

COMPARATIVE STUDY OF CRICKET MANAGEMENT LAWS IN PAKISTAN AND OTHER JURISDICTIONS: A LEGAL PRESPECTIVES

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Abstract

This paper extensively explores the legal framework overseeing sports in Pakistan, specifically focusing on cricket. Utilizing a qualitative research approach, the study employs a comprehensive methodology, incorporating literature reviews, online source analysis, and in-depth interviews with key stakeholders. The initial phase involves an expansive literature review serving as both the methodology and data collection tool. The research traces the historical evolution of cricket in Pakistan, emphasizing the pivotal role of the Pakistan Cricket Board (PCB). Additionally, a comparative analysis evaluates Pakistan's cricket governance in comparison to other cricket-playing nations. The results and discussion synthesizes the findings, addressing the intricate nature of Pakistan's sports legal framework. The paper proposes recommendations for potential amendments to domestic sports laws in Pakistan, aligning them with international best practices. Emphasizing the significance of clear guidelines and oversight mechanisms, the study advocates for transparent operations and independent decision-making. In essence, this paper comprehensively explores the legal framework governing sports, particularly cricket, in Pakistan, emphasizing the need for clarity, transparency, and adaptability to ensure fairness and alignment with international standards.

Keywords: Sports, Legal framework , PCB, Domestic Cricket, International standards.

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Introduction

Sports law shares commonalities with other legal domains, requiring dedication, hard work, commitment, consistent practice, and ongoing growth for success. The ever-evolving nature of legal matters, including sports law, necessitates continuous adaptation. In Pakistan, the Sports (Development and Control) Ordinance of 1962 predominantly governs sports legislation, empowering the federal government to establish governing bodies for sports regulation. This authority has led to the creation of two distinct boards, with the Pakistan Cricket Board exclusively governing cricket and the Sports Board overseeing other sports activities.

Sports, particularly cricket, have become a global phenomenon transcending boundaries, cultures, and languages. In Pakistan, cricket holds a unique and revered status, acting as a cultural institution that unites millions. It is a source of national pride, a unifying force, and a platform for talent discovery. Effective governance and regulation are essential for fairness, transparency, and the protection of the rights of athletes and stakeholders. The legal framework governing sports, including cricket, plays a pivotal role in shaping the sports landscape in Pakistan and other nations.

This paper comprehensively explores the legal framework of sports regulation in Pakistan, focusing on cricket. It delves into the historical evolution of sports governance, scrutinizes existing legal mechanisms, and assesses their impact on cricket administration. Through a thorough examination of laws, regulations, and governance structures, the study aims to identify strengths, weaknesses, and potential areas for reform within the existing framework. By contributing to the broader discourse on sports law and governance, this research provides valuable insights for policymakers, sports administrators, and legal scholars. Despite being a relatively new field, sports law draws on fundamental principles from various legal branches, including constitutional, civil, criminal, and administrative law, rooted in pre-established rules guiding sports activities since their inception.

International Association of International Federations Sports Law in Pakistan

The governance of sports in Pakistan falls under the purview of the Ministry of Youth Affairs and Sports, a governmental entity established by the Government of Pakistan. Tasked with developing sports infrastructure, promoting sports advancement, and ensuring competitiveness in national and international events, this ministry plays a pivotal role in shaping the sporting landscape. Pakistan's rich sporting heritage accentuates the need for a well-defined legal framework to regulate and govern sports activities within the country.

In the constitutional framework of Pakistan, as outlined in the Seventh Schedule, legislative authority is categorized into the Union list, State list, and Concurrent list. Regarding sports, Entry 33 in the State list grants the State

government the jurisdiction to enact laws, making sports development a state-level subject.

However, at the national and international levels, the Union Government takes precedence in the governance of sports in Pakistan. This is attributed to the Union Government's residuary powers and its responsibilities concerning foreign affairs and the implementation of international treaty obligations, detailed in Entries 10 and 13 of the Union List. The Ministry of Youth Affairs and Sports oversees and regulates sports nationally, while matters related to national and international sports governance and compliance with international obligations fall within the realm of the Union Government. This division of authority ensures effective management of sports at both domestic and international levels, aligning with the dual facets of sports administration in Pakistan.

