Introduction: Lessons and Reminders

It has become something of a commonplace to declare that modern moral philosophy has bankrupted itself on account of numerous confusions and errant assumptions. What was once the occasional complaint of certain Catholic intellectuals, such as Jacques Maritain and Yves R. Simon, who argued forcefully that the Enlightenment project had borne little fruit to nourish either speculative or practical understanding, has now been sounded even by thinkers prominent in the “mainstream” Anglo-American philosophical community. In a work that snapped many ethicists out of their modernist slumbers, Alasdair MacIntyre argued that the Enlightenment vision of ethics has left us either with the empty formalism of deontology or the sterile quantification of utilitarianism. Sadly, these are, it turns out, the only “accepted” alternatives available to those thinkers still brazen enough to maintain that there is an ethics at all, for a great many philosophers have dismissed the very possibility of such a discipline, embracing instead emotivism or nihilism. These latter, MacIntyre says in After Virtue, are live options for descendants of the Enlightenment view of ethics given that neither Kantianism nor utilitarianism commit to a definite view of the good, leaving it ultimately to be defined as a matter of preference. Hence, by the late twentieth-century moral life has been reduced by the philosophers to so many arbitrary choices. Attendant on this is the prevailing “malaise” which has produced many commentaries by those of an “existentialist” persuasion.

The present volume is an examination of the philosophical errors that have pushed moral philosophy into its narrow and uncomfortable corner. Indeed, MacIntyre’s work influences several articles that contribute to this examination (Loughran, Ramos, Híbbs). Yet this book is
not just a polemical exercise. It is also constructive, aiming to restore an ethics that puts moral philosophy back on a sound footing.

One might say that this work is an effort at "recovering" a virtue ethics, broadly understood as a moral philosophy giving primacy to character-formation and to the development of individual and social habits that reflect the attainment of a life lived in a fully human sense. By its appeal to a standard of human actualization, virtue ethics may alternatively be called a "natural law" morality insofar as the latter refers to norms in human nature requisite for determining how a human being ought to live; that is to say, natural law identifies those natural potentialities which, by means of prescribed habits and actions, must be actualized in order for a human life to be meaningfully lived.

Natural law and virtue supply the foundations not just for ethics as it is individually realized but as it is communally lived as well, a point indicated by our reference above to social habits as well as individual ones. Accordingly, in addition to outlining the nature of a virtue ethics in general, this volume will discuss prescriptions for how the human person ought to live as a social and political creature. After all, it is in our communal life that the wayward ethics of modernist philosophy has produced its signal failures, sometimes spawning monstrous ideologies regarding the social condition and role of the human being. Perverse theories of the common good and of political authority have emerged because of failed philosophical anthropology, for as one's philosophy of the human person goes so goes one's ethics. This point is reiterated at the end of this book as Michael Novak explains that the common good is often a pretext for tyranny. His remarks echo Yves R. Simon.

In all periods of history, voluminous facts signify that under the name of common good, republic, fatherland, empire, what is actually pursued may not be a good state of human affairs but a work of art designed to provide its creator with the inebriating experience of creation. The joy of the creator assumes unique intensity when the thing out of which the work of art is made is human flesh and soul. The artist's rapture is greatest when he uses as matter of his own creation not marble and brass but beings made after the image of God.¹

The common good has to respect the human person, not merely use her or him as a means to political ends. This check on the abuses of the common good requires a sensitive philosophy of the human person so as to understand what sort of individual and communal life truly and fully befits human beings.

As a group of "recoverists" (as Russell Hittinger has named contemporary champions of natural law ethics), the contributors to this volume are serious about retrieving an intelligent philosophy of human nature as a necessary condition for setting ethics aright. These contributors also provide a warning, for much of what passes as natural law ethics has often been merely its counterfeit. "Natural law" is an expression fraught with dangers when used in philosophical discourse. It is subject to serious misinterpretations which undermine the value of its recovery. History records these misinterpretations, many of which continue to make it suspect in the eyes of contemporary thinkers, even among those who in principle would be sympathetic with its recovery.

