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Abortion Entitlement: Absolute or Qualified?

J. M. B. Crawford

Further Light on the Abortion Act of 1967 from *Paton* v. *British Pregnancy Advisory Service Trustees and Another* (1978).

Mr. Crawford is editor of Wildy's Texts in Law and Jurisprudence, *London, England. He calls the* Paton *case "very disturbing . . . for us here, without precedent." He had a long discussion with the judge who decided the case, and felt that the matter should be of interest to* Linacre *readers who might compare it to the* Danforth *case in the U.S.*

The facts of this case, tried in Liverpool by Sir George Baker P., so far as stated here have been taken from the judgment in the report, and are extremely simple. Thus, I shall try to state them simply, intending most of my discussion to consider some of the legal implications of this case.

Mrs. Joan Mary Paton, the second defendant, was the wife of Mr. William Paton, and on or about May 8, 1978, was informed by her physician that she was pregnant. Subsequent to that knowledge, Mrs. Paton decided, under the terms of the Abortion Act of 1967, upon an abortion, to which her physician and family doctor, Dr. Macrone, expressed no objection. Some introduction of his opinion was introduced into the case at the time of the trial, to which I shall advert in this paper.

The seeking of an abortion by Mrs. Paton disturbed her husband in the extreme. Mrs. Paton moved out of the family home on May 16, 1978, and on the next day her husband, as plaintiff, applied for an injunction to restrain both the first named defendant, *British Pregnancy Advisory Service Trustees*, and the second defendant, his wife, from obtaining, causing or permitting an abortion to be caused on her. The hearing was then adjourned for a week, and heard in court on May 24, 1978.

During the first week the husband changed the grounds of his application. On May 17 it appears he claimed that his wife, in seeking an abortion, was ". . . spiteful, vindictive and utterly unreasonable in so doing" (688-D), while by May 24, he had withdrawn these allegations, and instead was urging the court that "The husband . . . had the right to have a say in the destiny of the child he had conceived" (688-D).[1]

Baker P. was aware of the emotional turmoil which this application for an injunction had generated. The press and other news media considered the case unique in the annals of English law. Aware that moral values were at issue, the court nevertheless said:

> I am, in fact, concerned with none of these matters. I am concerned, and concerned only, with the law of England as it applies to this claim. My task is to apply the law free of emotion or predilection. (688-G).

The case proceeded through a series of logical moves. The first question to be asked by the court was whether the plaintiff did have a legal right enforceable in law or equity, to which he made a direct reply: No, the plaintiff did not have a right which he could enforce. Citing a well known family law case, *Montgomery v. Montgomery* (1965) P46, (1964) 2 WLR 1036, (1964) 2 All ER 22, in which Ormrod J cited Cotton LJ, ". . . that the court could only grant an injunction to support a legal right . . ." (689-C), the court went on to ask what would be the nature of the husband's right in this case, stating, "The foetus cannot, in English law, in my view, have a right of its own at least until it is born and has a separate existence from its mother" (689-F).

Denying, then, that a fetus had legal rights to be a party to proceedings prior to its birth, the court turned to the status of the putative father. Were this a case concerning illegitimacy, which it was not, the court believed that the father would have no rights at all (s.1 [1] Guardianship Act 1973 which does not give parental rights in relation to a minor who is illegitimate, per section 1 [7]).

The court next referred to the abolition of the action for restitution of conjugal rights, saying,

> The law is that the court cannot and would not seek to enforce or restrain by injunction matrimonial obligations, if they be obligations, such as sexual intercourse or contraception (a non-molestation injunction given during the pendency of divorce proceedings could, of course, cover attempted intercourse). No court would ever grant an injunction to stop sterilization or vasectomy. Personal family relationships in marriage cannot be enforced by order of the court (690-G/H). [2]

But suppose somewhere there was a right and, therefore, jurisdiction to order an injunction? How could it be enforced by the court? The court could not, it said, consider sending a husband or wife to prison if they broke such an order given by injunction.

At this point the court arrived at its conclusion, stating clearly:

> That, of itself, seems to me to cover the application here; this husband cannot by law stop his wife by injunction from having what is now accepted to be a lawful abortion within the terms of the Abortion Act 1967 (690-H / 691-A).

