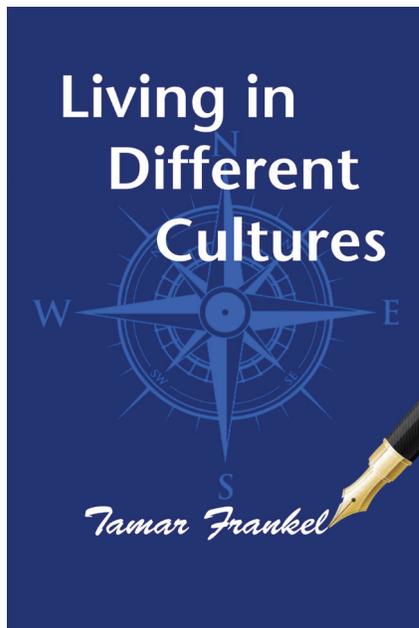


Living in Different Cultures

Tamar Frankel

MEDIA KIT • 2019



In her substantial body of legal work, Professor Frankel has enlightened us on a host of topics, from securitization to mutual funds to fiduciary duties. In this newest book, she draws upon her rich personal experiences to help us better understand each other. In today's fractured world, this lesson of cultural sensitivity could not be more important. As she reminds us in her conclusion, "Like it or not, we need each other."

*Professor Peter Tufano, Peter Moores Dean and
Professor of Finance
Saïd Business School, University of Oxford
Oxford, England*

Living in Different Cultures by Tamar Frankel is a memoir-like collection of keen observations of global culture. Vignettes by the Israeli-born distinguished legal scholar, now 93, guide those from different cultures on how to respect each other and live in harmony.

Frankel writes from nine decades of clear-eyed observing. Born in pre-Israel Palestine on July 4, 1925, she served in the Haganah underground defense force, graduated from law school, served in the Israeli Air Force and helped the new nation of Israel draft its first set of civil laws before moving to the United States to practice law. Becoming in 1968 the first woman on the Boston University Law School faculty, she has taught there for 50 years – with time out to help devise the Internet's legal structure and officially advise the U.S. Securities and Exchange Commission.

Her experiences teaching, writing, and living in Israel, the United States, Japan, England and other countries exposed Frankel to many cultures. Writing from the viewpoint of a proud Jew, she offers her perspectives on Israeli history and culture, the contrasts she experienced in other countries, the evolving role of women in different cultures and in the legal profession, how different cultures treat the elderly, and her thoughts on the value of experiencing a variety of cultures and the need to understand and appreciate the differences.

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Living in Different Cultures

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ABOUT THE AUTHOR



Photo by Kalman Zabarsky for Boston University Photography.

TAMAR FRANKEL

Professor Emerita Tamar Frankel has written and taught since 1967 and continues to teach part time in the areas of fiduciary law, corporate governance, mutual funds and regulation of the financial system. She has published ten books, many regularly updated, and is a prolific author of law review and other articles and book chapters, an

expert witness, and a frequent speaker on a wide variety of financial topics.

Frankel has traveled in Europe, taught in Japan, and lectured in England, Switzerland, India, and China. Her books have been translated and influenced financial thinking nationally and internationally, including *Securitization*, translated into Chinese and *Fiduciary Law*, translated into Japanese.

In 2013, the Institute for Fiduciary Standard established the annual Frankel Fiduciary Prize in her honor to award individuals who advance fiduciary principles. In 2017, she received the Ruth Bader Ginsburg Lifetime Achievement Award from the Association of American Law Schools' (AALS) Section on Women in Legal Education. WealthManagerWeb has named her among the 50 Top Women in Wealth Management. In addition, she was noted as one of the most well-known 500 lawyers on Lawdragon, and as one of the Women Trailblazers in the Law by the ABA Commission project on Women in the Profession. In 1998, Professor Frankel was instrumental in establishing and designing the corporate structure of the Internet Corporation for Names and Numbers.