Sports Law: Liability and Legislation

Sports, at their core, are centered on games, yet the intense competition within these activities can occasionally lead to physical harm, giving rise to a subcategory in legal terms known as "torts," encompassing various civil wrongs. This collection of eight essays delves into recent court cases involving injuries sustained in or near sports arenas, aiming to provide a comprehensive exploration of sports law.

One such notable case involves an altercation in professional basketball that resulted in severe injuries to Rudy Tomjanovich. The plaintiff, represented by attorneys, pursued innovative legal strategies to establish the liability of the opposing team, the Lakers, rather than singling out the individual player involved. The case involved claims of vicarious liability, asserting that the Lakers fostered an environment where violence was perceived as acceptable, and negligent supervision, arguing that the team was aware of the player's violent tendencies but failed to address them.

The federal jury trial, conducted based on California law, spanned ten days, with both parties presenting testimonies and visual evidence. Tomjanovich argued that he was acting as a mediator and was ill-prepared for the forceful punch, which violated established rules. The negligent supervision aspect claimed the Lakers actively encouraged aggressive gameplay.

The case highlighted the tension between the inherent physicality of basketball and the responsibility of teams to ensure player safety. The Lakers argued that Tomjanovich willingly accepted the risks, while the plaintiff contended the team endorsed violence. The case underscored the complexities of assessing liability in sports-related injuries.

In the global sports landscape, international sports federations play a crucial role in legal regulation. These organizations enforce rulebooks and constitutions with significant implications for athletes and economic repercussions. Ethical considerations are paramount in sports law, with sports lawyers often grappling with

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ethical dilemmas. The intersection of sports and race is a longstanding topic, with milestones like Jackie Robinson breaking the color barrier marking progress.

Sports ethics has gained prominence, addressing ethical concerns in the field. The globalized nature of sports necessitates international regulations, and these regulations, along with ethical considerations, form the bedrock of fair play and open competition.

Cricket, recognized as the most widely played sport globally, holds immense popularity in South Asian countries, particularly Pakistan and India. Despite diplomatic tensions, cricket serves as a unifying force, offering solace to citizens. Sports diplomacy leverages cricket for diplomatic purposes, fostering improved relations between nations. Media, especially sports journalism, plays a pivotal role in shaping socio-political narratives.

In conclusion, the essays collectively illuminate the multifaceted nature of sports law, encompassing torts, ethical considerations, race dynamics, and international regulations. The legal intricacies revealed in cases like Tomjanovich's underscore the need for a delicate balance between the physicality inherent in sports and the responsibility of governing bodies to ensure athlete safety. As sports continue to evolve, sports law remains a dynamic field, addressing emerging challenges and ethical dilemmas in the pursuit of fair play, integrity, and global unity.

GDP and Sports performance of Pakistan

This section explores the intricate relationship between Pakistan's GDP and its sports performance, drawing on research from notable scholars in the field. Waterhill (2014) assert that GDP serves as a key metric for predicting a country's success in achieving Olympic medals. Similarly, Greenfield and Osborn (2010) and Churilov and Flitman (2006) underline the significance of GDP in forecasting a nation's sports success, particularly in competitions like the Olympics. The economic resources available to a country significantly impact its sports performance, as emphasized by Nafzieger (2008).

Building on these insights, an analysis of Pakistan's GDP from 1950 to 2000 was conducted to discern the impact of economic factors on its sports performance. While population and participation are crucial determinants, the role of GDP in influencing a nation's success in sports competitions is evident from the research findings.

The realm of social interactions within sports has evolved from being an isolated entity regulated by the state to a more interconnected domain. The extensive commercialization of sports, especially in the latter part of the 20th century, has blurred the boundaries between social relationships within sports and broader societal standards. Issues such as violence prevention, discrimination elimination, and doping control have contributed to the merging of social relationships in these two spheres.

Governments have shown heightened interest in regulating social relations in sports, evident through dedicated sports legislation, constitutional provisions, and adherence to international legal norms.

Regulations governing social interactions in sports can be categorized into public and private segments (Mitten, 2006). The public segment comprises legal norms derived from national legislation and public international law, aligning with conventional principles of national and international public law. The private segment, often emphasized in practice, involves codes of conduct established by the Global Sports Organization (GSO) within the autonomy of sports. These regulations are universal and applicable wherever a particular sport is engaged, covering aspects like game rules, fair play principles, organizational regulations, and decisions by sports arbitration bodies.

