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Review Article

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# Addressing Caste Discrimination and Domestic Violence Against Women: A Social and Legal Perspective

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#### ABSTRACT

Caste discrimination and domestic violence against women are pervasive societal issues that intersect, perpetuating cycles of oppression and inequality. This paper explores the historical, social, and legal dimensions of these interconnected problems, emphasizing the need for a comprehensive approach to address them. By analyzing case studies, legal frameworks, and social reform initiatives, this research highlights the gaps in policy and the importance of empowering marginalized communities, particularly women, to create an inclusive and equitable society.

In the context of Nepal, rape cases and incidents of domestic violence against women occur frequently, highlighting the pervasive nature of such issues. These activities are particularly prevalent in countries like Nepal and India. A concerning example is the plight of female doctors who dedicate themselves to serving patients in hospitals, only to face the threat of sexual violence from the very individuals whose lives they strive to save. This raises a pressing question: why do such individuals commit such heinous acts, targeting those who offer them care and compassion?

In some remote areas of Nepal, daughters are often unable to say 'No' to their families, regardless of whether the family's decisions are right or wrong, reflecting deep-rooted patriarchal norms and limited autonomy for women in such regions.

**Keywords:** Caste Discrimination, Domestic Violence, Women's Rights, Social Inequality, Legal Frameworks, Empowerment

#### Introduction

Caste discrimination and domestic violence are deeply entrenched issues that disproportionately affect women, particularly those belonging to marginalized castes. Caste discrimination affects an estimated 260 million people worldwide, the vast majority living in South Asia (Network)These dual forms of oppression not only violate fundamental human rights but also hinder societal progress. This paper seeks to examine the interplay between caste-based discrimination and gender-based violence, highlighting the structural inequalities that sustain them.

According to National Human Rights Commission, between 2015 and 2020, 52 complaints of unlawful killings were registered. Likewise, there are hundreds of cases received and recommendations made on dozens of cases by the National Dalit Commission [1]. In the context of Nepal, from remote areas to urban centers, from underdeveloped regions to developing parts of the country, and from rural districts to the capital city, we can

observe discrimination against women, both in terms of caste and other societal issues. 53% of the women feel unsecured while travelling on public transport and walking around the bus stand (Nepal). Instances of rape are increasing day by day, yet there seems to be no one to listen to the voices of the victims, particularly in remote areas. Girls face sexual harassment from family members and relatives, as reported in news outlets and on social media platforms. In urban areas, while traveling on public transportation, girls often experience inappropriate physical contact. Why are such individuals still present in society, and why do they not face punishment from the government?

According to the data presented by the Nepal Police, from 10 December 2020 to 13 January 2021, a total of 102 cases of harassment in public were registered to the Metropolitan Police Office, Ranipokhari. Although such cases have been registered, many remain unknown and forgotten [2]. More than two-thirds (66.5%) of women experience harassment in public vehicles with 62.6% feeling harassed 1-2 times. Of the major perpetrators, 78.6% were passengers sitting nearby and 40.1% were women, who experienced physical harassment. More than two-thirds of

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women (70.1%) experienced public vehicle harassment while wearing clothes other than school uniforms. The majority (30.5%) of women felt that the most common factor causing public vehicle harassment was bus overcrowding followed by a male-dominated society. Almost one-third of women (35.9%) reported implementing rules properly is the way to prevent harassment [3].

Public transportation often serves as a space where some men seek opportunities to harass women, touching them inappropriately. Why are women not safe on public transport, and whom can they turn to for help when they face such harassment? Who will listen to their voices? Nepal has many NGOs and INGOs claiming to help women, but their impact remains questionable. Despite their claims, cases of victimization continue to occur daily. As someone who regularly uses public transportation, I have personally witnessed such incidents frequently. It raises the question: who are these organizations helping, and for how long must girls endure such situations?

I once heard a news story about a woman from a lower caste working at a health post in a remote area of Nepal, providing medicine to patients. A higher-caste patient refused to take the medicine and threw it away simply because the health worker was from a lower caste. Why do people behave this way? Why, even now, does caste discrimination persist between so-called upper and lower castes?