A long-time member of the Boston University School of Law faculty (1967-2018), Professor Frankel was a visiting scholar at the Securities and Exchange Commission (1995-1997) and at the Brookings Institution (1987). She has taught and lectured at Oxford University, Tokyo University, Harvard Law School, and Harvard Business School. She consulted with the People's Bank of China and lectured in Canada, India, Malaysia, and Switzerland. A native of Israel, Professor Frankel served as an attorney in the legal department of the Israeli Air Force, an assistant attorney general for Israel's Ministry of Justice and the legal advisor of the State of Israel Bonds Organization in Europe. She has been in private practice in Israel, Boston, and Washington, DC and is a member of the Massachusetts Bar, the American Law Institute, and The American Bar Foundation.

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RECENT ARTICLES

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Professor Frankel brings her vast scholarship and teaching of securities regulation and fiduciary law to her observations of national and organizational cultures. Her timing is excellent.

*Knut A. Rostad, President
Institute for the Fiduciary Standard
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BOOK EXCERPTS

Chapter 5 A Culture of Protective Relationships

The jeep that refused to go

During the War of Independence in 1948, when serving in the Air Force, another officer and I drove in a jeep along the Jordan River. On the other side of the river was Trans-Jordan and some of its people were the enemy. Nonetheless, there were settlements along the river as well, and we took that road to reach the North.

Halfway through the trip, the jeep became sickly. It “plumped-plumped” a few times and stopped moving. We pushed it, tried to induce it to start, but nothing worked. We were planning to begin walking the twenty or so miles to our destination. But a few minutes later, a bus passed by. Upon seeing us preparing for the walk, the bus stopped. All passengers and the bus driver stepped out. They inquired: “What is wrong?” And we explained that the jeep would not move.

Without much ado, the bus driver went back to the bus, took his tool kit and started fiddling with the jeep’s engine. All passengers stood around and gave advice, being very much involved in the resurrection process. Finally, the jeep sputtered and woke up: It worked! Everyone was very pleased. The driver and his passengers went back to their bus; we thanked them. They wished us good luck, and we parted.

Only later did it occur to me that none of the passengers complained. No one looked at his watch and said: “What kind of a service is this? I have a meeting soon,” or “I promised my wife to be home by dark; what is this stop in the middle of the road, especially since, on the other

side of the river, there may be someone with a rifle that could shoot us!” Not one such complaint was made. In fact, it seemed as if this type of reaction did not occur to anyone of the passengers, nor did it occur to the bus driver. *Our* safety was *their* business and their priority. It is not surprising that one felt safe in this environment.

Chapter 15 The Value and Limits of Arguments

The fruit of the tree

There is a story of the learned Jewish wise men who discussed the rights of owners on abutting lands. What if the fruit of a tree that grows on one owner’s land falls on the land of the neighbor? Who has the ownership of this fruit? This is not a trivial issue. It appears in American law to this very day.

Yet, one of the members of the group posed a question that showed disrespect. He asked, “What if a bird fell from heaven or from a tree landing with one leg in one piece of land and the other leg on the adjacent land? Who owns the bird?” The answer was to show this inquirer to the door and exclude him from the group. This was not a serious question, and the questioning person did not deserve participation in the group. Nonetheless, he was later re-admitted. Why? It seems that limited exclusion was a sufficient punishment, as well as warning to others with an unacceptable sense of humor. You do not laugh about arguments aimed at learning!

Arguments at dinner

Arguments can be extended beyond study. In Israel, on many occasions when a group of persons (at work or alumni of a school, or neighbors) got together for dinner, many subjects, such as politics, would trigger strong arguments.

I remember a dinner years ago in which the argument centered on whether Israel should keep control of Arab lands. The argument was heated. People banged on the table. Voices were raised. When the time was up, and we were ready to go home everyone embraced everyone else and said: “What a wonderful evening it was.”

When I moved to the United States, was invited to dinner and foolishly expected the same process and engagement only to find the extreme opposite. Everyone agreed that the weather was nice, and that the sports game was a success (when it was) or not (when it was not). In fact, the evening demonstrated a culture — the social habit — of avoiding disagreement. Even the slightest

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BOOK EXCERPTS

deviation from the statement of another person was immediately corrected. “Of course!” “You bet!!” I do not judge this difference but note it. Yet, I cannot sometimes wonder about its consequences regarding and impact on people’s learning. Being a teacher, I hope I am forgiven.

