

'Competitive democracy', the model upon which all EU member states' choice for representation relies, supposedly guarantees political equality through universal suffrage and non-tyranny thanks to political parties and their candidates being able to

² See <http://hdr.undp.org/en/content/human-development-index-hdi>.

compete for the popular vote in free and fair elections. It can, however, fall short of the ideals of participation (due to low and unequally distributed levels of voter turnout) and deliberation. As the case of Hungary under Viktor Orbán's Fidesz Party shows, political inequality and streaks of tyranny are not excluded either. Where populism has translated into the power of government this erodes the fundamentals on which democratic systems are built: the rule of law, free press, parliamentary oversight, and more. Yet, 'meritocratic authoritarianism', a model in which regimes with flawed democratic processes provide efficient and effective governance, may nevertheless garner domestic and international support (Fishkin, 2018).

In a similar vein, 'elite deliberation' should guarantee a system with thoughtful weighing of arguments and resultant non-tyranny. But such a system would contravene political equality and undermine mass participation.

The theory of 'participatory democracy', on the other hand, advocates for a greater participation by citizens in the political process. It would guarantee both political equality and mass participation, but might fail in terms of deliberation (the theory is built on the general assumption that citizens have the potential for political learning) and staving off tyranny (Schiller, 2007). The label is a very broad one though. In the early stages of development, leading theorists placed democratic participation within the frame of an overall transformation of society (Bachrach, 1970; Pateman, 1970). Later contributions to the debate elaborated on direct democracy as a form of extended participation, a mechanism for a popular decisive vote with a majoritarian character. They differentiated between the concepts of 'associative democracy', concentrating on the participative dynamics of social and political movements; 'cooperative democracy' elaborated on bargaining models; and a conceptual group formed around applied models of participation such as problem-solving schemes and alternative conflict resolution (cf. Held, 1987).

With a focus on communicative rationality, 'deliberative democracy' can be considered both as a sub-set of 'participatory democracy' and as a stand-alone category that attempts to reconcile deliberation by citizens with an equal consideration of diverse views. The focus is on dialogue, argumentation and reflection (Gutmann

and Thompson, 2004; Dryzek and Niemeyer, 2008). In the search for practical solutions, Fishkin has been a pioneer in backing up normative theories of deliberative democracy with ample empirical research³ on face-to-face deliberations of adults whose selection is based on the logic of random sampling, guaranteeing political

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are now in favour of
participatory/deliberative
democracy.*

equality by giving all citizens the same chance of selection by lot. Better known 'deliberating microcosms' are citizens' juries (12-26 participants), consensus conferences (10-50 participants), citizen assemblies (50-160 participants) and deliberative polling (100-500 participants) (Breckon et al., 2019). Even if this 'folk theory of democracy' has been criticised by some political scientists for being empirically naïve (cf. Achen and Bartels, 2016), most political theorists are now in favour of participatory/deliberative democracy (Chambers, 2019).

Of the four above-mentioned models, deliberative democracy does, indeed, maximum justice and minimum violence to all four above-mentioned principles. Yet the design settings under which public deliberation can take place do not allow for mass participation. Neither do the group dynamics fully exclude tyranny by the rhetorically more advantaged (Grönlund et al., 2014). This branch of deliberative democracy may work well at the local level, as early experiences in the German-speaking eastern cantons of Belgium reveal (Van Reybroeck, 2018), but to zoom this model out to the macro level creates problems in political communication outside the controlled settings. Even when trying to maximise demographic and attitudinal representativeness, most 'mini-publics' fail to capture the full variety of public opinion and none of them are representative in the electoral sense (Goodin and Dryzek, 2006). In large countries and in supranational cases such as the European Union, random sampling remains segmented across geographical areas.

The emphasis on discursive methods to strengthen existing forms of representative democracy is nevertheless an attractive and potentially powerful one in the European context (Dryzek, 1990). According to Jürgen Habermas, one should leave the

³ See <https://cdd.stanford.edu>. Deliberative polls have been conducted in well over 100 countries and twice across all member states of the EU.

institutionalisation of discourse wide open because democratic legitimacy is tied to what citizens would agree to under discursive conditions: “only those statutes can claim legitimacy that can meet with the assent of all citizens in a discursive process of legislation that in turn has been legally constituted” (Habermas, 1996: 110). Habermas is not saying that we need to institute a discursive process of legislation in order to achieve true democratic legitimacy, but rather that the only way to make sense of liberal democratic claims to legitimacy is to understand them in discourse-theoretic terms. If we look at democracy this way, then our constitutions, rights and freedoms, our equal opportunities to participate and speak, the fair regulation of the public sphere, and the accountability of our representatives, and so on, are all to be understood as a legally constituted discursive process of legislation (Chambers, 2019).

This way of looking at liberal democratic constitutional orders then highlights certain normative priorities and evaluative standards. The circulation of information becomes central to maintaining democratic legitimacy. Equal access to information and to the public debates that articulate policy priorities is also key. Creating channels of communication between citizens and the centres of decision-making becomes an imperative mission in enhancing democracy in addressing real world problems, claims and needs (Contiades and Fotiadou, 2018; Chambers, 2019), especially in an era when new media and e-democracy techniques like petition platforms and crowdsourcing have become important participatory tools.