Error and falsification crept in as Renaissance thinkers, such as Grotius, began, perhaps unwittingly, to divorce natural law from the virtues. Matters only worsened as Renaissance rationalism began to absolutize natural law into fixed rules and prohibitions, a tendency that even many Thomists later, certainly of the "manual" variety, demonstrated to their shame. This, combined with a deductive methodology so dear to the rationalists, turned natural law ethics into a caricature of morality, making it more like geometry than a philosophical discipline. What took place ultimately was a confusion of the speculative with the practical reason, an error endemic to deontological "solutions." Such an ethics reduces moral experience to a matter of rules and fails to affirm moral choice and action as principally a matter of actual, lived existence, where the human being is often situated in ambivalent circumstances; where prudence, not categorical imperatives, must govern choice and action. Maritain salutes the existentialism of thinkers like Kierkegaard, Marcel, and Berdyaev, however many limits their philosophy may suffer otherwise, for at least averting the error of rationalistic and formalistic accounts of moral life—accounts which

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ignore the inductive bases of ethics and which overlook the need to situate ethics on existence rather than essence.

This last remark demands clarification as it is central to an intelligent and successful recovery of natural law ethics. Natural law has often been interpreted along essentialistic lines, reducing human nature—the cornerstone of natural law—to an anemic abstraction or even to a Platonic Form, neither of which expresses the existential circumstances of the human person, which are lived and individual. As with philosophical anthropology, the lessons of one's metaphysics will radically influence the development of one's ethics. Averting the error of essentialism will keep ethics from devolving into apriorism, with its idolatry of deductive inference and abstractions. Instead, the kind of recovery Maritain and Simon envision is based on an "authentic existentialism," an expression serving to remind us that moral agents are not essences but individual subjects, actual existents. According to this metaphysics, existence has primacy over essence in that existence, as a real intrinsic principle of a being, actuates that being's very nature. Things do not exist as universals, or as abstract essences, but as this or that real existent, having been actuated by a distinct intrinsic principle, esse, the act of existence. Human beings indeed have natures, and the expression "human nature" has objective meaning, separating effectively this metaphysics from the contemporary philosophies of Sartre's variety which claim such a phrase is empty. Still, it is necessary to appreciate that our human nature is existential; in other words, it always exists in particular social and historical situations—a truth Sartre understood, but he erred by making it the premiss to deny that there are essences. Hence, the principle of existence radically individuates and circumstantializes moral life, a point so often overlooked by natural lawyers as they draw their conclusions more geometrico demonstrata.

In spite of the fact that many Thomists in the past were victims of an encroaching apriorism and essentialism, some members of that tradition did escape these errors and should be honored for understanding the deeper anthropological and metaphysical foundations. Listening to their words now will forewarn us as we begin to commission a natural law ethics for a new age.

Michael Bertram Crowe spoke specifically of the anthropological foundations when he published the following words in 1981:

To begin with, we have a basic anthropology, a conception of human nature which is the underpinning of morality. The phrase "human nature"
can be highly ambiguous: and Thomas' appeal to it has been presented in a simplistic way. In reality his concept of human nature is far more complex and far more flexible than is often assumed. It should not be forgotten that he did say, upon occasion, that human nature is changeable (natura humana mutabilis est). He also had a good deal to say about the flexibility and variability of moral reasonings, which would belie the rigid conclusions often foisted upon him in the name of human nature. As a good Aristotelian, he recognized that in moral matters one cannot look for the kind of demonstrations and certainty appropriate to the speculative sciences. (In negotiis humanis non potest haberı demonstrativa probatio et infallibilis; sed sufficit aliqua conjecturalis probabilitas.) These assertions are less startling when seen in their context. For Aquinas is not talking about unchanging abstract nature, but about human nature concretely exemplified in the individual, who finds himself in a particular historical and cultural situation in which his fellow-men play an inescapable part. Aquinas would hardly accept Sartre's suggestion that human nature is what we make ourselves; but he might have considerable sympathy for . . . [the] notion of man's nature in a process of development to which man himself contributes. 3

A second counsel heard from the Thomistic tradition is that of Leo Sweeney, who reminds us that, since our existence actuates our relationships as well as other aspects of our essence, and since these relationships may be uniquely ours, the circumstances of one agent's choices and actions may be quite different from and only analogous to another's. In making this important point, Sweeney speaks to the metaphysical foundations of a sound natural law ethics.