Did the argumentative culture in Israel change? During a short recent visit, we were invited to dinner at a friend’s home. The argument was about the settlements in the West Bank, and how to treat the religious Jews, who objected to the women in the Army, and how to bring Jews and Arabs together and whether the financial regulators were too strict. All these subjects involved arguments. People raised their voice. And the voices escalated. Yet, at the end of the meal, people hugged each other and said: “What a wonderful dinner this was.” I rubbed my eyes. It was as if I was re-living 30 years ago. While so much had changed, nothing fundamental had changed.

Chapter 18 Coming to America in 1949

Shopping at Marshall Field’s

Riding alone on the train from New York to Chicago raised anxiety: will I be met by anyone or be lost? This dread was quite new after living in familiar surroundings for so long. But then a very nice lady did meet me at the train station. She said she needed to do some shopping and asked me whether I needed to do some shopping as well. I said, “Yes,” I needed a bathing suit. So, we went to Marshall Field’s Department Store. The size and riches of the store were overwhelming. Swallowing hard, I managed to follow my hostess to the right department.

Then my hostess did her shopping. She ordered six of this, and six of that, and six of those items. When the salesperson asked me what I wanted, I said I wanted a bathing suit. Then when she asked how many? I found myself saying: *Two!*

I could not believe my ears. It was as if someone else answered. In any event, returning to the group, the members asked eagerly: “What did you buy?” I showed the group my two bathing suits. All group members were surprised: Who needs *two* bathing suits? You had one until it was worm-out and then you bought another. I could not explain.

The explanation came after thinking about it: When each community member was different from each other member, you could be different as well, and feel “normal” After all, *everyone* was different. But when *everyone* did the same thing, like buying more than one bathing suit (six!) — there is more pressure to conform and buy at least *two*. It took time and effort to retain what one considers to be the right behavior, no matter how others behave. And when one retains what is the right behavior, for example, the amount bought, one might pay the price of “being different than us.”

Conclusion

Even though societies differ, the foundations of group cultures are probably similar in any human group. Human groups exist regardless of location, economic and political environment. The members of a group-culture are linked by certain needs, such as the need for protection, the craving for strength, or the hunger for amassing wealth, gaining self-assurance and respect, and sharing beliefs, humor, and behavior. The groups have a purpose and rules designed to achieve the purpose, for the benefit of all, or most, members.

The groups practice forms of enforcement that are acceptable to their members. Enforcement can range from executing the violators, to rejecting them, or to exposing violators to sad smiles and forgiveness. In fact, these sad smiles and forgiveness may be far more painful for some people than other forms of punishment. The degree of pain depends on the kind of people the group members are and their individual histories. To be sure, this is a general statement. But I believe that we will find these features in the groups to which we belong: these are the common denominators. After all, why do groups exist? The probable answer is that we cannot live alone. Like it or not, we need each other.

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INTERVIEW QUESTIONS

Question 1: Your lifelong experience with a variety of cultures is vast. Was there ever a time when you struggled to understand or accept another culture? How did you move forward?

Answer: *Background helps. It was not difficult to understand nor accept different cultures.*

My father was born and raised in a Germanic culture while my mother was raised in a Russian culture. We ate different foods and adapted to their differences. They loved each other and both felt strongly about the mission of establishing a land for the Jews. That was the model.

Acceptance usually depends on creating new habits but maintaining one's principles. One should not give up one's principles.

It is not important to please everyone. It is important to contribute well to the institutional objectives. I did not present the usual model in this culture. In fact, I contradicted the model: A woman law-teacher (especially in finance — not a feminine subject). The rejection was clear. But it bothered me less because teaching and writing were satisfying and all-absorbing.

It is important to take a stand when attacked and not to run away. The one time when a colleague said: "you Jews . . ." I answered rudely: "Because we are smarter and more hardworking." It seems that my

contributions overcame both my sex and Jewishness. Truly, I did not care much whether some colleagues did not like me. I was not in the being liked business.

It is important to balance one's life. I did have an important diversion: a baby and I went home (very close to the school) to nurse him.

Question 2: *In the book, you share a number of personal stories of times when you had a cultural faux pas, as we all do. What is your advice for overcoming those moments?*

Answer: *Watch the behavior of others, whether you like it or not. If one does something "wrong, I became aware of it and tried to correct it if the price of the effort was not too high." One should try to avoid the faux pas if possible, but not dwell on the mistake nor eat one's heart out.*

Focus on what you contribute; correct mistakes especially when they are in behavior and continue to focus on your service and product. On the other hand, one's principles should not be ignored no matter what the new culture accepts or even demands.

