

NARRATIVE, SPACE AND ATMOSPHERE: A NOMOSPHERIC INQUIRY INTO HONG KONG'S PRO-DEMOCRACY 'UMBRELLA MOVEMENT'

**Introduction**

Since the financial crash of 2008, the strategy of occupation has been widely deployed as a means of expressing and mobilising political dissent. The 'Arab Spring' in North Africa, mass gatherings in the squares of Southern Europe, Israel's 'social justice' movement, Taiwan's 'Sunflower Movement', and the global 'Occupy!' phenomenon have all used occupations to highlight inequities and urge for social and political change. This mode of resistance has prompted violent, state-backed, recriminations (Libya, Egypt, New York), contributed to the overthrow of governments (Egypt, Tunisia), been implicated in rioting and looting (Athens), impeded unpopular government programmes (Taiwan), and brought new political movements and parties to the fore (Syriza and Podemos). Whilst political, sociological and philosophical analysis has proliferated,<sup>1</sup> responses to these movements within legal studies has been relatively limited.<sup>2</sup> Unlike many social movements of recent history, these new forms of protest have not taken legal institutions or language to be of central concern. Juridical fora and the language of 'rights' have limited relevance when campaigns articulate more nebulous demands for 'greater equality', 'more transparency' or simply the uncompromising injunction: *dégagé!* ('get out!') (Wall 2012).

A notable exception in this regard is Hong Kong's 'Umbrella Movement': a popular, pro-democracy campaign that sustained a 79 day occupation of main business and shopping districts of the city in 2014. This 'legalistic and utopian' (Veg 2015) movement saw protesters using rival constitutional interpretations to their advantage, amounting to 'a kind of legalistic resistance' in which 'law became a... battleground, with each camp

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<sup>1</sup> Book-length studies include: Mason (2013); Douzinas (2013); Badiou (2012); Zizek (2012); Alexander (2011).

<sup>2</sup> Existing approaches tend to assess the policing of events (King 2013; Gillham *et al* 2013) or the approach to sentencing carried out in their aftermath (Roberts and Hugh 2013; Lightowlers and Quirk 2014; Finchett-Maddock 2011). Within the revolutionary atmosphere of the 'Arab Spring' the nature of constituent power has been examined as well as broader questions of civil disobedience and the 'right to resistance' (Wall 2012; Paust 2013; Razmetaeva 2014; Douzinas 2013). For an assessment of legal implications of Taiwan's Sunflower Movement see Jones and Yen (2015).

trying to enlist the rule of law on its side' (Veg 2015: 65). The conflict between pro-democracy and more conservative elements within the territory ostensibly turned on rival interpretations of the Basic Law – Hong Kong's 'mini-constitution' – and was animated by lively debates about technicalities regarding voting systems and nomination procedures. The occupation sites were cleared in December 2014 and in June 2015 the issue at the heart of the campaign – the arrangements surrounding the election of the Chief Executive by universal suffrage – reached an impasse when pro-establishment members of the city's Legislative Council (LegCo) failed to secure enough votes to pass the Beijing-backed proposals for electoral reform; proposals that were vehemently opposed by LegCo's 'pan-democrats'. Given this, the prospect of democratic reform has become increasingly unlikely. In this sense, the Umbrella Movement was a failure: its declared goals of altering the constitutional settlement in Hong Kong were not achieved. In the wake of the movement, any form democratic reform – however limited or compromised – is today less likely than before the movement took hold of the streets in September 2014.

Rather than a focus on legalistic and constitutional matters – through which we can describe the movement's 'failure' – this article seeks to account for the forms of ordering that were immanent to the movement itself. I argue that this move offers a far richer account of the impact of the Umbrella Movement. An exclusive attention to the constitutional or juridical realms, whilst important in Hong Kong's case, disavows the commitments, modes of ordering and felt experiences that animated the movement from within. It is these issues to which the following 'nomospheric inquiry' attends. In making this argument, I move away from *the law* (of the state) and turn to understand how the movement engaged *the nomos*. Whilst *nomos* is often thought to be little more than a synonym for 'law', in its original, pre-Socratic, formulation it is understood as an originary ordering and distribution of the world, prior to legality. A focus on *nomos* moves us away from 'legalistic' matters and in place of 'utopian' ambitions forces us to account for the Umbrella Movement's particular *topoi* and the capacity it had to re-order the city's spaces.

Drawing on modern re-workings of the classical conceptualisation of *nomos* I argue that the Umbrella Movement formed a 'nomosphere', a normative form that has a distinct narrative, spatial and atmospheric orientation. The term 'nomosphere' was coined by David Delaney (2010) as a means of developing new theoretical tools at the intersection of law and geography. My use of the term – whilst drawing on aspects of his formulation

– has a different sense. I understand ‘nomosphere’ in relation, not only to *space*, but also *narrative* and *atmosphere*. My account of ‘nomosphere’ provides a heuristic by which we might understand the normative dimension to the Umbrella Movement without privileging a statist perspective. It is hoped that the account of the ‘nomosphere’ developed in this article can be usefully deployed in efforts to analyse popular political movements of a similar form to Hong Kong’s Umbrella Movement. The protest encampment has become a discrete site of study since its re-emergence in the contemporary political scene (Frenzel *et al* 2014) and the strategy of occupation clearly remains a potent tool in expressing and mobilising dissent, with the timings of the occupations of tomorrow being ‘unpredictable but their occurrence certain’ (Douzinas 2013: 8). The following ‘nomospheric inquiry’ seeks to open a space for further reflection on the normative dimension to this mode of resistance.

The paper begins by examining ‘nomos’, a concept that undergirds the analysis that follows. Noting the term’s etymological connection to practices of dividing and ordering land, I examine how *nomos* has been understood not only in spatial but also discursive and ontological terms. It is through Robert Cover’s effort to connect *nomos* to narrative; Gilles Deleuze and Félix Guattari’s allusion to an ontological dimension to the *nomos*; and the growing body of literature on affect and atmosphere that I develop an account of the ‘nomosphere’. After situating the Umbrella Movement in the context of Hong Kong’s long-running struggle for democratic reform, I turn to assess the ‘nomospherics’ of the movement, seeking to account for the normative import of its narrative trajectory, spatial ordering and atmospheric manifestations. The constitutional issues that have dominated responses to the movement to date (Veg 2015; Chan 2014; Chen 2014) fail to account for the lived experience of the occupations and the techniques the movement deployed in an effort to re-order the normative expectations and orthodoxies within the city. It is by attending to such a ‘nomospheric’ re-ordering that we can appreciate the movement’s impact and account for its successes, despite the project’s constitutional or legalistic shortcomings.