This was restated a few pages later in the judgment, the court stating that the law of England gives him no right to enjoin his wife from seeking an abortion, under the terms of the Abortion Act 1967, and that of such an application,

It follows, therefore, that in my opinion this claim for an injunction is completely misconceived and must be dismissed (692-H / 693-A).

There are aspects of *Paton* itself which are interesting; there are also extensions of the decision which may compel our interest. I shall first consider the case itself.

A Guide to Trial Tactics

Looking at the case as a guide to trial tactics one question presents itself: Why did the plaintiff change the grounds of his application? On May 17, the plaintiff said that his wife (second defendant) did not have grounds under the Abortion Act 1967 for a lawful termination. If this is alleged, then the court is compelled to review a petitioner's grounds, and, with reference to *In re D (A Minor) (Wardship: Sterilisation)*,[3] (cited in the oral argument, but not in the judgment), it permits the court to determine if the provisions for the issue of the necessary medical certificate, with its attendant medical reasons, was properly complied with.

However, once the plaintiff had changed the grounds of his application, and agreed that the provisions of the Abortion Act of 1967 had been properly complied with, one wonders what further argument, *qua* abortion, could have been advanced? The dilemma which the plaintiff appears to have created for the court may be expressed in this way: if one has a right at law, what then is to stop one from exercising that right at law? Do not lawful rights imply lawful remedies, and thus the enjoyment of such lawful rights?

The double burden seems to have been put upon counsel to argue something akin to a constitutional conflict question, i.e., to have alleged that there existed a hierarchy of legal rights, and then to have proceeded to argue that some legal rights, when exercised, take precedence over and negate the exercise of other legal rights. This is a difficult argument both in form and in substance. In a state which has a written constitution, as does the United States of America, one may attempt to argue that certain provisions within that constitution deserve (or command even) logical prior consideration and superiority to later provisions within that same written constitution. How to determine precisely when one amendment overrides another amendment will not be an easy task. One may, in a judgment, see the claim made that some of the written provisions of the constitution are more basic and substantial to the consequent provisions and amendments. The form such a legal argument takes is to assert that later constitutional provisions are as a subset within a larger set. A recent case from the United States may make clear this notion.

A reputable journal, *The Progressive Magazine*, was to publish in its May, 1979 edition an article which purported to reveal how a

hydrogen bomb could actually be constructed. The United States government sought an injunction to prohibit the publication of the article. In deciding the case, Federal Judge Robert Warren, of Milwaukee, Wis., enjoined *The Progressive Magazine* (which has a circulation of 40,000 copies each month) from publishing the article, grounding his decision on the broad premise that "national security" has a greater claim to protection than does the First Amendment right to free speech. Morton Mintz, in the March 28, 1979 edition of the *International Herald Tribune* which reported the case, quoted Judge Warren as stating:

> If he were to err against the Progressive, he said, he would seriously injure the free press; if he were to err against the government, he might risk the "thermonuclear annihilation of us all." At another point, Judge Warren said, "One cannot enjoy freedom of worship, speech and press unless one first has freedom to live" (p. 1).

The case is on appeal to the United States Court of Appeals for the 7th circuit; and, pending an adverse decision there, *The Progressive* will make its ultimate appeal to the Supreme Court of the United States.

But one need not take only constitutional cases as examples of a hierarchy of, or suspension of, legal rights. In everyday life we have common enough examples from which to draw. If a highway authority needs to conduct repairs on the roadway, the parking bays are generally suspended and may not be used by us. Again, though traffic is required to negotiate a complete stop at a stop sign, a police car, a fire engine, or an ambulance on an emergency call need not stop. The necessity of the situation suspends normal rights and duties.

In *Paton* the court wanted to know what legal right was to be enforced, possessed by or of whom and, if there were a right, how then was it to be enforced?

The court did not examine what the lawful rights of a marriage are, in secular law. The court chose to state that it, as a court, could not enforce positive duties in a marriage (if they be duties at all). The court could not compel sexual concourse; the court could not prevent an operation for sterilization or for a vasectomy, ergo, much of marital life was a form of communal privacy between the contracting parties, and outside of the province of the law, save for specified offenses and crimes at common law, or by statute, over which the court then has jurisdiction. Is such an analysis, or statement, an adequate statement or analysis of the marital state *vis a vis* the law?