Question 3: *What is your most humorous faux pas?*

Answer: *Buying two bathing suits because my American hostess who took me shopping bought six of this and six of that, etc. I believed I had a strong character and was not swayed by what others do. Wrong. The pressure of the environment can make one do what one never thought one was going to do.*

When I came back to the group of Israelis and they asked what I bought and I showed them my two bathing suits they were astounded: Who buys two! I could not explain but learned a lesson about the pressure of a surrounding culture.

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INTERVIEW QUESTIONS

Question 4: You joined the Haganah as a young teenager. Was your life in danger? How did you and your parents deal with that?

Answer: *In retrospect, sometimes my life may have been in danger. A few times I was scared. Once I told my commander that I was scared and he told me to stay out of that operation but never mentioned this again. I continued to take risks but the scare did not return.*

My parents were heroes. They knew what I was doing. Clearly. They did not forbid me from doing it. As a parent, I am not sure I could have done that. However, they also trusted me not to be foolish and trust can create a burden and a duty to meet the expectations especially of those whom you love.

Question 5: What was your most frightening moment in the Haganah?

Answer: *Being locked up for walking outside during curfew. The order was to "break the British imposed curfew." I had a group of over 100 young girls who were supposed to meet at a certain point and walk outside. When we met at that point, we were told that the order was cancelled. Now we had to walk home during the curfew. A bus was ready to take us and did take most of the girls home. I remained with two others without transportation and decided to walk to the first British Police station before they began shooting. They did not shoot and we told them that we wanted to go home and missed the last bus. They said: Yes, yes, and drove us to the prison in Jaffa. Being locked up was the most frightening moment for me, especially since I was not allowed to contact anyone outside and had two young member girls with me. I could not reach my parents or anyone else. In the morning, they reached us. But that night was the hardest I remember.*

Question 6: What would you have said to your children if they joined an underground movement?

Answer: *Under the circumstances in Israel at that time, I would have said nothing against their joining. I would have joined them, as Father did in his way.*

We would shelter a Haganah member in our home when the police searched for him. If the situation were the same I would join as a mother and do whatever I could.

Question 7: You have known many famous and influential people over the years. Who stands out in your mind?

Answer: *Each was great in his or her own way. They differed. They shared commitment, wisdom and relative absence of egoism and selfishness. Power was used and not abused.*

Question 8: What do you consider your greatest achievement?

Answer: *Giving and sharing ideas and spreading what I consider useful ideas that then get wings of their own and fly around the world. It does not make me wealthier and fame does not mean that much. But the impact of ideas on institutions here and abroad means a lot because this may be ultimate power. You do not ask for it. You offer and it is taken and used. I cannot explain it better.*

Question 9: You broke ground for women when you were selected to be the first female professor at Boston University. Do you have advice for other women as they break similar ground? Any comments on the current state of women in the US or the world?

Answer: *I can only describe my experience. Be useful and persistent. Forget about prestige, awards and rewards or/and sex; focus on impact and contribution to the community near and far. Do what you love to do. Not necessarily what others are doing. And do not seek success and fame by "networking." You are the center and you are the source. When you give, you will find followers. But you need not look for them. Look for need. Find what you can give and then do it. You will be surprised: Following will rise.*

Living in Different Cultures

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TESTIMONIALS

Timely lessons in intercultural understanding, tolerance and cooperation from a trailblazing woman lawyer and academician.

*Brooksley Born
former chair of the
U.S. Commodity Futures Trading Commission
retired partner Arnold & Porter,
Washington, D.C.*

In her substantial body of legal work, Professor Frankel has enlightened us on a host of topics, from securitization to mutual funds to fiduciary duties. In this newest book, she draws upon her rich personal experiences to help us better understand each other. In today's fractured world, this lesson of cultural sensitivity could not be more important. As she reminds us in her conclusion, "Like it or not, we need each other."