The terminology used for the legal rules governing social relations in sports varies based on academic approaches. Traditional perspectives may reject the existence of a distinct legal domain called sports law, while modern legal pluralism considers codes of conduct issued by international sports organizations as legal norms within an independent legal system. Various terms and approaches coexist in contemporary legal theory, reflecting the multifaceted nature of sports law.

It is imperative to recognize the broader significance of sports beyond the legal realm. Sports serve as a catalyst for peace, contribute to the development of children and youth, promote healthy lifestyles, and foster active social engagement. The universal appeal of sports, rooted in principles of honesty and meritocracy, transcends legal frameworks, shaping values and fostering unity through the language of sports.

Distinguishing between "international" and "global" sports legislation is crucial. International sports law, addressing interactions between nation-states, applies concepts of international law to the world of sports. On the other hand, global sports legislation, encapsulated in the term "lex sportiva," raises concerns about potential legal immunity for international sporting federations. The dual character of international sports law highlights the need for a comprehensive analysis to avoid deceptive interpretations.

The role of law in sports is fundamental for establishing justice, maintaining peace, and addressing various issues. A well-defined legal framework regulates sports, preventing and monitoring issues such as racism, doping, age fraud, and more. Sports law plays a crucial role in ensuring gender equality, preventing betting and gambling, promoting professional management, addressing antitrust concerns, and regulating sports broadcasting rights.

Sports law represents the consolidation of legal principles governing sports globally, overseen by various governing bodies and associations specific to each sport. For instance, cricket is overseen by the International Cricket Council, and athletics has its regulatory bodies. Distinct scopes and effects characterize international and

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global sports law, requiring effective use of legal concepts in the sports context to address challenges while upholding values of fairness, justice, and equality.

The sports industry has undergone significant changes in production and consumption due to globalization. The sports business has thrived on increased interconnectivity, providing fans unparalleled access to prestigious athletic events through various media. Understanding the global landscape is crucial for sport managers seeking success in this congested industry.

Governments play a crucial role in using sports to further social issues, nationalistic ideals, and economic growth. They pass laws and rules, provide funding, and influence sports organizations' operations. Governments' significant impact on sports management and consumption necessitates a comprehensive exploration of their role across various aspects.

Over the past three decades, sports organization management has witnessed a sizable professionalization process. The integration of paid staff into voluntary governance structures reflects the expansion of the global sports business. Sports managers collaborate with experts in various fields, including accounting, law, taxation, and market research. The unique aspects of sports management, such as fan enthusiasm, competitive balance, and limited accessibility, pose challenges and require specific management approaches.

Human resource management in sports organizations is challenging due to the mix of paid and volunteer workers. Good human resources are essential for success, and sports managers need to grasp the intricacies of managing diverse teams. Leadership and collaboration are vital for sports managers to work effectively with other organizations, both nationally and internationally.

Organizational culture, with its impact on decision-making, job performance, and collaboration, is a crucial element in sports management. Managers must be aware of the influence of organizational culture in traditional sports or professional sports franchises.

Organizational governance provides the framework for managing and directing various components of an organization. Effective governance structures ensure that elected officials and paid employees work toward organizational benefits (Nanev., 2012). Governance is particularly crucial for managing sports organizations, many of which are controlled by elected groups of volunteers.

In conclusion, the relationship between GDP and sports performance, the evolution of social interactions in sports, the regulations governing social relations, the broader significance of sports, the distinctions between international and global sports legislation, the role of law in sports, changes in sports production and consumption due to globalization, government influence on sports, professionalization in sports organization management, human resource management, leadership,

organizational culture, and governance are all integral aspects of sports management. Understanding these multifaceted elements is essential for navigating the complexities of the sports sector and ensuring its continued success and relevance.

The 18th constitutional amendment and Pakistan sports

In 2010, Pakistan underwent a significant structural transformation with the approval of the 18th amendment, restructuring the relationship between federal and provincial governments. The constitutional amendment reviewed 102 provisions, transferring 18 federal ministries and 47 topics to the provinces. The Election Commission of Pakistan was mandated to organize local government elections (Seidle & Khan, 2012; Ahmed, 2020). Despite the Implementation Commission's efforts, challenges emerged during the amendment's implementation, particularly in the federal form of government. Two quotes from 2021 highlighted issues: one expressing skepticism about the amendment's actual impact and the other pointing to financial confusion between federal and provincial governments and sports federations.