### ***Nomos* and nomosphere**

It was the Sophists who famously distinguished between *nomos* and *physis* and in so doing posed an inaugural question of jurisprudence: the relation between ‘is’ and ‘ought’. To what extent, the Sophists asked, does manmade regulation relate to the ontological given of *physis*? This rendering of *nomos* associates it with either written or unwritten laws, customs and conventions within a particular polity. *Nomos*, since the

Sophists, has generally come to designate 'law' in its broadest sense to include both informal codes, practices and customs and the formal and sovereign edicts of the state or some other form of political community. This account of the term diverges from an earlier understanding that defines *nomos* in primarily spatial terms. As Carl Schmitt argues the conflation of *nomos* with *thesmos* (legislation), *phisma* (plebiscite) and *rhema* (command) heralded by the Sophists is further distorted by 19<sup>th</sup> century jurists who associate the *nomos* with the legal system of the modern nation state (2003: 67-83; 324-355). Reviving a pre-Socratic sense of *nomos* as the measuring, partition, distribution and classification of space, Schmitt allows us to pose *nomos* not against *physis* but against 'law'. In Schmitt's account *nomos* is conceived as the condition of possibility for laws: 'the immediate form in which the political and social order becomes spatially visible' (2003: 70). The *nomos*, in this rendering, depends on what Lindhal might refer to as an 'a-legal' act: a partitioning of space that is constitutive of legality but not itself authorised by legal sanction (2009). Legality is made both possible and meaningful on the basis of the first measurement and distribution of land and regulations (whether written or otherwise) 'derive their power from [this] original and constitutive act of spatial ordering' (Schmitt 2003: 78). Drawing on a range of etymological studies of *nomos*, Schmitt identifies three meanings to *neimen*, the root verb of *nomos*: to take or appropriate, to divide or distribute, and to pasture or use for productive activity (2003: 326-327). Schmitt suggests that this tripartite understanding of the term provides a basis for every social system which is first constituted by an appropriation of space followed by its subsequent division and its being set to productive use. The priority of appropriation – something to which we will return below – is clear: 'all great conquests... wars and occupations, colonisations, migrations, and discoveries... have evidenced the fundamental precedence of appropriation before distribution and production' (Schmitt 2003: 329).

As is well known, Schmitt utilises this understanding of *nomos* to assist in his seminal account of the emergence of a Eurocentric global order during the age of discovery and its subsequent transformation in the wake of the Second World War (Schmitt 2003). Schmitt's deployment, and development, of the term in this direction is irrelevant to our present concerns but let us simply underscore here the spatial and material inflection to the *nomos* that Schmitt mobilises. As we will explore in detail below, I argue that the Umbrella Movement operated precisely within this 'a-legal' spatial register; the movement re-fashioned the city's spatial ordering and attested to the normative force that such a reformation of space can have. However, the rendering of *nomos* that

informs Schmitt's thinking must be approached with some caution: an exclusive attention to the spatial obscures the normative significance of work done at both the discursive and affective registers. A spatial ordering only has sense when discursively embedded and is all the more efficacious if it is affectively charged. In Robert Cover's influential approach to the *nomos*, the sense of material ordering that Schmitt finds in its most ancient usages is passed over in favour of what Delaney calls a 'spectral, dematerialised and anaemic' (Delaney 2010: 31) account of the term. Whilst Cover's understanding of *nomos* admittedly underplays material and spatial expressions of normativity, his account of the way in which norms are always narratologically enframed foregrounds the discursive techniques that animate a normative world. Rather than dismiss the usefulness of Cover's approach to the *nomos*, as Delaney does (2010: 27-33), I turn to Cover in order to both help explain the changing dynamics and trajectories of the Umbrella Movement and to examine the discursive register that will be essential to the theorisation of the 'nomosphere' developed below.

For Cover, the *nomos* is 'a world in which we live', as real as 'the physical universe of mass, energy, and momentum' (1984: 5). This is a world animated by the narratives, myths and aspirations that give the precepts and provisions within that world sense and direction. If the ancient sense of *nomos* was uncompromisingly spatial, in Cover's rendering the *nomos* is thoroughly discursive. Indeed, the *nomos* for Cover is not best understood as some 'thing', an object with sharp edges that can be clearly delineated or defined, it is better thought of as a 'force field' (1984: 10) that gives claims and commitments a normative force. It is something that we 'inhabit' and through which we are able to create distinctions between the permissible and the interdicted, the lawful and unlawful, the bona fide and null and void (Cover 1984: 4). Its open and flexible nature makes it akin to a 'language' (Etxabe 2013: 23) or mode of address through which claims can be made and by which everyday statements or decisions are charged with normativity.

Central to Cover's account of the *nomos* are the narratives that give a community's normative world a sense of identity. Cover describes the function of narrative in the following terms:

To live in a legal world requires that one know not only the precepts, but also their connections to possible and plausible states of affairs. It requires that one integrate not only the 'is' and the 'ought' but the 'is', the 'ought', and the 'might be'. Narrative so integrates these domains. (1984: 10).

Thinking with and through the *nomos* offers a means by which we can cut across the positivist's insistence on a separation between 'is' and 'ought'. Cover positions narrative as that which connects the world as it 'is' with both the normative domain of 'oughts' and the world of contingent possibility or what 'might be'. With this, Cover insists that a norm's binding quality comes from the ability of a narrative to connect three domains: factual, normative and potential. The narratives through which any precept is refracted will ultimately depend on the sense that that particular precept has because it will give shape to the all-important transition between 'is', 'ought' and 'might be'. In other words, the narrative prism through which any precept or injunction is mediated radically alters the force and direction that it has, acting on communities with different narrative traditions in radically different ways. More specifically, Cover distinguishes between 'insular' narratives that seek to isolate a movement from a dominant normative order and 'redemptive' narratives that seek to alter the dominant normative disposition itself. I use these two models to assess the changing narrative trajectories of the Umbrella Movement below.