1.5 How to strengthen representative democracy

Since the ‘Great Recession’ (Geiselberger, 2017) has many different origins, it will inevitably require many different remedies. It requires action in at least three areas. First, inequality, both economic and political, must be tackled. Governments must respond by redistributing fairly the benefits of globalisation by restricting tax avoidance and evasion schemes, and most importantly, discouraging tax havens. Fortunately, democracy is one of the only systems in which the concerns of the majority can overturn the interests of the wealthy and prevent self-serving and self-perpetuating political classes from forming and disconnecting from

First, inequality, both economic and political, must be tackled.

This demands more participation, not less.

their electorates. This demands more participation, not less. Making choices is the foundation of democracy. Those who do not choose themselves become the object of others' choices. They lose the ability to shape their future, they lose power. You're either at the table or on the menu, as the saying goes. The majority should therefore harness the mechanisms at their disposal.

Second, representative democracies must be made more efficient. Much of the debate in our democracies turns on the politics of redistribution and public spending (output legitimacy), but not enough on efficiency (throughput legitimacy). We are trying to solve today's problems with yesterday's solutions. We must harness new technologies

Second, representative democracies must be made more efficient.

and management techniques to overhaul the administration of the state to make our democracies less bureaucratic and more responsive to citizens, especially those who cannot afford high-priced lawyers and lobbyists.

Third and finally, democracy must be championed. Yet many of the tools in support of democracy have been abandoned or are underfunded. Democracy's enemies are spending billions to undermine it, both in practice and through misinformation. Democracy is a work in progress. Athenian democracy shows that practice never meets

Third, deliberative democracy must be championed.

the ideal: women could not vote, slavery was a given and the body politic could be captured by oligarchic interests. Victory over nazism, fascism and communism were all ideological struggles won on the battlefield of ideas as well. Democracies must reclaim the lost ground by defending and promoting liberal ideas, just as they did against democracy's past ideological enemies.

1.6 Our contribution to the debate

In our 'Towards a Citizens' Union (2CU)' project, we have focused on one dimension: the way we do democracy in Europe. We have zoomed in on the constitutional and institutional frameworks, practical procedures and mundane interfaces that citizens and

In our project, the underlying rationale has been that instruments can shape results.

politicians use to make democracy happen. The underlying rationale for this approach has been that instruments can shape results in generating greater efficiency, accountability and thus authority for the democratic model (see Chapter 2).

Building on the notion of increasing social, economic and political interdependence in a multi-layered European Union, we devoted the first book to the question whether a sense of solidarity and European identity could be rescued from the bottom up by empowering citizens to ‘take back control’ of their Union. Our research revealed, among other things, that people’s interest in exploring ‘direct democracy’ has increased as a result of the EU’s polycrisis of recent years – although this trend is far from overwhelming and is even absent in some member states. Yet, to move beyond being “a heavily instrumentalised wrecking-ball”, the various (new) instruments of direct democracy need to meet certain participatory preconditions in order to contribute to the quality of democracy overall (Youngs, 2018).

The first book revealed that people’s interest in exploring ‘direct democracy’ has increased as a result of the EU’s polycrisis of recent years.

As citizens make what experts consider to be ‘wrong’ populist-fuelled choices, sympathy has resurged for the classical concept of elite-mediated governance. In the second volume, we investigated how the relationship between democratic institutions of the member states and the EU has changed as a result of a decade of crisis. Rather than assess the state of collective government (Van Middelaar, 2019), we focused primarily on the role of parliaments. As in the first book, the national level lent itself best to a broad investigation of the health of representative democracy in Europe. Our research found that the practice of voting and decision-shaping mechanisms differ considerably between member states, and that there is hardly any momentum towards greater convergence. Except in moments of crisis, EU issues and European elections are of a second order. The ‘Europeanisation’ of representative democracy is rather uneven across the continent. This is not an east-west or a north-south divide. It is a divide between those who feel politically represented and those who do not.

In the second volume, we found that the ‘Europeanisation’ of representative democracy is rather uneven across the continent.

Against the backdrop of shifting political ecosystems we uncovered the deliberative disconnections within and between them, described the limitations of the instruments we use to conduct direct and representative democracy in Europe, and the inherent limitations and even outright refusal to change procedures.

In our attempt to contribute ideas to strengthen the ecosystem of democracy, the next step (the present volume 3) in the 2CU research is to use the empirical findings collected in the previous two volumes to draw up a prescriptive agenda aimed at improving political participation, efficiency and accountability in Europe.

This book aims to find ways to strengthen voting-centric competition by placing 'deliberative' elements in the broader landscape of representative democracy in Europe.

Following in the footsteps of Habermas and others, this book aims to find ways to strengthen voting-centric competition by placing 'deliberative' elements in the

broader landscape of representative democracy in Europe. Rather than trying to plug an ideal-type instrument of 'direct democracy' or one favoured institutional form of deliberation into existing systems of democracy, we ask which institutions, instruments, procedures and mechanisms (innovative or not) could enhance representative

democracy in Europe, at both the national and EU levels and between them. In our search for ways to generate participatory fusion, the focus will again be on polity. Our focus will be on assorted varieties of citizen

We ask which institutions, instruments, procedures and mechanisms (innovative or not) could enhance representative democracy in Europe, at both the national and EU levels and between them.

engagement that complement, not threaten representative democracy. It is by gearing up, not dumbing down that we find the antidote to the threats of entitlement, complacency and populism.

To unpack these issues, we have identified the mechanisms that would require a deeper prescriptive analysis.

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