There seemed to be something partial about the analysis given by the court. What the court appeared to do was to suggest that the core concept of a marriage existed in a logical province outside of the law, and that many of the positive duties (or what married parties may assume to be positive duties) were reciprocities each would have to extract from each, much as are good manners or smiles without benefit of law. There were some areas of the marital community which

were governed by law, i.e., child support orders, maintenance orders, non-molestation orders, and the like. The court had *some* power to review *some* aspects of a marriage.

Paton, however, forced the court to view the logic of statutory law and its relationship to a marriage. If the Abortion Act 1967 was such that it did not contain an express parental or spousal consent requirement, was it then to be *assumed* that such was implicitly denied by the Act? How, then, is the Act to be properly understood and interpreted in this regard? One set of textbook authors from 1971 thought that the Act was latitudinarian, permitting broad interpretations.[4] The difficulty with *Paton* as to why it would not, or could not, permit such a latitudinarian interpretation seemed to rest upon the fact that when the plaintiff changed his grounds for injunctive relief, he also extinguished hopes for judicial review. If he now admitted that there was legal cause for a lawful abortion, then he took the issue out of the hands of the court by so changing his trial strategy by admitting that the grounds for the abortion were beyond legal review or assessment even.

Raising a Question

But there is a question which may be raised. Let us assume that one is not arguing a criminal point (about the lawfulness of the proposed abortion), but is trying to propound a medical decision. Although the court, in *Paton*, believed that the terms of the Abortion Act 1967 had been complied with, one doubts if that position of the court would close to any future court the possibility of a court reviewing the grounds for the medical decision for an intended termination under the Act. In the instant case, counsel for the plaintiff (at 692-A/B) put forward the consideration that there may have been a possible misinterpretation or misunderstanding of the force of the medical opinion for the second defendant, Mrs. Paton. He suggested that her doctor, Dr. Macrone, although expressing no overt disapproval of an abortion, did not, however, expressly advise one. At this point the court seemed to think that for it to investigate whether there had been due compliance with the requirements of the Abortion Act 1967 would, somehow, require it, as a court, to undertake a criminal investigation, or to conduct itself as a criminal court. With due respect to the court, it appears that it may have misdirected itself on this point. Here is what the court said:

> This certificate is clear, and not only would it be a bold and brave judge . . . who would seek to interfere with the discretion of doctors acting under the Abortion Act 1967, but I think he would really be a foolish judge who would try to do any such thing, unless, possibly, where there is a clear bad faith and an obvious attempt to perpetrate a criminal offense (692-C/D).

This reasoning deserves some comment.

The question which one may ask about any action directed under a

statute is this: How is one to know (if one is the court) if the statute has, or has not, been complied with? The court here is of the mind that *only* bad faith or a criminal attempt are the sole grounds valid for investigating the conditions for due compliance with the requirements of the Abortion Act. But are they?

Consider this example. *What of the very simple matter of differences of expert medical opinion?* A leading case on this matter is *In re D (A Minor)*, which was not a criminal case. The court, nevertheless, reviewed the findings and medical opinions of consultants who disagreed amongst themselves as to what would constitute the best course of medical action for a minor. Why then did the court, in *Paton*, assume that the Abortion Act 1967, which is a statutory creation in which one may have to determine (at times) if it has been legally complied with, was a self-administrating instrument? Why did the court seem to think that *only* a doctor's discretion administered the Act?

It may be objected that even if the plaintiff admitted that narrow technical requirements for a lawful abortion had been met, there still might have been argued further reasons why the abortion ought not to have been granted. I realize that this is to enter into uncharted legal ground, containing conceptual difficulties about the legal use of "ought" and "is," as well as "can" and "should." But legal reasoning should not be dinted by linguistic difficulties; it should strive to solve them.

Let me put forth some cases to consider.

I may own an automobile which can go a speed of 150 mph in 10 seconds. But should I drive at that speed? Another case. I may have a Golden Credit Card which has no financial limits attached to it; but should I then proceed to create a staggering, unlimited debt with it for myself? Counsel for the plaintiff in *Paton* may have been urging these kinds of distinctions upon the court, i.e., although the defendant may, at law, have complied with the lawful requirements for a prospective termination, should she seek the abortion?

Should Court Review?