Notwithstanding the usefulness of Cover's thinking for my present purposes, his approach to the *nomos* is not without its own limitations. Beyond his propensity to elide the spatial, Cover's approach also fails to adequately address the ontological. The question of Being will always haunt any effort to define the *nomos* by reference to some particular practice, like land appropriation or the formation of a narrative trajectory. Deleuze's claim that the *nomos* persists as a 'play of singularities... beneath the general operations of the law' (Deleuze 1994: 25) affirms the need to offer an ontological grounding for the *nomos* in a way that Cover's account never does. And I claim that it is through the language of 'nomosphere' that we can attend more carefully to the ontological register to which Deleuze alludes.

Deleuze and Guattari's collaborative work follows a number of post-structuralist accounts that understand law as fundamentally split between a 'law' of closure, coding and delimitation (*logos*), on the one hand, and a 'law' of distribution, sharing and rhizomatic connections on the other (*nomos*). Deleuze and Guattari point to the sense of 'being in community' that must prefigure the apportionment of space. Jean-Luc Nancy's ontology of 'being singular plural', which he describes simply as 'sharing and the sharing out of space' (2003: 32), and Jacques Derrida's 'law of ordinary sociability' (2003: 231), both point to a similar notion of a distribution and division of bodies in relation, prior to the techniques like narrative and appropriation that Schmitt and Cover describe. We

might refer to such a thinking of *nomos* as a ‘nomos a-nomos’ (de Ville 2011: 39), a nomos without closure, appropriation or representation. *Nomos* is understood here as a mode of distribution but ‘a very special kind of distribution, one without division into shares, in a space without borders or enclosure’ (Deleuze and Guattari 2014: 443). The *nomos* is associated with the ‘smooth spaces’ of sea, steppe and desert that are free from the lines and striations of the state; in this sense the Deleuzian account of *nomos* directly contrasts with Schmitt’s where the sea is precisely what resists the appropriations and delimitations of the *nomos*. Prefiguring in part the discussion that will follow, Massumi suggests, the *nomos* is associated with a distribution of bodies in open and mobile space, akin to ‘holding the street’, rather than ‘*logos* legality’ that entrenches bodies in a formalised enclosure, akin to ‘holding the fort’ (Massumi 1992: 6).

Let’s pause at this point in order to gather some of the strands of the discussion so far. First, we can reiterate an obvious point: *nomos* must not be equated with law. The *nomos* describes an ordering that provides the conditions of possibility for law. However, *nomos* cannot be reduced to a particular practice (like enclosure or delimitation) but must be understood in relation to an ontological fact of our ‘being in community’; that is, our being bound to and distributed within space and amongst others in a historically and geographically contingent form. The *nomos* is not something static but is constantly being made and unmade by the ‘play of singularities’ that constitutes it. Both Cover and Schmitt describe techniques by which the *nomos* is ‘thickened and striated’ (Deleuze and Guattari 1986: 50); that is, how the *nomos* is given a particular form. The appropriation and re-ordering of space, then, is one form this might take. Cover’s focus on narrative trajectory offers an alternative mode through which the *nomos* is engaged and directed. The distribution and sharing out of space will always be mediated through conceptual distinctions (valid/void, inside/outside etc.) that can only be understood within the context of a narrative around which particular actors cohere.<sup>3</sup> Legal worlds, systems and institutions are the result of an engagement within the *nomos* that will take a plurality of forms. Deleuze and Guattari’s distinction between *nomos* and *logos*, though helpful in identifying the particular form that modern state law takes – with its tendency towards determination, fixity and hierarchy – simplifies the complexity of the normative forms that might emerge from the *nomos*.

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<sup>3</sup> It is worth stressing here Cover’s insistence that questions of legal meaning need to be separated from questions of enforceability. When comparing the interpretative practices of certain Amish communities and that of the Supreme Court, Cover insists that: ‘we ought not lightly assume a statist perspective here, for the *nomos*, of officialdom is... as “particular” as that of the Amish’ (Cover 1983: 33). Clearly the *effect* of such interpretations will be different but this question of enforceability is operative at a distinct register.

The *logos* of state law is but one form that the ‘thickening’ of the *nomos* might produce. There are a range of normative worlds possible, each taking more or less coded, more or less institutionalized, more or less mobile, and more or less exclusionary forms. Following Delaney’s terminology, we can refer to these particular normative forms as ‘nomospheres’ and the work done in both producing and tracing their form, ‘nomospherics’ (Delaney 2010). Nomospheres might vary in scale, from the supranational to the highly localized, and in temporal duration, from the short-lived to the relatively permanent.<sup>4</sup> Some nomospheres, like state law, are highly complex and rely on a rich codification of norms, others, like the familial unit, the protest encampment, or a religious order, might be relatively simple and use non-written – even wholly tacit – forms of ordering. Delaney helpfully describes the different expressive forms of normativity as being bound to a ‘continuum of tacitness’ (Delaney 2010: 41). This suggests that some normative codes are quasi-automatic that require little or no cognitive engagement whilst others are abstracted or codified and require deliberation and decision. It follows that a nomosphere does not necessarily entail formalized acts of judgment or the institution of ‘a third’ that mediates between the interest of conflicting parties. The latter, might well be considered essential to law’s function as a social hermeneutic (Supiot 2007) but is not a necessary condition for a nomosphere.

Whilst nomospheres might take a range of forms they have some essential characteristics. Firstly, they are *normative* in character. This means that they have the power to alter what one ought to do in a particular context. This normative dimension might be expressed through a code of rules or might take less explicit forms. Secondly, they are bound to a *narrative*. Such narratives tie the normative dimension of the nomosphere to a given spatial arrangement and the actors that move through the nomosphere. Narratives give a sense of the nomosphere’s possible future and allow actors within the nomosphere to have some shared sense of identity. Thirdly, they are *spatial*. A nomosphere will order space and rely on visible traces in order to constitute itself through a range of material technologies. Lastly, nomospheres are marked by a distinct *atmosphere*. Such an atmosphere is produced through both a designed and incidental manipulation of the senses, shaping the comportment and behavior of actors within a nomosphere. The register of atmosphere allows us to assess how a nomosphere has a particular *feel* and *sense* that will have distinct normative effects. It should be noted that the various elements to the nomosphere just outlined are not discrete or

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<sup>4</sup> I leave aside the broader category of ‘nomoscape’ that Delaney uses to refer to large-scale, structural normative configurations like ‘liberalism’ or regimes of land tenure (2010: 100-122).



isolated but are always already bound up with their mutually constitutive others that connect in the formation of a nomosphere. A nomosphere is an assemblage of these factors, irreducible to one factor alone; and, as an assemblage, the nomosphere is a 'passional' constellation (Deleuze and Guattari 2014: 465), enlivened by the motivations of each competing aspect.