The fact that Aquinas' existentialism is authentic can also profit contemporary radical existentialists, as well even as non-existentialists. "Natural law" is anathema to radical existentialists who accept Sartre's dictum, "Existence precedes essence or nature," where the verb "precedes" is equivalent to "eliminates." On the other hand, "natural law" can be taken in too rigid and narrow a sense by traditionalists and essentialists. What better interpretation does Thomas himself offer? In his existentialism "essence" or "nature" includes absolutely everything in someone except existence;

therefore, it comprises not only a man's soul and matter (his substantial being), his faculties and their operations, the operative habits (both moral and intellectual) which perfect them, his skills; but also all his relationships—spatial, temporal, ecological, familial, civic, cultural, environmental: all these are the actual situations in which he lives, all these help constitute his nature (see S.T., I, 84, 7 resp.). But the natural law is founded directly upon nature; therefore, natural law is founded upon and must express all those actual and intrinsic perfections, including, yes, his substantial being (which he has in common with other people), his operative powers, habits and skills, but also his relationships (which may be uniquely his).

Thus existentially conceived, natural law remains an objective norm, based not only on the accidental but also on the substantial aspects of his being (thus it would be better than the often arbitrary and entirely subjective set of values a radical existentialist such as Sartre might elaborate for himself). But it is more concrete and flexible than more traditional and abstract conceptions of natural law because it takes into account the entire actual person—not only in his substantial being and properties but also in all his individual circumstances and situations (hence, it may offer a greater opening to individual morally justified choices . . . ).

What these observations mean is not lost on Maritain, who in Existence and The Existent boldly describes their implications, especially in light of the fact that a human being's relationships include God and that God's revelation and grace put into final perspective human existence.

St. Thomas teaches that the standard of the gifts of the Holy Ghost is higher than that of the moral virtues; that of the gift of counsel is higher than that of prudence. The saints always amaze us. Their virtues are freer than those of a merely virtuous man. Now and again, in circumstances outwardly alike, they act quite differently from the way in which a merely virtuous man acts. They are indulgent where he would be severe, severe where he would be indulgent. When a saint deserts her children or exposes them to rebellion in order to enter into religion; when another saint allows her brother to be assassinated at the monastery gate in order that there be no violation of the cloister; when a saint strips himself naked before his bishop out of love of poverty; when another chooses to be a beggar and shocks people by his vermin; when another abandons the duties of his

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status in society and becomes a galley slave out of love of the captives; when still another allows himself to be unjustly condemned rather than defend himself against a dishonorable accusation—they go beyond the mean. What does that signify? They have their own kind of mean, their own kinds of standards. But they are valid only for each one of them. Although their standards are higher than those of reason, it is not because of the object taken in itself that the act measured by their standards is better than an act measured by the mere moral virtues; rather it is so by the inner impetus which the saints receive from the Spirit of God in the depths of their incommunicable subjectivity, which impetus goes beyond the measure of reason to a higher good discerned by them alone, and to which they are called to bear witness. 5

Does this mean that there is no natural law? Does this mean that Maritain's existentialist ethics has brought us to a pure subjectivism? No, for the exception proves the rule: there is a human nature, but since it is always this or that human nature, characterized in part by unique relationships, natural law requires a healthy sense of analogous application; what is more, in the case of the saints, its application may be so strained as to appear equivocal because commands of their conscience are now mediated by natural law that is informed and elevated by their intimate relationship with God Himself, the author of natural law. It is now a natural law stamped by grace that rules their lives. The point is that natural law ethics fails if it loses sight of the fact that human persons, by virtue of their unique relationships to the world around them, to other persons, and to the Person of God, can accommodate and respond to remarkably divergent—indeed, seemingly equivocal—callings.

This is why there would be no saintliness in the world if all excess and all that reason judges insensate were removed from the world. This is why we utter something deeper than we realise when we say of such acts that they are admirable but not imitable. They are not generalisable, universalisable. They are good; indeed, they are the best of all moral acts. But they are good only for him who does them. We are here very far from the Kantian universal with its morality defined by the possibility of making the maxim of an act into a law for all men. 6

6Ibid., 56.
We are also here very far from an abstract, deductive, \textit{a priori} natural law morality.