*Professor Peter Tufano, Peter Moores Dean
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Saïd Business School, University of Oxford
Oxford, England*

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Only when backed by life-long experience, wisdom can be easily shared. This is precisely the case of Tamar's book. The author demonstrates that it is possible to rise above differences in social, religious, ethical, legal and cultural environments settings, and how to search for and discover common ground in interactions and commonalities in values. Born in Palestine, raised in Israel having travelled the world and finally having settled in US, Tamar shares wealth of anecdotes, each containing a gem of wisdom and optimism. In order to move forward in our complex world — and this, according to Tamar Frankel, is our personal, professional as well as political common calling — we have, each and every one, learn to better "understand the misunderstandings" and accept that "my way" is not the only way. This is the only path to help "our way" to emerge.

*Paul H. Dembinski, Director
Observatoire de la Finance
Geneve, Switzerland*

Because of the popularity of air travel during the past century, humans learned a great deal about cultures that were separated by vast distances. The spread of social media during the present century promises to bring together varied cultures even closer to each other. Thus, it is essential for us all to be aware of their differences, and how to accept them. *Living in Different Cultures* elegantly fills that need. It is by a master who has experienced varied cultures and knows how to convey the point to a general public, and I highly recommend it.

*Dr. Farouk El-Baz
retired director
Boston University Center for Remote Sensing
Boston, Massachusetts
previously a NASA and
Smithsonian Institution executive,
earlier served as science advisor to
Egyptian President Anwar Sadat*

Living in Different Cultures

Tamar Frankel

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We are used to Tamar Frankel the brilliant legal scholar and writer, but Tamar the person has been a mystery. And now we have a revelation, and what a revelation! I am not exaggerating when I say that Tamar is probably the most interesting person you might not know; after all, she knew the legendary Nobel Peace Prize-winner Shimon Peres!

In *Living in Different Cultures*, Professor Frankel is able to achieve the unique combination of sharp focus and a broad panorama. When I read, for instance, about her escapades as a young woman in the Jewish underground in Mandatory Palestine, her dealings with her Arab clients, or her experiences as a student and a professor in the U.S., all the characters are alive and multi-dimensional with all their eccentricities and complexities. My favorite part of this wonderful addition to literature is the following: “We are indeed different of age, religion, nationality, place of birth and living, and vocation. All of these do not matter. We are friends, respecting and loving each other. One could overcome cultural differences, in this case, very easily. That is because the people mattered and we are the same.”

*Professor Rajeev R. Bhattacharya, Ph.D.
Department of Finance
Robert H. Smith School of Business
University of Maryland
College Park, Maryland*

I read with great pleasure the new book by Prof. Frankel, *Living in Different Cultures*. I can conclude that this is an extraordinary autobiographical work. My opinion is based on five major reasons, as detailed [in attached letter].

*Dr. Uri Benoliel
head of the Commercial Law Department
and Senior Lecturer
College of Law & Business
Ramat-Gan, Israel*

As a scholar in the field of international marketing as well as an expatriate, I was curious to read this book. It takes the reader on a personal journey that tackles cross cultural differences and involves many insightful and funny stories. The book brings to life historical events but also highlights meaningful current trends like the empowerment of women. Ms. Frankel had an extraordinary life and the privilege to experience multiple countries and cultures, multiple careers, and overall do extraordinary things. If you are interested in the role of culture in our lives — you will enjoy this book very much.

*Amir Grinstein, Professor of Marketing
Northeastern University and VU Amsterdam*

A wise man once said that “the life of the law has not been logic, it has been experience.” Professor Tamar Frankel is a living, breathing example how decades of human and institutional experience can shape the law to better serve the goals of justice and economic security so important to the rule of law throughout the world. Professor Frankel’s delightful book is a chronicle of her multi-cultural experiences, including living through and fighting for the birth of the State of Israel, which itself is a surprisingly multi-cultural society, leaving home to move to the United States, dealing with lawyers with varied cultural backgrounds unaccustomed to strong female lawyers and becoming a trusted advisor to financial regulators across the globe, all while building a career as one of the most respected and beloved teachers and scholars in the legal academy. These are but a few of the reasons why spending time with this book is time well spent.

*Jack M. Beermann,
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Tuesday, September 04, 2018

Re: Prof. Tamar Frankel's New Book
Living in Different Cultures

I read with great pleasure the new book by Prof. Frankel, Living in Different Cultures. I can conclude that this is an extraordinary autobiographical work. My opinion is based on five major reasons, as detailed below.