Before we turn to assess the Umbrella Movement's nomosphere, let me say a few more words about the use of 'atmosphere' in this context. Accounts of atmosphere have been discussed widely in cultural studies, geography and philosophy and form part of what Patricia Clough has described as an 'affective turn' within the social sciences and humanities (2007; 2008). Notwithstanding this, questions of affect and atmosphere have received limited attention in legal studies so deserve a little elaboration.

Studies of affect seek to trace the 'bodily capacity to affect and be affected' (Clough 2007: 2; Gregg and Seigworth 2010: 1-25). Clearly, this encompasses an extraordinarily wide ambit of human and non-human life. I understand affect to refer to a felt bodily experience that both precedes and exceeds the subject itself and the discursive milieu in which she moves (Terada 2001). Affects are frustratingly slippery, always exceeding the categories – nervous, elated, uneasy, joyful etcetera – that we construct to approximate their sense. In this way, affect is always on the move, in a permanent state of *becoming*. Following Anderson *et al*, I take atmosphere to refer to the spatialisation of affect through which affect comes to take form in material bodies (human and otherwise) (Anderson 2009; 2014: 37-60; Stephens 2015; Shaw 2014). An affective atmosphere, then, is produced by a movement that reaches out beyond subjects and 'touches' others, connecting self, other and space in a shared experience. As Sara Ahmed argues, shared feelings and emotions are precisely what gives rise to a sense of a collective or community. The intensification of feeling can transform the limits of a collective into an object, giving distinctions between inside and outside a material and affective sense (Ahmed 2004). However, this 'sharing' of affect must not be understood as a peaceful communalism, a relation of subjects in perfect harmony. The affective atmosphere is a fractured, temporary and evanescent alliance of bodies in space, *produced by* and *producing* mobile and shifting subjectivities. Ahmed is right to stress the role of emotions in the formation of a collective but I want to suggest, discussed in more detail below, that the excess of affect will always be un-working any strict determinations in this regard.

By attending to the atmospherics of the Umbrella Movement I hope to capture its *sense*; that is, its ability to be affectively experienced and understood.<sup>5</sup> As discussed below, the atmospherics of the Umbrella Movement's nomosphere were perhaps one of its most enduring and powerful characteristics. My turn to the language of atmosphere seeks to underscore the lived and felt reality of the movement; something that a purely legalistic account of the movement clearly fails to address. Significantly, I argue that the affective experience of the occupation sites – identifiable and describable through the analytics of atmosphere – is key to understanding the normative dimension to the movement. In short, the occupation's atmosphere shaped its normative effects.

In the analysis that follows the three aspects of the nomosphere outlined above (narrative, space and atmosphere) are assessed in order to reveal the normative affects that each provokes. In each instance an aspect of the movement is discussed that would remain unexamined if we restricted ourselves to a 'legalistic' mode of analysis. First, however, a brief introduction to the Umbrella Movement is needed in order to contextualise the discussion.

### **Background to the Umbrella Movement**

'Hong Kong has a strange political system... those who are in power have no popular mandate, and those who have a popular mandate have no power' (Chan 2014: 572). Understanding the causes behind the Umbrella Movement requires a brief introduction to this peculiar settlement. The 151 year colonial rule of Hong Kong came to end in 1997, the result of negotiations that began in earnest in 1982 and culminated in the Sino-British Declaration that guaranteed the transfer of sovereignty and the creation of the Basic Law in 1984. During the lengthy period of British rule, democratic reform was virtually non-existent. Opposition from China and Hong Kong's business elites, compounded by a largely disinterested public, stymied tentative efforts made in the early 1950s towards democratisation (Chan 2014: 571; Tsang 2011: 207). It was not until 1985 that a modicum of reform was introduced. This took the form of 'functional constituencies' that are still operative – but increasingly controversial – today.

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<sup>5</sup> 'Sense' has been given a technical formulation in the work of Jean-Luc Nancy as that which *precedes* (provides the conditions of possibility for) and *exceeds* signification and representation (Nancy 2008; see also Meurs and Devisch 2015). In this way, the sensed experience of a nomosphere to which I am pointing here (as both referring to the realm of the senses as well as 'meaning') and connects both with a Nancean vocabulary of 'sense' and the 'non-representational' account of affect developed by Anderson (2014: 84-93). This extends the function of narrative beyond Cover's claim that narrative allows a *nomos* to 'have meaning' (Cover 1983: 18). Narratives do more than confer meaning they give *sense* to legal precepts and acts, imbue them with an affective charge and allow them to be *felt*.

Functional constituencies return half of the 60 seats in Legislative Council (LegCo) and afford corporations, business groups, trade unions as well as some individuals a vote. These constituencies 'represent mainly large business sectors' (Chan 2014: 572) and consistently return pro-Beijing candidates to the legislature.

As part of the package of measures introduced to oversee the transfer of sovereignty in the 1980s was a commitment to introduce universal suffrage for both the Chief Executive (CE) and all LegCo members. However, this was couched in some very careful wording that ensured that the 'ultimate aim' of universal suffrage would proceed 'according to the principle of gradual and orderly progress' and would only be afforded to a list of candidates nominated by a 'broadly representative' nominating committee (Basic Law, Art. 45). The existing structure of this nominating committee favours the pro-establishment camp, with the political sector, which includes a number of LegCo members, being only one of four sectors that can return members to the 1200 strong committee. The nominating committee has consistently been dominated by large business interests and other pro-Beijing elements. In keeping with the philosophy of 'orderly and gradual progress', the Basic Law ensures that any change to the election procedures for both CE and LegCo were to be deferred until after 2007 and then only possible with the support of a two thirds majority of LegCo, the consent of the CE and approval from the Standing Committee of the National People's Congress (NPCSC) (Basic Law, Annex I). In December 2007 the NPCSC introduced a timetable for the introduction of universal suffrage, opening the possibility of the election of the CE in 2017 by a popular vote and a fully elected LegCo by 2020.