I often watch a Nepali television series called "Juthe," which attempts to address the divide between upper and lower castes. However, despite over 140 episodes, the show has not been able to bridge this gap. Who will bridge this divide, and when will it end? Similarly, I rarely watch movies, but I went to see the first show of a Nepali film called "Pujar Sarki." The film also depicted caste discrimination but failed to deliver a meaningful resolution or moral message. The movie did not offer hope for an end to caste discrimination.

Besides this, I often visit rural areas in Nepal rather than cities. When I visit these areas, I witness discrimination between lower castes and upper castes in tea shops. If someone from a lower caste orders tea, they are required to clean the glass themselves before leaving; otherwise, they are not allowed to stay. The tea shop owner refuses to hand the tea directly to them, placing the glass on the floor instead. After finishing the tea, the lower-caste individual is expected to wash the cup before being permitted to leave.

Why is there so much discrimination between lower and upper castes? Doesn't it seem excessive? Where are human rights organizations and the Nepal Dalit Commission (Dalit Aayog) in such situations? Who will help them fight against this injustice and support them in overcoming these circumstances? Why is caste discrimination still so prevalent? What are these organizations doing to address this issue?

I wonder who will bring an end to caste discrimination and when it will finally disappear. I fully support the eradication of caste discrimination. When will this oppression end, so there will be only two categories—male and female—and everyone can live happily together?

I also wonder when girls will feel safe traveling alone from one place to another and walking freely in their hometowns without fear. When will they be able to walk proudly and confidently, knowing they are safe?

#### **Intersection of Caste Discrimination and Domestic Violence**

Caste discrimination and domestic violence are interconnected forms of oppression that disproportionately affect women, particularly those from marginalized castes. This intersectionality amplifies the vulnerabilities of women, as they experience layered forms of discrimination that stem from both their caste identity and their gender. Understanding this interplay is critical to addressing the structural inequalities that perpetuate these issues.

#### Social and Economic Marginalization

Women from marginalized castes often face extreme poverty, lack of education, and limited access to resources. These socio-economic disadvantages make them more vulnerable to domestic violence, as they may lack the financial independence or social support necessary to escape abusive environments. In many cases, caste-based discrimination limits their access to justice, as local authorities and legal systems may overlook or dismiss their complaints due to entrenched biases.

#### **Cultural and Patriarchal Norms**

In caste-stratified societies, patriarchal norms reinforce the subjugation of women within both their caste and family structures. Domestic violence is often normalized, with women expected to endure abuse as part of their marital or familial duties. For women from lower castes, the stigma of their caste identity compounds their suffering, as they are not only subjected to abuse within their homes but also face discrimination in their communities.

#### **Denial of Justice**

The intersection of caste discrimination and domestic violence is further evident in the denial of justice to marginalized women. Many women from lower castes encounter systemic barriers when seeking legal recourse for domestic violence. Police officers, judicial systems, and community leaders may be influenced by caste biases, leading to the silencing of victims and the protection of perpetrators. This systemic failure perpetuates a cycle of violence and impunity.

# **Workplace and Public Spaces**

Caste-based discrimination and domestic violence also intersect in the workplace and public spaces. Women from marginalized castes who work as domestic helpers, laborers, or healthcare providers often face sexual harassment and abuse both at home and in their workplaces. In some cases, their abusers use their caste identity to justify mistreatment or to ensure that the victims remain silent out of fear of social backlash or further discrimination.

#### **Psychological Impact**

The dual burden of caste discrimination and domestic violence takes a significant toll on women's mental health. Marginalized women often experience feelings of isolation, helplessness, and worthlessness as they navigate these overlapping forms of oppression. This psychological impact is exacerbated by the stigma and ostracization they may face when attempting to speak out against their abusers.

#### **Breaking the Cycle**

Addressing the intersection of caste discrimination and domestic violence requires a multi-pronged approach:

- Legal Reforms: Strengthen laws to address caste-based discrimination and domestic violence, ensuring that victims have access to justice and protection.
- Empowerment Programs: Provide marginalized women with education, skills training, and financial independence to help them break free from cycles of abuse.
- Awareness Campaigns: Challenge societal norms that perpetuate caste discrimination and domestic violence through community engagement and public education.
- Support Systems: Establish shelters, counseling services, and support networks specifically for women from marginalized castes to provide a safe space for recovery and empowerment.
- Inclusive Policing and Judiciary: Train police officers, legal professionals, and community leaders to recognize and address the intersectionality of caste and gender in cases of violence and discrimination.