These are chastening words that tell us of the conditions and parameters for a satisfactory recovery of a natural law and virtue ethics tradition. In short, Maritain is saying that natural law must suit the \textit{Perennial Philosophy}, which is open to truths discovered anywhere, including the truths which radiate from the Gospel and which illuminate the community of saints. Thus, the Perennial Philosophy must forego a rigid, narrow, abstract, \textit{a priori}, essentialistic, ahistorical, asocial view of the natural law. In other words, if a natural law philosophy is to be satisfactory, it must not be just a theoretical construction but an ethics emerging out of reflection on the concrete, practical, living circumstances of free, human existents.

Taking these words to heart, the articles contained herein elaborate the central elements of a natural law and virtue ethics, showing, first, how such an ethics applies to our individual and communal existence and, secondly, how it satisfies the demands of the Perennial Philosophy. To express this twofold aim, the contents are divided into three parts: Part I: "First Principles and The Human Person"; Part II: "Moral Directives: Principles, Habits, and Judgments"; and Part III: "The Moral Agent and The Common Good." The volume closes with a timely epilogue by Michael Novak.

In Part I Don Asselin, Mary Carmen Rose, and Brendan Sweetman make a contribution to the prefatory discourse necessary for rooting moral philosophy in the deeper anthropological foundations. Don Asselin provides a penetrating discussion of human nature, entertaining an analysis and criticism about evidence for the soul's immortality. Mary Carmen Rose amplifies on man's spiritual nature by discussing alternative accounts of the good—accounts which focus on competing arguments about the nature of human appetite and our inclination to the highest good, God. Brendan Sweetman boldly compares Maritain and Marcel on the question of primitive, pre-conceptual, non-rational human inclinations—connatural, if you will—toward the goods which rightly orient moral life, and which philosophy as an intellectual discipline seeks to make formally and explicitly intelligible. The interface between Maritain and Marcel on connatural understanding is often mentioned in passing but seldom studied in depth. Sweetman has remedied this deficiency in the literature by contributing here a lucid analysis.
Having set the scene with these articles on philosophical anthropology, Asselin, Rose, and Sweetman have now prepared us to take up a formal examination of how one should live his life. Part II provides a detailed inquiry into the moral principles necessary for making sense of the moral aims of an individual life well-lived. Since human beings are social and political animals, no study of ethics is satisfactory which does not explain how the common good gives moral content to the individual’s existence. The task of Part III, of course, is to show how a philosophy of the common good supplies specific prescriptions for our political choices and actions.

Part II opens with an informative and acutely reasoned article by Donald DeMarco who defends Maritain’s explanation of duty and who attempts to rescue the notion from the deontologists, who for too long have held it prisoner. In Maritain’s philosophy DeMarco finds a clearer and more satisfactory explanation of value, personality, and freedom. The integration of these three principles is necessary to make sense of obligation, and is likewise necessary to relate successfully rights and freedom to duty.

There next appears a lively essay written by Ralph McInerny. Like DeMarco he shows how a philosophy, such as Simon’s and Maritain’s, having its roots in an ancient and medieval tradition, contrasts with the deontological and utilitarian tendencies of modernist alternatives. His essay is instructive in the way it shows how Simon took over key elements in St. Thomas’s philosophy of prudence and practical knowledge and drew out of them surprising and fruitful implications for a contemporary moral philosophy.

John Killoran also examines the moral thought of Yves R. Simon. In particular, he takes up the principle of habitus, a special feature of Simon’s ethics, which again shows the powerful influence of St. Thomas’s ethics on his position. Closely connected with the formation of habit is the medieval principle of synderesis, a notion which captures (and much more besides) our modern idea of “conscience.” Mark McGovern discusses this subject at length in the subsequent article. His analysis is thorough and historically sensitive, showing, moreover, that the principle of synderesis is not just a medieval oddity but is still serviceable for a sound ethics today.

Conscience turns to moral rules to give it direction. One such rule, which has been given a prominent place in traditional moral discourse, is the Principle of the Double Effect. Wilfred LaCroix asks whether this Principle is still useful for the contemporary ethicist, especially
in light of the fact that it has drifted out of fashion in the past few decades. He argues that, while the traditional analysis and defense of the principle (an apologetics which goes back to ancient times) is problematic, the Principle still has value given that its source, after all, is the actual moral judgments of ordinary people.