The history of campaigns for the democratisation of Hong Kong is key to understanding the strength of feeling that emerged in September 2014 and helped sustain the Umbrella Movement. The movement, though surprising in its scale and longevity, was not a bolt from the blue; its roots can be traced through nearly fifty years of campaign and struggle. The 1970s were marked by *ad hoc* campaigns, mainly animated by student groups, often with an anti-colonial sentiment (Chiu and Lui 2000; Cheng 1989). These grassroots movements faded as the prospect of substantive democratic reform emerged during British-Sino negotiations in the 1980s. This turn to legalistic concerns was punctuated by the tragic events of June 4 1989 which prompted mass demonstrations in solidarity with the pro-democracy campaigners of Tiananmen Square. These events gave rise to fully-fledged pro-democracy political parties that diminished the influence of student groups (Sing 2000: 42; Leung 2000). The June 4 incident had the effect of

animating both popular campaigns and British efforts to accelerate their belated moves towards democratization (Wong 2000). The events of 1989 confirmed a profound scepticism within the pro-democracy groups with the Chinese Communist Party and consolidated the marginalisation of pro-China factions within the student movement (Leung 2000: 216-217). A largely unified pro-democracy movement engaging students, political parties, civil society and the public at large was forged in the wake of the Tiananmen incident. But this was short lived. After the handover in 1997, there has been a fracturing of the pro-democracy caucus with student movements being at the forefront of recent campaigns. In 2003 large rallies successfully derailed the imposition of national security legislation – due to be implemented according to Article 23 of the Basic Law – that were seen as a threat to fundamental rights. And in 2012 a mass mobilisation of high school students prevented the introduction of the dubious sounding ‘Moral and National Education’ programme that many felt was tantamount to the pro-China ‘brainwashing’ of high school children. The campaign culminated in the occupation of government offices and a student-led hunger strike. This campaign was led by Joshua Wong and gave birth to the student ‘Scholarism’ association that played a key role in the Umbrella Movement.

A strong sense of Hong Kong’s exceptionalism with respect to the rest of China coupled with a sense that political organisations formed in the 1980s and 1990s are no longer able to effectively manage the pro-democracy campaign has contributed to the passions and deeply felt frustrations that have typified Hong Kong’s pro-democracy movement in recent years. As Chan argues, many of those that have been at the forefront of recent campaigns, now entering middle-age, ‘started campaigning for democracy when they were university students’ and now feel that they have ‘waited long enough’ (2015: 574). The Umbrella Movement expressed, in strikingly clear terms, that the slow-pace of reforms that have been spearheaded by the pan-democratic parties since 1997 have become unacceptable for many, particularly students who have recently, and successfully, used more radical and confrontational methods to bring about change.

### **The nomospherics of the Umbrella Movement**

This brief overview sets the scene for events that took place from September to December 2014. What should be underscored here is the long-standing but contentious narratives concerning Hong Kong’s political identity. The role of these narratives is key to my argument as it is, in part, by attending to the competing narrative trajectories for the territory that we can understand the Umbrella Movement as creating a distinct

'nomosphere'. I want to turn now to assess Hong Kong's pro-democracy movement through the analytics of the nomosphere developed above and in so doing illustrate how an alternative lens – other than that provided by state law – expands our understand of the normative dimension to these events. I assess how the movement was animated, firstly, by a particular narrative trajectory; secondly, how it made itself manifest through a spatial reordering; and thirdly, by understanding the significance of the movement's atmospherics.

*A 'redemptive' or 'insular' narrative?*

Narratives have both retrospective and prospective functions, securing a present to a past as well as orientating it towards a possible future. What, then, of the imagined future to which the movement gestured? In assessing the forms that such future-orientated imaginaries might take, Cover points to two narrative trajectories: the 'insular' and the 'redemptive' (Cover 1983: 35-40; Etxabe 2013: 34). These describe the attitude that a community has as it encounters its various others, giving a sense of how a nomosphere approaches the world outside. To illustrate the distinction, Cover compares two abolitionist groups of 19<sup>th</sup> century America: the insular 'Garrisonians' and the redemptive 'radical constitutionalists'. The former accepted the constitutional validity of slavery and on that basis argued that the constitution should be rejected *tout court* as illegitimate; 'the fault' as one prominent Garrisonian put it, 'is in allowing such a constitution to live an hour' (Cover 1983: 35). Such an attitude seeks a withdrawal from the dominant normative arrangement and works to insulate itself from external interference. The redemptive trajectory assumes a more conciliatory attitude. The radical constitutionalists asserted that no justification to slavery could be found within the constitution. This not only ran against the clear orthodoxy but also the patently obvious reality of the time. Cover's point, here, is that the constitutionalists maintained a vision of the constitution as it 'might be' in order to give their movement direction and meaning. The Garrisonians' future was imagined in a withdrawal from the orthodoxy that so disgusted them, whereas the constitutionalists imagined a future in which this orthodoxy could be otherwise.

How, then, might we assess the Umbrella Movement in these terms: was there a redemptive or insular trajectory to this nomosphere? This, of course, is no simple matter. The 'insular' and 'redemptive' trajectories must be understood as no more than *tendencies* or *dispositions*, not fixed or determinative courses. Nonetheless, tracing the narrative trajectories of the movement helps us understand how the Umbrella

Movement's nomosphere changed as events unfolded and how its tactics altered over time. Following Cover's terminology, we can suggest that the movement shifted from a redemptive attitude, articulated under the banner of 'Occupy Central with Love and Peace' (OCLP) to an increasingly insular disposition that formed in the wake of the use of tear gas on 28 September. Despite the negative implications one might associate with an 'insular' narrative, this changed narrative direction opened possibilities that were unthinkable within the redemptive trajectory favoured by the organisers of OCLP.