By addressing the root causes and systemic barriers that sustain both caste discrimination and domestic violence, society can create an environment where women, regardless of their caste, can live with dignity and safety. Recognizing and dismantling these interconnected systems of oppression is essential for building a more inclusive and equitable future.

# **Legal and Policy Frameworks**

Addressing the intersection of caste discrimination and domestic violence requires robust legal and policy frameworks. These frameworks must ensure that victims receive justice and protection while promoting societal transformation. In countries like Nepal and India, where these issues are deeply entrenched, legal measures and policies play a critical role in safeguarding women's rights and fostering equality.

# **International Conventions**

- Universal Declaration of Human Rights (UDHR), 1948: Establishes the foundation for the protection of human rights, including the right to equality and freedom from discrimination.
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979: Obligates signatory nations to eliminate gender discrimination and violence against women.
- International Covenant on Civil and Political Rights (ICCPR), 1966: Recognizes the right to equality before the law and protection from discrimination.
- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), 2007: Emphasizes the need to protect marginalized communities, particularly women, from systemic discrimination.

# National Legal Frameworks Constitutional Provisions

• Nepal: Article 18 of the Constitution guarantees the right to

- equality and prohibits discrimination based on caste, gender, or any other grounds. Article 38 specifically addresses the rights of women, ensuring equal treatment and protection from violence.
- India: Article 15 prohibits discrimination on grounds of caste, religion, sex, or place of birth. Article 17 abolishes untouchability and makes it punishable under law.

#### **Anti-Discrimination Laws**

- Nepal: The Caste-Based Discrimination and Untouchability (Offense and Punishment) Act, 2011, criminalizes castebased discrimination and provides legal remedies for victims.
- India: The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, provides protection to marginalized communities from caste-based violence and discrimination.

#### **Domestic Violence Laws**

- Nepal: The Domestic Violence (Crime and Punishment) Act, 2009, defines domestic violence and provides mechanisms for reporting, protection, and rehabilitation.
- India: The Protection of Women from Domestic Violence Act, 2005, ensures civil remedies for victims of domestic violence, including protection orders and financial relief.

# **Sexual Violence Laws**

- Nepal: The Penal Code criminalizes rape and sexual harassment, providing stringent penalties for offenders.
- India: The Criminal Law (Amendment) Act, 2013, strengthens laws against sexual violence, including harassment and rape, and expands the definition of sexual offenses.

## **Policy Initiatives**

# **Awareness and Education Programs**

 Governments and NGOs in Nepal and India have initiated campaigns to educate communities about the harms of caste discrimination and gender-based violence. These programs aim to shift societal norms and empower marginalized women.

#### **Economic Empowerment Schemes**

 Policies such as reservations in education and employment for marginalized castes and women help reduce socioeconomic inequalities, providing victims with avenues for independence and self-reliance.

# **Victim Support Services**

 Shelters, counseling services, and rehabilitation centers provide safe spaces for victims to recover and rebuild their lives. These services are often supported by NGOs and government agencies.

# Legal Aid and Representation

Free legal aid programs ensure that victims, particularly those from marginalized communities, can access justice without financial barriers.

#### **Challenges in Implementation**

Despite robust legal frameworks, gaps in implementation remain a significant barrier. Key challenges include:

• Social Stigma: Victims often face ostracization and backlash

from their communities, discouraging them from reporting abuse.

- Corruption and Bias: Discriminatory attitudes among law enforcement and judicial personnel can hinder the delivery of justice.
- Lack of Awareness: Many victims, especially in remote areas, are unaware of their legal rights or how to seek help.

# **Recommendations for Strengthening Frameworks**

- Training and Sensitization: Regular training for law enforcement, judiciary, and healthcare workers to address biases and ensure victim-centered approaches.
- Stronger Enforcement Mechanisms: Establishing independent oversight bodies to monitor the implementation of anti-discrimination and domestic violence laws.
- Community Engagement: Grassroots initiatives to involve community leaders and members in promoting equality and addressing discriminatory practices.
- Integrated Policies: Developing comprehensive policies that address both caste discrimination and gender-based violence simultaneously, recognizing their interconnected nature.