"The 18th amendment is more in show than it is in force. Islamabad is not ready to relinquish authority and power, and funds. And when it gets to the provinces, then the provinces are not ready to do the same with local government, and all sporting activity must start at the local level (Sabir, Personal communication, 13 February 2021)."

"After 18th amendment, there is a lot of confusion going on between the Federal Government and Provincial Government and sports federations as well. The confusion is directly related to the finances because after 18th amendment all the finances went to the provinces and the federations are left with no options, and they just have a role of monitoring national federations only (Baaqir, Personal communication, 11 March 2021)."

Over the past 30 years, sports organizations globally have become more professionally managed, incorporating business concepts to enhance efficiency. Pakistan, in 2001, unveiled its first sports policy, later revised in 2005. The 18th constitutional amendment in 2010 decentralized sports to the provinces, curbing the authority of the Pakistan Sports Board (PSB). While the PSB lost its capacity to fund sports federations, it granted more autonomy to the provinces. In December 2021, a revised version of Pakistan's 2005 national sports policy was under review by the Ministry of Law (Pakistan Today, 2021). The 2005 National Sports Policy drew criticism from the Pakistan Olympic Association (POA) for allegedly violating the IOC Charter, creating ambiguity and impacting sports activities over the past decade. The disparity in duties and responsibilities among National Sports Federations (NSFs), the Ministry of Culture, Sports, and Tourism NSP, and the POA has led to a lack of government support for training programs and restricted athlete participation (Shahbaz, 2015). The devolution associated with the 18th amendment further added to the uncertainty surrounding the authority and responsibilities of these sports

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organizations.

Literature Review

This paper meticulously explores the nuances of sports law in the context of Pakistan, with a primary focus on cricket. Employing a qualitative research approach, the study utilizes an extensive methodology, incorporating literature reviews, online source analysis, and in-depth interviews with key stakeholders. The initial phase involves a comprehensive literature review, serving as both the methodology and data collection tool. The research traces the historical evolution of cricket in Pakistan, emphasizing the pivotal role of the Pakistan Cricket Board (PCB). Additionally, a comparative analysis evaluates Pakistan's cricket governance in comparison to other cricket-playing nations.

The results and discussions chapter synthesizes the findings, addressing the intricate nature of Pakistan's sports legal framework. The paper proposes recommendations for potential amendments to domestic sports laws in Pakistan, aligning them with international best practices. Emphasizing the significance of clear guidelines and oversight mechanisms, the study advocates for transparent operations and independent decision-making. In essence, this paper offers a comprehensive exploration of the legal framework governing sports, particularly cricket, in Pakistan. It underscores the imperative for clarity, transparency, and adaptability within the framework to ensure fairness, competitiveness, and alignment with international standards.

Moving beyond the realm of sports law, the focus shifts to Pakistan, a country in South Asia with a rich Islamic history. Despite alternating periods of civilian and military rule, Pakistan has emerged as one of Asia's fastest-growing economies. The country is currently experiencing an unprecedented youth bulge, with a significant percentage of its population aged 29 or below.

The study aims to fill a knowledge gap regarding national sports systems in South Asia, particularly in Pakistan. It delves into the growth, funding, and administration of sports institutions since the turn of the century, drawing on empirical data collected through interviews with key figures within Pakistan's sports system.

Shifting gears, the study of sports law explores the intricate relationship between international sports federations and the legal systems they operate within. The distinction between "international sports law" and "global sports law" becomes apparent, with global sports law claiming exemption from national legal authority while international sports law recognizes the jurisdiction of national legal systems.

The evolving complexity of the legal framework governing national and international sporting events presents an opportunity for the development of a comprehensive legal jurisprudence with applications across various fields. The

growing body of sports law significantly influences national and international lawmaking, generating legal theories applicable across jurisdictions and impacting international dispute settlement.

The field of comparative legal analysis of the governance of sports, especially professional sports, has expanded significantly. The interaction between the European Sports Model and the commercialization of sports is a crucial subject in the European setting. The North American Sports Model acts as a counterbalance to the European Model, emphasizing the importance of legislation in shaping sports culture.