Understanding the shifts to the narrative trajectories of the movement involves returning to the constitutional context which initially inspired the occupations. Following the NPCSC's December 2007 announcement that elections for the CE could be conducted by universal suffrage, key interpretative choices emerged about ways forward. The Basic Law states that the procedure for selecting the CE necessitates nomination by a 'broadly representative nominating committee' (Art. 45), ostensibly limiting the possibility of alternative modes of selection. Following a consultation process, OCLP put three proposals for reform to an unofficial popular vote, chosen after a process of 'civil discourse'. The three proposals all contained provisions that would allow for CE candidates to be nominated by civil nomination; the suggestion being that if a certain number of the signatures or votes could be obtained for any given candidate, then they should be included within the election for CE. Within the existing provisions of the Basic Law, such an approach would radically alter the function of the 'nominating committee', forcing it to consider nominations made by the public at large. This 'redemptive' strategy sought to radically alter the existing orthodoxy around Art. 45, imagining an alternative future in sharp contrast to prevailing interpretative practices.

The efficacy of any narrative vision turns on its ability to connect a present reality and an imagined future; that is, the 'is' and the 'might be' must be 'close enough to reveal a line of human endeavour that brings them into temporary or partial reconciliation' (Cover 1983: 39). The distance between the 'is' and 'might be' widened dramatically in August 2014 when the NPCSC insisted that any reform must 'strictly comply' with the Basic Law, stymieing any possibility of civil nomination. The decision also asserted that the CE must be a person 'who loves the country and loves Hong Kong'. This gave a clear indication that no pro-democratic candidate could ever find their name on the ballot paper, a position made all the clearer by the NPCSC's decision to leave the composition of the existing nominating committee unchanged. It was at this stage that the redemptive trajectory that had animated the movement until this point reached an

impasse. The narrative thread that connected the present and possible realities, once threadbare, had now broken. At this juncture an alternative trajectory was needed and one took hold in earnest following the escalation of direct action in the wake of the August decision.

The short-term occupations and civil disobedience actions advocated by OCLP were superseded by an energised, determined and highly organised student movement. Class boycotts by university and high school students led to sit-ins in front of the LegCo building that soon blossomed and soon two other sites in the city – Mong Kok and Causeway Bay – were occupied. The use of tear gas to disperse protesters prompted a huge outpouring of popular support that drew in even greater numbers. The dynamism and uncertainty of the first week of the occupations gave way to a sustained period of relative calm as an emergent community of occupiers formed. Thousands of tents were erected in the central district alone and in the evenings and weekends tens of thousands of people joined the encampments. These were semi-permanent and self-sufficient communities, complete with study areas; food stalls; first aid tents; public meetings; music; and replete with sculpture, non-permanent graffiti and other forms of artistic expression. The sites were kept meticulously clean and tidy, notices were erected apologising for the disruption caused, and violent outbursts were relatively few in number.

The redemptive narrative directed at a radically changed interpretative orthodoxy for the Basic Law had given way to an alternative trajectory. With the organisers of OCLP urging students to retreat from occupy sites (Reuters 2014a), effectively acknowledging that they had lost control of the movement, energy was directed not towards transforming the underlying legal conditions in the SAR but to the sustenance of an insular normative world that *lived out* an alternative form of community in the heart of the city. The performative dimension here is key. Rather than re-imagining the constitution, the Umbrella Movement performed a mode of living in radical contrast to dominant accounts of Hong Kong's supposedly politically apathetic culture (Pepper 2008; Lindner 2013). In this sense, the turn away from a redemptive mode to a more insular one allowed for experiments in living, rather than in legal interpretation. The sharing of food, collective and consensual decision making, the maintenance of and aesthetic engagement with the streetscape: all this was made possible by the nomosphere becoming 'insular', by energies being directed away from a legalistic terrain (Veg 2015) towards the street and the formation of a new nomospheric order.

### A spatial re-ordering

The turn towards an insular trajectory for the movement made the material expression of the nomosphere all the more important. As Aradau points out, 'a new order is constituted by the spatialisation of practices that govern order and dis-order' (Aradau 2007: 492). The fashioning of the nomosphere, then, required an engagement with and re-ordering of the existing *nomos* of the city. This was achieved through explicit acts of creativity as well as processes by which existing spatio-normative constructions were subverted. Such interventions in the spatial distribution of the cityscape re-wrote existing codes of behaviour and challenged dominant modes of normativity.

The clearest example of this spatial re-ordering was the creation of 'Umbrella Square' in the city's Admiralty district.<sup>6</sup> The site, one part of the largest occupation zone, covered a large parts of Harcourt Road and Tim Mei Avenue and was a key locale for speeches and a number of the most prominent art installations (Slate 2014). The square was a space for civil discourse, political expression and leisure within a city where public space has been systematically erased. As Cuthbert and McKinnell (1997) have illustrated, the planning regime in Hong Kong has allowed for the near total disappearance of public space through its incorporation within the footprint of buildings designed for commercial use. This often means that 'public space' is found *within* shopping malls or other retail sites, achieving the near-complete capture of public space by corporate power. For example, one of Hong Kong's largest conglomerates – 'Jardines' – built and now manages a series of elevated walkways that navigate the city's Central district (Cuthbert and McKinnell 1997: 300-302). This ensures that almost all street traffic passes through the doors of shopping centres owned by the very same corporation and pedestrians are exposed to advertising boards that flash with products sold therein. The arrangement also affords Jardines the authority to police this 'public space' ensuring that there is no hawking of goods or other 'improper use'. Similarly, 'public space' surrounding Jardine House – the company's flagship tower block – was reserved for 'the purpose of passage' only (Cuthbert and McKinnell 1997: 301) thus ensuring that Hong Kong's 'public spaces' are reserved almost exclusively for acts of passage or purchase, disavowing the possibility of leisure, debate or political expression in public. Even the city's Statue Square, on first blush an immediately recognisable 'civic space', has a highly

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<sup>6</sup> Many parts of the occupy sites were renamed in this way with rows of tents displaying signs indicating 'Democracy Way' or 'Umbrella Court' aping the names of highly expensive residential zones in the city. This is part of the widespread use of puns and verbal inversions throughout the movement (Ford 2014).



ambiguous history that has seen it change from a site of colonial exclusion to a position from which one can ogle the might of the city's 'economic miracle' (Law 2002: 1630-1635).