By strengthening legal and policy frameworks and addressing systemic barriers, societies can take significant strides toward eliminating caste discrimination and domestic violence, creating a safer and more inclusive environment for all women.

#### **Case Studies and Real-Life Impacts**

The intersection of caste discrimination and domestic violence against women manifests in deeply personal and often harrowing stories. Case studies from various regions highlight the systemic failures, social stigmas, and cultural barriers that perpetuate these issues. Understanding these reallife impacts helps illuminate the urgency for comprehensive solutions.

#### Case Study: Caste-Based Violence in Rural Nepal

In a remote village in Nepal, a Dalit woman was assaulted by upper-caste men for refusing to adhere to traditional caste roles. Despite filing a police complaint, no action was taken due to the perpetrators' social and economic influence. Impact:

- The victim faced social ostracization, loss of livelihood, and continued threats to her safety.
- Her experience underscores the intersection of castebased discrimination and gender-based violence, where marginalized women are doubly victimized.

# Case Study: Domestic Violence Against Marginalized-Caste Women

A Dalit woman working as a laborer in India experienced domestic violence from her husband, who justified his actions using societal norms that diminish the autonomy of women. When she sought help from local authorities, she was met with apathy, reflecting the systemic neglect faced by women from marginalized backgrounds.

#### Impact:

- She was forced to return to her abusive environment, perpetuating her trauma.
- The lack of targeted legal aid and victim support services for marginalized women compounds their vulnerabilities.

## Case Study: Harassment in Public Transportation

In Kathmandu, Nepal, a young woman from a marginalized caste faced sexual harassment on public transport. When she attempted to report the incident, the local police trivialized her complaint, reflecting broader societal biases.

#### Impact:

- She abandoned her efforts to seek justice, contributing to underreporting of such crimes.
- Her experience highlights the challenges women face in navigating public spaces safely.

According to data collected from various sources, we, as a society, are thrilled to have reached the moon and achieved significant advancements in technology for future generations. However, what is the benefit of these achievements if we cannot ensure the safety of girls who want to go outside their homes after 6 PM? Girls are still not safe walking alone late at night.

We see women becoming pilots, flying planes, and accomplishing remarkable feats. Yet, on their wedding day, they are expected to walk slowly to the stage, often needing two or four people to hold their hands and guide them. Why can't they walk alone, just as a groom does?

Even if a woman has earned a PhD, she is still expected to stay home, cook, wash clothes, and take care of the household and children. In contrast, if a man with a PhD were in the same situation, these expectations would not apply to him.

What our society often does is provide 5% of the dowry to the girl and send her to another house, while the remaining 95% is given to the son. I cannot imagine what a girl must feel when she leaves her parents' home at the end of her marriage. What must her thoughts be towards her parents? How does she control her emotions, and to whom can she express the feelings of leaving behind everything—her parents, her home, and all that is familiar—to start a new life? How does she navigate through all these challenges?

In the world's largest democracy, 48% of the population lives under an unspoken curfew—they cannot go outside their homes after 6 PM. This 48% of the population is not safe if they wish to step out after dark. The right to equality and the right to freedom become meaningless for these girls.

What I used to think was that girls were safer at home than outside. However, I was completely wrong. After conducting significant research in this field, I discovered that girls are not safe at home either. According to data, 70% of women in Nepal face domestic violence each year. Women in Nepal, especially in rural areas, continue to experience acts of domestic violence at the hands of their spouses. It is estimated that about 70% of women in Nepal endure such acts annually.

Additionally, nearly 90% of rapes in Nepal to date have been committed by individuals known to the victims, such as relatives, neighbors, and employers, according to government statistics. Activists have called for more focus on addressing sexual violence in the home and workplace.

A woman's money is more likely to be stolen at home than outside. One group estimate that thousands of female fetuses may have been illegally aborted in Nepal since the 2001AD, with thousands of girls lost annually due to female foeticide. It is also estimated that thousands of abortions continue to be performed in India each year solely because the fetus is female.