From its written judgment the court seemed to think that once two doctors had completed a medical certificate, the matter of any possible review of what they had proposed ended there. Does it? Why should not a court review it if it were urged that one lawful course of action, the abortion, might permanently harm another existing lawful relationship, the marriage? The Abortion Act 1967 does not expressly exclude spousal consent, nor does it expressly include it. But the Act, at section 1 (1), does state, ". . . account may be taken of the pregnant woman's actual or reasonably foreseeable environment. . . ."

Does this not give the court wide discretionary powers both at law and at equity to consider a woman's *actual* situation, i.e., is she married, is she unmarried?

We venture to suggest that a court can be entitled, on application of a person with a demonstrable interest — say that a live birth be given by a pregnant woman — to require satisfaction, as to due compliance with all the provisions of the Act, all conditions precedent to the lawful abortion. It would be possible for the expert evidence to be tested in cross examination, perhaps even be countered by expert evidence in rebuttal. This is not a fanciful suggestion, for in another branch of English law we have exactly procedural provisions of this kind. In the law of testate and intestate succession, any person entitled on an intestacy, by entering a caveat *in the same Family Division*, on taking thereafter such procedural steps as the Rules of Court require, can, on a minimum basis, have tested the due execution of the will sought to be proved by the executors, in accordance with the terms of the Wills Act 1837. The witnesses must go in to the witness-box; they can be cross-examined on behalf of the interested party, and questioned by the court. On a wider basis, the due execution can be denied, and evidence adduced in support of such a claim.

It seems therefore strange that a party with an interest in a live birth — we can think of persons other than the husband — should have no such procedural rights, as contrasted with persons interested only in succession to property.

In *Paton* the court said that it could not enforce an injunction against a man or a wife. Change those facts. Assuming that *Paton* were a relator action, would it not enforce any injunction granted in the event of subsequent breach? Take another example. What if during the same case, in a civil action, both parties were excessively rude and hostile to the court? Would not the court enforce its powers of contempt of court? Does it not deserve to be asked that if the court had found that an abortion was not warranted in *Paton*, then any doctor who thereafter had carried out the abortion would have committed an offense under the Offenses Against the Person Act 1861? It would not be a case of enacting a criminal penalty as dramatic as sending someone to prison; it is simply a fact that no medical practitioner would wish to be a party to an abortion to which criminal prosecution might attach. It may not be generally known that while this novel case was being argued, no private nursing home was willing to permit its facilities to be used for the intended termination sought by the second defendant in *Paton*. All private nursing homes were aware that the court has an inherent power to inquire into the proper exercise of an administrative action.

It must be remembered that *Paton* was a unique case. There did not exist many past decisions from which the court could have drawn directive principles. The court itself said,

> Nobody suggests that there has ever been such a claim litigated before the courts of this country. Indeed, the only case of which I have ever heard was in Ontario. It was unreported because the husband's claim for an injunction was never tried (688-H). [5]

We had here, then, not a case of *stare decisis;* rather, the problem was, "How to decide?"

I had said that there were extensions of *Paton* which should be considered because those extensions seem to be contained in the judgment. The first question — and it is somewhat grizzly to consider — is this: Are there limits to which a fetus may be subjected to experimentation by its pregnant mother? If a fetus has no rights in English law, and if a father may not act in interest of the fetal protection of his potential offspring, may then a pregnant woman lend herself with impunity, and without fear of legal injunction, to fetal experimentation which is hazardous, potentially dangerous, a possible cause of grave physical damage (as well as brain damage), and in which the survival of the fetus without harm to itself is marginal to poor? Could a mother now knowingly permit thalidomide experimentation upon herself so that a pharmaceutical company might have damaged, aborted fetuses upon which to perform experiments?

Let us compound the facts. Take the same facts and assume that a husband now asks his wife to have an abortion, but his wife refuses to oblige him. From the holding in *Paton*, may we assume that if a husband knew that his wife was going to permit their unborn child to be physically damaged by some novel medical experiment, that the court would be forced to sit by helplessly and would permit such questionable medical experimentation and whatever possible damage to the fetus which would directly ensue, to be content with stating to a petitioning father that his unborn child would gain legal rights in an English court only at the time of its birth, and that until then, no matter how questionable or vicious might be the medical experimentation, the unborn would have to suffer the experimentation and be content to sue for what harm it has suffered when born? And only then? We should remember that even the paper, "The Use of Fetuses and Fetal Material for Research" (HMSO, 1972) is an advisory paper only, and not law.