This concerted effort to erase any meaningful provision of public space is an integral part of the city's legal geography. This distribution and division of space controls behaviour and comportment, alienating citizens from the cityscape and entrenching the power of corporate interests. Unlike popular movements in Cairo, Athens or Madrid, the Umbrella Movement had no pre-existing, symbolically potent, public space to occupy. An act of creativity was therefore necessary. Like Tahrir, Syntagma, and Puerto de Sol, 'Umbrella Square' positioned itself opposite the key organs of government power. The creation of a new public space, temporarily free from corporate or state interference, reordered the *nomos* of the city by allowing for ideas and bodies to move in free circulation. Facing the complex of government offices, the square provided an inverted reflection of the enclosures and exclusions that the government performs. The monolithic buildings and security walls of government offices stood in stark contrast to the 'instant architecture' (Strait Times 2014) and porous borders of this new civic space. Where the decisions of LegCo and the edicts of the CE's office take place behind closed doors, in stage-managed and predictable routines, activities in the square were open, multiple and spontaneous, replete with *ad hoc* speeches, workshops and public meetings. Whilst enclosed in order to prevent vehicular access, this was a space open to all, freely accessible and policed by nothing but the emergent sensibility of the movement itself. The square allowed for the expression of an alternative form of life to emerge in the city in which citizens were authors, rather than simply subjects, of political and economic organisation.

Through a strategy of subversion and interruption, the square challenged the existing spatial distribution of the city. The square was the most explicit intervention in the city's spatial ordering but no less significant were the innumerable minor acts of dissent that helped re-configure the cityscape. Aping Prague's anti-communist murals of the 1980s, Hong Kong's 'Lennon Wall' was comprised of thousands of post-it notes offering messages of solidarity and aphorisms of hope. The multi-coloured mosaic of messages was made from a series of minor, and very personal, acts of subversion that turned a prosaic and functional object into a piece of political and artistic expression. Likewise, the use of the street as a canvas for creative expression allowed for artistic representations of the unfolding events and as well as imagined futures for the city

(Watson 2014; Leung 2014). These acts re-cast the city as something actively created and performed rather than a dry backdrop against which daily existence is lived out. This re-ordering of the city's *nomos* affirmed Lefebvre's insistence that 'a spatial code is... a means of living in that space, of understanding it, and of producing it' (1991: 48). The movement's *nomosphere* was engaged in a re-ordering of the spatial matrix of the city thereby allowing the city's spaces to be lived otherwise. In this way, the city's normative world, regulating the movement of bodies through the city's spaces, was remade through the Umbrella Movement's *nomosphere*.

### *A changed atmosphere*

Given Hong Kong's lack of public space, the in-your-face consumer culture, and the high-rise living environment by which domestic space is alienated from public life, one would be forgiven for thinking that the only remaining sensibilities within the city's streets are those of consumerist desire and blasé detachment. This sense of dislocation and individualism is embedded in the 'cold, impersonal system of commodity exchange' (Lindner 2013: 328) where personal bonds and an attachment to place are fragile and uncertain. The emergence of Umbrella Square ruptured this atmosphere by providing opportunities for slowness and feeling, sharing and solidarity in a city that is otherwise predisposed. The changed atmosphere within the city created by the movement was generated through a range of sensory manipulations. The air, so often polluted in Hong Kong, cleared as traffic was diverted out of the occupied zones. The hum of chatter and debate interspersed with singing and rallying cries from those equipped with megaphones created an altered sonic environment. The movement of bodies disrupted the sites' borders, allowing unlikely encounters between office workers, perplexed tourists and political activists. By creating a space charged with affect, the movement directly challenged the existing atmospherics of the city, seemingly intent on managing docile subjects and promoting consumerist desire.

The rupture of the city's existing atmosphere captured actors in a new atmospheric that we might well approach with scepticism. Atmospheres work to dissimulate the political and legal regimes that remain operative irrespective of the cosy isolation an atmosphere might provide (Philippopoulos-Mihalopoulos 2015a). Atmospheres, then, are both conduits and veils of political power. By obscuring the political, legal and economic forces that often generate atmospheres themselves, an atmosphere can make us feel at home, give us a sense that we belong in that place, rightfully doing the things we do there. But in attaching to atmosphere in this way actors become susceptible to

manipulation and forget the regime of power that remains operative despite the homely atmospherics in which they dwell.<sup>7</sup> This unquestioned sense of belonging was captured by one protester during the pivotal night of 28 September when the police used tear gas to disperse the crowds that had gathered in Admiralty. Asked why he was heading back into the place that had just been cleared this protester simply said, “Why not? This is our home” (Vice News 2014). The heady atmosphere of resistance, no matter how dangerous or uncomfortable, had provoked a strong sense of belonging, turning the street into a ‘home’ that it was perfectly natural to occupy. The normative force of an affective atmosphere, then, lies in rendering temporarily indistinct a mode or form of living with a normative commitment, whereby one simply acts in this or that way, not by reference to a rule, but through a complete acceptance of the normative commands implicit in the atmosphere within which one feels totally at home.

The danger of atmosphere, for Philippopoulos-Mihalopoulos, lies in its potential to affect actors without their critical or reflective faculties being operative. Whilst not disavowing Philippopoulos-Mihalopoulos’s insights here, we should stress, firstly, that atmospheres are always a matter of degree and variable intensity, not absolute or totalising (Anderson and Ash 2015). And secondly that atmospheres, notwithstanding their potential dangers, might also have more benign influences. Let me give two examples of distinct atmospheres from the movement to illustrate this. Firstly, from the morning after tear gas was used to disperse the gathering crowds in Central:

The streets are full of people, mostly school children, sitting in the middle of the road, sitting very quietly, it’s strangely sombre actually, it’s certainly not a carnival atmosphere. Food and drink is passed around; umbrellas are handed out in order to give some relief from the sun (it’s over thirty degrees today); there are lot of people watching, taking pictures, talking to passers by and the protesters. Every so often the crowd erupts into chants demanding the resignation of the Chief Executive and claiming that “Hong Kong belongs to us” (the two university students I sat next to translated for me). A cheer went up when a middle-aged westerner in a shirt and tie walked through the crowd handing out bottles of water; a number of older people wave and clap as they walk past. Leaflets were passed through the crowd encouraging people not to acknowledge or celebrate the national day of China on 1st October; the leaflet urged people not to watch TV, to turn off your lights and not engage in any of the State sponsored activities. (Author’s field notes, Causeway Bay occupation site: 29 September 2014)

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<sup>7</sup> As Anderson suggests, the manipulation of atmosphere and environment is used to effect social control by tapping in to ‘the pre-conscious emotional reactions that escape the reflexive subject’ (2012: 31).