All these decisions are made inside the home, yet people worry about the decreasing population of girls, wondering who will be available for them to marry. For example, RONB often posts about the declining number of girls in Nepal, highlighting the difficulty of finding a partner for marriage. But why don't they focus on research showing that every year, thousands of abortions occur simply because the fetus is female? Why don't they ask why society refuses to give birth to girls?

Despite making up 50% of the population in Nepal, why are girls perceived as weak? The truth is, they are not weak—they are strong. So why do they feel so powerless, and why do they remain silent?

In my opinion, this begins in childhood. When a baby girl is born, she is often trained to focus on household tasks like cooking, cleaning, and washing. On the other hand, when a baby boy is born, he is encouraged to engage in activities outside the home, such as playing with toy guns, cars, and bikes, and is often raised to be aggressive and assertive.

From childhood, girls are conditioned in a way that makes them feel weak. This is not the children's choice but rather the result of societal and parental expectations. In my view, this is why girls are perceived as weak.

God has made boys and girls similar; both are weak and both are strong in their own way. There are only a few differences between boys and girls, and the reproduction cycle is one of them. These differences were not made to determine who will be the VP, who will make decisions, who will drive the car, who will fly the planes, who will stay inside the home, and who will be outside the home.

A girl can wear a Boy dress but the boys cannot wear a girl dress. While Boy when to outside he can spend an hour as long as he wants but when I girls when outside she cannot spend time outside she was sent with the timetable that you should be return home till this time and do your work stuff.

Whether a girl has a PhD or not, if she wants to go outside, a 5-year-old boy is often sent with her. In reality, if she faces any threat, the 5-year-old boy cannot protect her, yet she is still sent with him. When the boy grows up, he might think of himself as strong and protective, while perceiving girls as weak.

I think this psychology influences rape cases. It's like how people need money the most compared to other things, but banks aren't robbed every day because everyone knows that the security system is strong. If someone tries to steal, they will likely be caught. However, rape cases occur daily because criminals think the victims are weak, and if they commit the crime, they can escape easily.

In the Terai region of Nepal, the dowry system is deeply ingrained in society. It is common for the groom's family to demand a certain amount of money and goods based on the groom's profession and social status. If the bride's family fails to meet these demands, the bride often faces physical, emotional, or psychological abuse from her in-laws or husband.

This practice has led to significant societal issues, particularly regarding the preference for sons over daughters. Many families view daughters as a financial burden due to the high costs associated with dowries. As a result, some families are reluctant to have daughters. If they do have daughters, they often struggle to marry them into a "respectable" family due to their inability to meet dowry demands.

For families that are both poor and have only daughters, the challenges are even greater. Such families often cannot afford to provide a proper education for their daughters or secure a well-off husband for them. This lack of opportunities leads to a vicious cycle of poverty and discrimination. Many daughters in such circumstances suffer from severe consequences, including:

- Education Deprivation: Parents often choose not to invest in their daughters' education, prioritizing saving money for dowries instead.
- Mental and Physical Health Issues: Daughters subjected to constant pressure, abuse, or neglect may develop physical and mental health problems.
- Suicide: In extreme cases, the stress and abuse related to dowry demands drive some daughters to take their own lives.

This situation perpetuates gender inequality and limits the potential of young women in the region. To address this issue effectively, a multi-faceted approach is required, including:

- Education and Awareness: Raising awareness about the negative consequences of the dowry system and promoting the value of educating daughters.
- Legal Interventions: Enforcing strict laws against dowry practices and providing support for victims of dowryrelated abuse.
- Economic Empowerment: Creating opportunities for women to become financially independent, reducing their reliance on marriage for social and economic security.
- Community Engagement: Encouraging community leaders and influencers to challenge and change harmful cultural norms.
- Support Systems: Establishing accessible resources such as counseling centers, helplines, and shelters for affected women.

By addressing these root causes and creating supportive systems, society can begin to dismantle the harmful traditions of the dowry system and provide a brighter future for daughters in the Terai region.

In the Terai region of Nepal, the preference for sons over daughters remains a deeply rooted cultural issue. Women who give birth only to daughters often face immense societal and familial pressure. In many cases, this leads to conflict within marriages, resulting in divorce. Divorce in such circumstances is not only a traumatic experience for the woman but also a significant social challenge, as divorced women face stigma, financial instability, and difficulty in providing for their children.