1. Prof. Tamar Frankel's book provides a rare, truly unique look at the personal and professional world of a leading academic woman who has left a real mark on both the American legal system as a whole and on many legal systems around the world. Prof. Frankel has been an influential professor of law at Boston University's School of Law since 1968. She has written many books and articles on commercial law, which have greatly impacted the legal world. For that reason, she has won many prestigious awards including the prestigious Ruth Bader Ginsburg Lifetime Achievement Award by the Association of American Law Schools (AALS). This book lends us a privileged peek into the inner world of this important scholar.

Prof. Frankel describes in detail all the central stages of her impressive professional career. For example, the book shares the author's experience as a Harvard University doctoral student. Among other things, she describes how she wrote most of her doctoral dissertation, which later became important and influential, in the basement (!) of the University's library. In addition, Prof. Frankel describes with great elegance the stages of her acceptance as a permanent faculty member at Boston University. This description, like many others in the book, is characterized by modesty and delicate self-humor. For example, the book describes how when Prof. Frankel taught corporate law at Boston University, she analyzed a case that dealt with the NFL. During her analysis, she said to the class: "I am not particularly impressed by the case. In addition, I do not know anything about baseball." The entire class howled with laughter since the NFL is the National Football League.

Indeed, Prof. Frankel's book describes in detail not only her academic life, but also her important practical experience, including her service at the Securities and Exchange Commission (SEC) of the United States and at the Brookings Institution in Washington, D.C.

In light of Prof. Frankel's professional standing, her autobiography may attract real interest among many academics, judges and lawyers who are interested in profiles of prominent and influential legal scholars.

2. Prof. Frankel's book uniquely combines parallel descriptions of her personal development along with the historical development of the State of Israel. For example, Prof. Frankel describes in great detail her activity and her courageous involvement in the military organization Haganah, which she joined in 1939. However, this organization is not only another station in the author's personal life, but is especially important in the history of the State of Israel, and it served as the basis for the State of Israel's military.

Similarly, Prof. Frankel describes personal experiences from her work with Haim Zadok in the Israeli Ministry of Justice. However, Mr. Zadok is not an ordinary person whom Prof. Frankel has known throughout her life. He is one of the most prominent legal and political figures in the history of the State of Israel. He served, inter alia, as Minister of Trade and Industry, Minister of Development, and Minister of Justice in the various governments of the State of Israel.

In light of the fact that Prof. Frankel was born in Israel in 1925 and has followed its development to this very day, her stories about Israel are based on a very broad perspective. In this sense, too, the book is particularly unique. It may therefore attract interest by many members of the Jewish community in the United States, Israel and across the world.

3. Prof. Frankel's book deals in an original way with an especially important topic: multiculturalism. The book includes a description of many personal stories that Frankel experienced during her diverse life, which exemplify cultural differences between people. These stories are based on the rich experiences of the author, a daughter of immigrants to

Israel, who immigrated herself to the United States in 1963, and who has visited various countries during her professional life.

Prof. Frankel's writing - based on many personal examples from all walks of life - makes the book accessible and enjoyable to the reader, and not too theoretical and abstract. But Prof. Frankel, known for her high abstraction ability, is not satisfied with just presenting concrete and anecdotal stories. Rather, she skips through her book between the concrete and the abstract, while enriching the reader with ingenious and pluralistic insights that she has accumulated during her lifetime. This original way in which Prof. Frankel deals with the topic of multiculturalism may be of interest to a wide audience of people interested in multiculturalism.

4. Prof. Frankel's book includes a remarkable reference to the status of women in society. In this context, the author includes her extensive and impressive personal perception of the status of women in Judaism and the State of Israel, as well as in professional life in the United States, Britain, Germany and Bangladesh. In this context, the book may be of interest to a wide circle of potential readers interested in the status of women.
5. Finally, the writing style that characterizes Prof. Frankel's book is particularly noteworthy. The book is written in Plain English. It is based on short and concise sentences, and avoids the use of complex words. In light of the clear writing style that characterizes the book and its rich autobiographic content, many readers may read it in one breath, as I did with great pleasure.

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