Like LaCroix, John Trapani is interested in how moral principles and judgments can carefully direct moral action. He presents this discussion against the backdrop of a study by William L. Rossner, S. J., to whom this book is dedicated. Complementing Rossner’s observations on the nature of moral choice and action with Maritain’s analysis of the types of moral judgments, Trapani reaches provocative conclusions about the limits to sound moral choice, carrying with them suggestions of a peculiarly theological kind.

Just as Trapani compares Rossner and Maritain, Joseph Pappin takes up a comparison between Rahner’s ethics and Maritain’s, labeling them both representatives of an “existential” ethics. For Rahner and Maritain, in spite of their many differences, which Pappin takes pains to catalogue, human freedom constitutes the beginning of ethics. A sound moral philosophy must do justice to this first principle, while at the same time acknowledging that human existence is situated socially and historically. In short, philosophical reflection on freedom and the human condition generates all the issues that give ethics its special focus and that make it an important discipline. Rahner’s and Maritain’s ethics are both rich in an appreciation of this truth.

Yet individual and social freedom requires specific aims, and diverse moralities compete to offer the human person an account of the nonmoral good to satisfy this need for direction. Thomas Loughran inquires into the various reasons for choosing one version of the nonmoral good over another. Analyzing the natural law, the communitarian, and the informed-desire approaches, and employing the convictions of Alasdair MacIntyre’s appeal to narrative in ethics, Loughran aims to defend a position known as “Ideal Tradition Theory.” This position borrows strong elements from the natural law philosophy but transcends it, Loughran argues, by drawing on other perspectives which help make moral explanation more specific. After all, it is lack of specificity in moral explanation and prescription that constitutes the most nagging criticism of natural law philosophy.

Alice Ramos’s essay is an explicit study of the writings of Alasdair MacIntyre. Specifically, she comments on his argument that a sound moral philosophy is informed by a tradition which, having borne the
wisdom of past generations, provides a legacy of truths which assist in the further deepening and cultivating of the habit of rational moral discourse. While elaborating this view, she finds parallels between MacIntyre's regard for philosophical tradition and authority and Augustine's position that philosophy is rightly anchored in faith—faith seeking understanding.

Thomas Hibbs's article is also interested in the "narrative" trend in ethics made fashionable by MacIntyre, Nussbaum, Taylor, Hauerwas and others. In his opening paragraph, Hibbs tells us that in "the wake of the critique of academic moral philosophy, terms such as 'experience' and 'narrative' have become pervasive. The emphasis has shifted from analysis to stories, the stories of individuals and communities, even stories of the history of moral philosophy." Is this fascination for narrative something that a philosopher working primarily under the influence of St. Thomas can respect and accommodate? It may come as a surprise, Hibbs claims, that a Thomist can find much in narrative ethics that is "congenial"; this in spite of the fact that narrative ethics suffers certain pitfalls that the Thomist must skirt.

While an appreciation of narrative is well-and-good, Roger Duncan's polemic stresses that ethics must ultimately turn on a non-negotiable core of objective prescriptions, all of which are inductively defensible in light of a comprehension of human nature. No narrative can be intelligent that obscures these principles and truths. Specifically, Duncan argues that the human mind can become confused in its pursuit of the good and that error can put apparent goods at cross purposes with our real goods. This means that we might be in pursuit of things contrary to what fulfills human nature, leading us to engage in "unnatural acts," an expression he admits is quaint and unfashionable. Nevertheless, it has value in reminding us of what vice does to the human person, confusing her moral judgment, and thereby creating a kind of moral war within her character. Duncan, relying on clear and clever illustrations, applies these observations to an analysis of contraception.

Traditionally, virtue ethics has argued that the cultivation of vice undermines happiness. Accordingly, no study of virtue ethics would be complete without some discussion of the formal and final causality that happiness is supposed to exercise in moral life. William Bush in a provocative essay suggests that philosophers, especially those of a teleological and natural law persuasion, have wrongly given happiness centrality in their writings. A broader understanding of man's moral
life and aims could take into account a more disinterested love of God, which certainly transcends happiness, with its egocentric associations. Bush’s essay serves to provoke a response from Deal Hudson, who defends the natural law conception of happiness, charging that Bush has not sufficiently captured its subtlety.