The sealing off from the outside – particularly the ‘forgetting’ of state law – that is constitutive for Philippopoulos-Mihalopoulos’s atmosphere clearly does not apply here. Whilst there was a distinct and potent atmosphere to the occupation, a nervous sense of anticipation and uncertainty, there was a very tangible sense that the operations of state law were close at hand. This was a liminal moment for the movement and the atmosphere reflected this. Moments of real comfort or a sense of belonging were only tangibly felt when the crowd erupted in chant or song. For the rest of the time, an unassuredness seemed to permeate the streets. A second example comes from some weeks later:

The street is lined with tents and gazebos with all manner of activities taking place in and around them. Within a short walk I saw a group of young people practicing songs on guitars and ukuleles; a small group of fifteen or so holding a Christian religious service complete with hymns, sung a cappella; a number of people making origami umbrellas and yellow ribbons; as well as a small gatherings that were deep in discussion; not to mention scores of people sleeping: in tents, in front of tents, on the street with heads on lovers’ laps, or alone, curled around smart phones or homework. (Author’s field notes, Admiralty occupation site: 18 October 2014).

Here, an atmospheric ‘glasshouse’ had formed, the movement had become ‘a gigantic hothouse of relaxation’ (Sloterdijk 2013: 171) in which the rest of the city had been temporarily erased. An atmosphere had been formed, where the outside to the atmosphere can be seen but not felt, where there is a marked separation between inside and out, ‘us’ within from ‘them’ without.<sup>8</sup>

Is Philippopoulos-Mihalopoulos right to be suspicious of such an enclosed atmosphere? Rather than simply fearing its dissimulations, we might understand the Umbrella Movement as affording a temporary exposure to a mode of living that might create powerful markers for future political projects. Atmospheres are often more acutely experienced or understood with a greater clarity in retrospect. The mobile and plastic qualities of an atmosphere are best understood as ‘imperfect assemblages’, referring to both an incompleteness and a temporal condition of being already underway but deferred, only accessible retrospectively. Ford Maddox Ford captures this in his account of London’s atmosphere at the turn of the twentieth century:

The odd touches that go to make up familiarity and the home-feeling, the shape of its policemen’s helmets, the cachet of its shop fronts, the effects of the light cast by street

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<sup>8</sup> This ‘glasshouse’ moment is only ever temporary. Atmospheres are constantly being made and un-made, either by a tension or contradiction within an atmosphere or through an interruption from without (Anderson and Ash 2015).

lamps on the fog... all these little things going towards its atmosphere... [Nonetheless] that... place will remain for [the Londoner]... a glass though which he will afterwards view, a standard by which he will afterwards measure, the London that yet remains no one's (1995: 7).

Ford underlines the fact that London's affect is somehow more real when accessed retrospectively: a sense of the city that one can only 'afterwards view' to properly comprehend. Ford's emphasis on the retrospective formulation of this atmosphere ties atmosphere to the work of the imagination in a way that is under-developed in Philippopoulos-Mihalopoulos's account. The affective sense of London that Ford describes is only properly approached through the imaginative faculties of recollection and reconstruction. And it is here, perhaps, that we might grasp the enduring force of the Umbrella Movement's atmosphere; atmospheres are best approached as 'unfinished lures to feeling a situation... in a particular way that may come to condition life' (Anderson and Ash 2015: 44). Through the dissimulation of the existing system of rules and regulations that govern the spaces and encounters of the city, the Umbrella Movement's nomosphere was able to conjure a sense – as the cliché has it – that another world is possible. The 'atmospheric glasshouse' of Umbrella Square re-imagined the scope and sense of the permissible and the interdicted within the city. The movement's atmosphere, that we can only afterwards view and only afterwards measure, might well serve as a marker for the pro-democracy movement's future as a reminder of a democratic spirit that lies so closely behind the city's otherwise uncompromising edifices.

## **Conclusion**

The kind of theoretical analysis developed in this article might feel removed from the *Realpolitik* of the CCP and the institutional arguments on which the possibility of democratisation within Hong Kong will ultimately rely. Nonetheless, it is hoped that by tracing the various elements of the Umbrella Movement's nomosphere, the movement's impact can be more clearly assessed. The inquiry here suggests that the great achievement of the Umbrella Movement was in making manifest and then temporarily re-ordering the existing *nomos* of the city, engaging new narratives, spaces and atmospheres that had the power to effect the comportment and behaviour of citizens. The formation of alternative dispositions and norms of behaviour within the movement's nomosphere, allowed the city, and its possible future, to be reimagined otherwise. Despite the movement's failure in constitutional or legalistic terms, the movement's ability to articulate, and temporarily live out, an alternative normative

trajectory for the city retains an emerging political potential. And it is to this that the present article has sought to attend.

Whilst statutory interpretation and contestations over the nature of the rule of law played their part in the movement, the 'nomospheric inquiry' pursued here seeks to draw attention to the forms of ordering that were immanent to the movement itself. Moving away from law and towards an account of *nomos* and nomospherics allows for the development of a non-statist perspective on the normative dimensions to the occupations in Hong Kong. By turning our attention to the affective, spatial and narratological orientation of the movement we can develop a richer account of the normative life of Hong Kong's pro-democracy campaign than that afforded by constitutional or juridical discourses alone. This shift allows us to reassess some of the movement's most significant practices and achievements, re-framing the extent to which we might view the movement's 'successes' and 'failures'. Tracking the changing narrative trajectory of the movement helps understand the change in tactics away from legalistic interpretation towards a performative mode of resistance. Examining the intervention and subversion of the existing distribution of space within the city reveals not only the near total eclipse of meaningful public space within Hong Kong, but also expressed, in stark terms, the more just spatial disposition for which the movement yearned. Accounting for the atmospherics of the movement – and attending to their normative effects – points to their potential force in future political action, reminding actors of the possibility of a changed affective life within the city. Attention to atmosphere also stresses the importance of addressing the sensory and affective experience of the occupation sites, something that is elided if we remain wedded to strictly legalistic analysis. Combining these aspects within the theoretical apparatus of the 'nomosphere' offers a means by we might approach similar movements and formations, indicating possible lines for future research. Thinking through the analytics of the 'nomosphere' allows us to account for something of the normative richness of the protest encampments that took hold of both the space and imagination of Hong Kong in 2014.

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