Considering Another Extension

I wish to consider another extension of *Paton.*

The court held that the father has no rights to be consulted in respect of a termination of a pregnancy (691-G), and then said,

> True, it (i.e., the Abortion Act 1967) gives no right to the mother either, but obviously the mother is going to be right at the heart of the matter consulting with the doctors if they are to arrive at a decision in good faith, unless, of course, she is mentally incapacitated or physically incapacitated

(unable to make any decision or give any help) as, for example, in consequence of an accident (691-G/E). [6]

With full respect to the court, this is an odd conjunction of conditions which appears to present serious problems of interpretation, taking away what the judgment earlier gave. For instance, if the court were presented with any of the conditions mentioned above, what would it do in the light of medical differences of opinion regarding an abortion, say, of an unconscious mother? This would be a matter outside of the province of the criminal law. Would the court feel that it could require expert medical testimony to be examined so that it, the court, could approve of some course of medical action? One can think of a number of examples. What of the pregnant imbecile girl, one team of doctors urging an abortion, and another claiming that she would be a healthy mother? One could be puzzled by such questions as:

1. Can the state compel one to have an abortion?
2. Does an eugenic consideration derive from the Act so that a woman who was "mentally incapacitated" or "physically incapacitated" might be directed by an order of the court to have an abortion, even if against her will (but possibly in her best interests)?
3. In the matter of guardianship by a husband or by a close relation, does such guardianship empower, under the terms of the Act, the guardian to request an abortion of the court on the grounds that the guardian was acting in the best interests of its charge?

It would appear that *Paton* persists in holding that the Abortion Act 1967 is possessed of unlimited powers and scope. On the other hand, *In re D (A Minor)* held that medical proposals, findings, and opinions are subject to review by the court at all times. Testimony of a medical expert may be subject to examination and cross-examination, and the court may take time to weigh medical evidence to evaluate if such proposals are legally permissible. By contrasting *Paton* with *In re D (A Minor)*, both civil cases, have we not a classic instance of a conflict of judicial stances, much as one might have of a conflict of law under a written constitution, with a hierarchy of legal authorities and priorities, one case urging this, another case urging that, whatever judicial choice taken, the choices are mutually exclusive? *Paton* seems to foster the belief that only criminal taint or bad faith will justify a court reviewing an order for abortion, although even this was qualified by the court, saying:

> Even then, of course, the question is whether that is a matter which should be left to the Director of Public Prosecutions and the Attorney-General (692-D).

Is this not a very strong evidentiary rule, vast in its scope, as well as being possibly unduly limiting of the powers of review of any court? We do not, I take it, wish to erect a principle which forbids a court the right of review during a case. *Paton*, even if inadvertently so, seems to

have foisted such an evidential interpretation and restriction upon the court by stating that a review of the reasons underlying the doctor's certificate can be undertaken only for a criminal cause, real or suspected.

A further implication of the judgment in *Paton* may be with reference to a theory of law, namely, that statutes, in the language of the form of the Abortion Act 1967 which embody permissive clauses for action or remedies under the statute and which base such clauses upon belief or consent formed by good will, seem to be (or are interpreted as being) statutes which are unlimited in scope, application, or restriction. The logical form which such statutes appear to possess is one akin to that kind of argument form which states, "If 'p,' then both 'q' *and* 'not-q'." Arguments which embody that logical form are patently fallacious because they permit any conclusion to follow from the premises. If this is the case — and the logic implicit in the language of the Abortion Act 1967 leads me to believe this is so — it would be a churlish critic who would fault the court in *Paton* for having demonstrated to us this fallacy, however judicially unintended was the demonstration.

I do not wish to suggest that I have solved or met all of the legal or jurisprudential problems which *Paton* may have presented or created, but in an area of the law which is so new, one must take risks to ask uncommon questions of the possible implications (for the law) of novel judgments. The Abortion Act 1967 is a little over a decade old, and one would be infected with the greatest hubris if one thought that a sound, irrefutable body of law, free from all error (venial or serious), could be developed in so short a span of time. Even in the United States of America, which tends to mix a more vigorous academic involvement into its decisions than we are wont to do, the various decisions on abortion in that country have met with serious legal and academic criticism of disfavor at those decisions. Abortion is a serious matter, and it should be guided more by the spirit of law, and less by the letter of the law, especially if the letter lacks logically dotted i's and crossed t's.