While Bush and Hudson may disagree about the primacy of happiness in a moral philosophy, both agree that a meaningful human life must find God as its object. This is a truth central to the evaluations of human life found in Scripture. Whether we think of the human person’s moral life from the vantage point of natural reason or from the standpoint of reason elevated by revelation, God, Scripture tells us, is the Alpha and Omega of our existence. To express the continuity between our philosophical and revealed understanding of the natural law, Joseph Koterski comments on the book of Wisdom. Like other books of the Bible, Wisdom contains references to natural law in the form of prescriptions which, if observed, put one in proper obedience to God and the law of one’s own happiness. Father Joseph de Torre completes this discussion by arguing how it is that, from the vantage point of the Perennial Philosophy, philosophical ethics is not disconnected from theological morality.

This brings us to Part III, where the focus is on the relationship of the individual human person to the common good. To open this discussion, Joseph Califano explains that to be human is to be in community. That as a free, rational, self-reflective agent, the human person reflects the community unto himself. We are made for community and find our destiny in it.

Diane Caplin explains how the natural law basis of Yves R. Simon’s account of the common good effectively defends democratic government against anti-democratic ideologies. In short, the human person’s goods on a multiplicity of levels are best realized in the kind of community of free, yet social, persons that democracy provides.

Clarke E. Cochran and Thomas Rourke appeal to the thought of Yves R. Simon to show how certain views of political economy are problematic, especially, they charge, from the standpoint of a Christian morality. They describe in lucid and engaging detail what a satisfactory political economy must look like according to Simon.

These discussions of Simon, democracy, and the common good highlight the issue of the separation between autonomy and communal obligation, one aspect of which is the private space in which a citizen is allowed to make choices and act before he or she runs against limits
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by political obligation. This issue confronts the "private morality versus public enforcement" debate which appears commonly today in political discourse. Peter Redpath explains that the distinction between these two borders is sometimes artificial and frequently camouflages moral confusions.

Redpath's essay makes the point that the custodians of the common good can easily overstep their bounds and perpetrate injustices against their citizens. Redpath appreciates clearly that an intelligent philosophy of the common good must coordinate with a convincing theory of justice. Ralph Nelson finds such a theory in the work of Yves R. Simon, although the task of distilling Simon's formulations on the subject are a challenge since he wrote no specific essays, much less a monograph, on justice alone. Nelson is especially interested in capturing Simon's sense of the "scope" of justice, which includes commutative and distributive senses of justice but also issues bearing on the limits of the exercise of rightful authority and the extent of obligations even beyond a nation's borders. Nelson's essay is biographically informative, taking stock of the influence of Proudhon on Simon's thought and making reference to many of the events and issues to which Simon responded as a French citizen and a student of international politics. Nelson also goes out of his way to furnish timely illustrations which relate Simon's philosophy of justice and the common good to our own contemporary political challenges.

Lastly, Michael Novak has written an eloquent capstone to our study. His essay reminds us that, if our vision of a "recovered" ethics is not to be yet again marginalized, it must remain grounded in a common-sense awareness of actual moral and political events. In this regard Simon and Maritain are again our models. "Both of these masters," Novak asserts, "understood quite well the nobility and limits of the philosophical vocation, its 'poverty and misery,' and its high moral demands. But they also knew themselves to be incarnated historical creatures, called to master the maelstrom of their own time (surely even more confusing and desperate than our own) and responsible in their time and place for speaking to the needs of their fellow voyagers through that time." Like Maritain and Simon, we face our own moral challenges: a world still checkered with too many authoritarian regimes, where constitutionally limited democratic government and free economics are held in low esteem, and where failed and even crackpot anthropologies give license to autocrats to trammel under their feet the personal rights of their subjects. Novak calls for a
diaspora of moral and philosophical reformers who, now equipped with an ethics based on common-sense intuitions and defensible principles, can be apologists for a vision of social order that is paradoxically fresh because it abjures recent bromides—all the while cherishing what is right and true in modern contributions—and restores our moral judgment with a tonic prescribed by the wisdom of the ancients. These combined sources—which form the Perennial Philosophy—supply the rationale for championing the dignity of the human person. This is the charter which *Freedom, Virtue, and The Common Good* commissions for the next generation of moral and philosophical reformers.

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