#### **Divorce Due to Gender Preference**

- Cultural Bias: The societal preference for sons often places the blame on women for not bearing a male child, despite the biological reality that the gender of the child is determined by the father's chromosomes.
- Family Pressure: Husbands, influenced by their families, may resort to emotional abuse or divorce if a woman cannot give birth to a son.
- Stigma of Divorce: Divorced women in the Terai region are often ostracized, viewed as burdens, and blamed for the failure of their marriage.

# Challenges Faced by Divorced Women Economic Struggles:

 Most divorced women lack financial independence and are left without support from their ex-husband or in-laws. o in a patriarchal society, opportunities for employment are limited, especially for uneducated women.

# **Raising Daughters:**

- Providing basic needs such as food, shelter, and clothing becomes a significant challenge.
- Ensuring proper education for daughters is even more difficult due to the lack of resources and societal bias against investing in girls' education.

# **Social Stigma:**

- Divorced women are often shamed and excluded from social functions.
- This stigma not only affects the woman but also impacts her children, who may face discrimination and bullying.

#### **Psychological Impact:**

- The trauma of divorce, coupled with societal rejection, often leads to mental health issues such as depression and anxiety.
- Children raised in such circumstances may also experience emotional distress, affecting their development and education.

## Pathways to Sustainability and Empowerment

To help divorced women sustain themselves and provide for their children, a multi-faceted approach is necessary:

# **Economic Empowerment**

- Vocational Training: Provide skills-based training to enable women to secure jobs or start small businesses.
- Microfinance Opportunities: Offer low-interest loans to help women start entrepreneurial ventures.
- Employment Programs: Create government or NGOrun programs to employ divorced women in community projects.

# **Educational Support**

- Scholarships for Daughters: Provide free or subsidized education for daughters of divorced women.
- Awareness Campaigns: Encourage the importance of educating girls to break the cycle of poverty and gender bias
- Community Schools: Establish schools in rural areas with minimal fees, ensuring access to education for children of marginalized families.

## Legal and Financial Assistance

- Alimony and Child Support: Strengthen laws to ensure divorced women receive fair alimony and child support from their ex-husbands.
- Free Legal Aid: Provide accessible legal assistance to help women claim their rights.

# Social and Psychological Support

- Support Groups: Create women-led support networks where divorced women can share experiences and find solidarity.
- Mental Health Services: Offer free counseling to women and their children to help them cope with the trauma of divorce and societal rejection.
- Community Awareness: Educate communities to reduce the stigma around divorced women and promote gender equality.

# **Government and NGO Interventions**

- Shelter Homes: Provide temporary housing for women and children after divorce.
- Child Welfare Programs: Ensure children of divorced women receive nutritional and educational support.
- Awareness Drives: Run campaigns to challenge the patriarchal mindset that devalues daughters and blames women for giving birth to them.

#### Conclusion

Caste discrimination and domestic violence against women are deeply entrenched societal issues that require urgent and comprehensive attention. These dual forms of oppression intersect to create unique vulnerabilities for marginalized women, perpetuating cycles of inequality, violence, and exclusion. While legal frameworks and policy initiatives exist, their implementation remains inconsistent, often failing to address the root causes of these issues.

Empowering women, particularly those from marginalized communities, is crucial for fostering an inclusive and equitable society. Grassroots movements, community-led interventions, and robust legal enforcement must work in tandem to dismantle systemic discrimination. Education, awareness campaigns, and social reform are equally vital in challenging deep-seated cultural norms that perpetuate caste and gender-based oppression.

Moreover, addressing these issues is not just a moral imperative but also a societal necessity. A society that values equality, justice, and safety for all its members is better positioned to thrive and progress. Ensuring that every individual, regardless of caste or gender, can live free from violence and discrimination is a shared responsibility that requires collective effort from governments, organizations, and individuals alike.

Ultimately, the eradication of caste discrimination and domestic violence will be achieved through sustained advocacy, transformative policies, and a commitment to justice and equality. While the journey is challenging, a future where all individuals can live with dignity, respect, and safety is both possible and worth striving for.

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