The good fortune for the legal thinker is that *Paton* did not emanate from the House of Lords. In the face of some of the internal logical difficulties in *Paton*, one doubts if such a case exhausts the logic of injunctive remedies or the working of the Abortion Act 1967.

REFERENCES

1. *Paton v. British Pregnancy Advisory Service Trustees, and Another*, (1978), 3 WLR 687.

2. The court cited *Forster v. Forster* (1790), L. Hag. Con. 144, stating that even then, in 1790, a court could not, as a matrimonial court, compel matrimonial intercourse nor did the court seek enforcement of matrimonial obligations by injunction.

3. *In re D (A Minor) (Wardship: Sterilisation)*, (1976), Fam 185; (1976) 2 WLR 279; (1976) 1 All ER 326. There is a case comment upon this decision to be found in *Law and Justice*, No. 51, Easter Term (1976), pp. 78-79. (Publisher: The Edmund Plowden Trust, Hampton, Middlesex, England).

4. Brett and Waller, *Criminal Law* (Australia: Butterworth, 1971), p. 212. This reference is in regard to the supposed latitude of the (then) new English law regarding abortion.

5. *Gaudubert v. Gaudubert* (1972), discussed by R. H. Hahlo in "Nasciturus in the Limelight," in the *South African Law Journal*, vol. 91, no. 1 (Feb., 1974). With reference to same see *Law and Justice*, no. 42, Hilary Term, (1974), p. 52.

On the matter of the unreported case to which Baker P. refers, one may note the following editorials:

1. "An Abortion Judgment that must be Appealed," *Toronto Globe and Mail*, Jan. 29, 1972.
2. "Abortion Injunction Does Not Set Aside Precedent," *idem*.
3. "Women Want No-Abortion Order Ended," *idem.*, Feb. 5, 1972.
4. "Abortion Injunction Set Aside as Husband, Wife Reach Accord," *idem.*, Feb. 9, 1972.

6. In *R v. Smith (John)* (1974) 1 All ER 375, the Court of Appeal, Criminal Division, Scarman LJ, Mackenna and Mocatta JJ. The Court, *Cur adv vult*, speaking through Scarman LJ, said this on the matter of a decision formed in good faith:

> The question of good faith is essentially one for the jury to determine on the totality of the evidence. A medical view put forward in evidence by one or more doctors as to the good faith of another doctor's opinion is no substitute for the verdict of the jury. . . . By leaving the ultimate question to a jury, the law retains its ability to protect society from an abuse of the Act (p. 381-D/F).

I would comment upon this criminal case by stating that it does not serve as authority to support the contention that a court, in a civil action, may not review the reasons (if the case) advanced for a lawful termination. It is not that the court questions "good faith"; rather, it is that the court asks how "good faith" was arrived at, and this is to ask for reasons. My reading of "good faith" is that it is the conclusion of a syllogism, after which reasons one may investigate to determine if the conclusion has been reached validly.

If one argues that the Abortion Act 1967 is an expression of a command theory of law, one may still reply that commands must be either restricted in scope (so as not to enjoin both "p" and "not-p" simultaneously), and must be coherent (so that one can determine whether "p" or "not-p" is being commanded). Of any statutory instrument or construction, the court may ask: what does it mean, and how is one to determine that the statute has been complied with?

R v. Smith (John) (1974) 1 All ER at p. 381-D/F, does not relieve the court of its reviewing powers. In *Paton*, Baker P., at p. 691-D, said of the reference to *Smith (John)*, citing it as (1973) 1 WLR 1510:

> The case put to me . . . is that while he cannot say here that there is any suggestion of a criminal abortion nevertheless if doctors did not hold their views, or come to their conclusions, in good faith which would be an issue triable by a jury . . . then this plaintiff might recover an injunction.That is not accepted by Mr. Denny. *It is unnecessary for me to decide that academic question because it does not arise in this case* (italics mine).

That such a question did not arise is precisely grounds to argue for the position that review of the reasons for a lawful termination, urged by attending physicians, is within the powers and province of a civil court hearing a case, and it is this position which I adopt with regard to *Paton. Smith (John)*, as cited, does not preclude such a review by a civil court.