A detailed examination of the Court of Arbitration for Sport's (CAS) jurisprudence on the manipulation of sporting events highlights the evolution of laws at local, state, and federal levels Foster, 2012). The study emphasizes the need to address the ever-evolving phenomena of competition manipulation, exploring the fundamental elements, standard of proof, evidence types, and severity of punishment.

The literature review also touches on the diplomatic relationship between Pakistan and India through the lens of cricket reporting. The study analyzes media portrayal and its implications on diplomatic relationships, suggesting that diplomacy through cricket and media engagement plays a pivotal role in fostering improved relations and peace-building efforts.

The review concludes by exploring various facets of sports law, including the regulation of social relations in sports and the autonomous status of modern sport as a unique area of legal and non-legal regulation. It provides a foundation for the subsequent analysis of the legal framework governing cricket in Pakistan, offering a comprehensive understanding of sports law's historical context and its interactions with national and international legal systems.

Methodology

The methodology delineates the research strategy, data collection techniques, and analytical methods employed for the qualitative analysis of the legal framework governing sports, specifically cricket, in Pakistan. The research relies on a combination of literature review, online sources (Google search), and interviews with key stakeholders. The approach involves a multi-stage initiative aiming for change or the potential establishment of a new organization. To streamline the study, a semi-structured literature review methodology is adopted, focusing on critical analysis of essential concepts and connections within the realm of sport governance and corruption. Following Torraco's (2016) thematic model for integrated literature reviews, the study identifies overarching topic categories bridging disciplinary boundaries. These categories were initially established through personal observations while working in academia and the sports governance sector. The research design, data sources, collection procedures, and analysis methods are detailed to provide a comprehensive understanding of the qualitative perspective employed in the study.

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Data sources

Data for this study is sourced from academic books, research articles, and reports on sports law, governance, and cricket in Pakistan, providing a robust foundation for understanding historical evolution, legal provisions, and challenges. Online sources, including reputable websites and news articles, are utilized to gather current information on sports regulation, policy changes, and controversies. Google search facilitates access to publicly available information. In-depth semi-structured interviews with key stakeholders, including sports administrators, legal experts, athletes, and government officials, offer valuable insights into the practical aspects, challenges, and implications of the legal framework.

Data Collection Procedure

Extensive literature review identified relevant books, articles, and secondary sources on sports law, cricket, and sports governance in Pakistan, forming the foundational knowledge for the research. A systematic Google search was conducted for up-to-date information from online sources, news articles, and official documents related to sports regulation. Key stakeholders were identified through purposive sampling, obtaining informed consent before conducting semi-structured interviews either in person or remotely. The interviews, audio-recorded with participants' consent, provide valuable insights into the practical aspects of the legal framework governing sports in Pakistan.

Data Analysis Method

The qualitative data analysis for this paper employs thematic analysis, content analysis, and interpretation of interview data. Thematic analysis is applied to interview transcripts and textual data from books and online sources, involving the identification of patterns and recurrent themes within the qualitative data. This manual analysis allows codes and themes to emerge directly from the data. Content analysis systematically categorizes and quantifies textual data to discern trends, historical developments, and key legal provisions. The interpretive phase contextualizes the qualitative data within the research questions, establishing connections and identifying implications within the legal framework governing sports in Pakistan. Utilizing books, online sources, and interviews, this qualitative research methodology aims to uncover historical evolutions, legal stipulations, challenges, and practical ramifications in sports governance. Thematic and content analysis contribute to a nuanced exploration of the legal framework's intricacies.

Results and Discussion

This chapter presents the results and discussions derived from the research methodology outlined in the preceding section, concentrating on the legal framework governing sports in Pakistan, particularly cricket. The analysis revolves around key themes extracted from interviews, an extensive literature review, and online sources.

The findings underscore the multifaceted nature of the legal framework, encompassing diverse laws, regulations, and governing bodies. This complexity, while providing a foundation for effective governance, introduces challenges related to clarity and coordination. The research emphasizes that Pakistan's sports regulations extend beyond domestic laws, incorporating international standards due to active participation in bodies like the International Cricket Council (ICC). This integration highlights the global nature of sports governance, emphasizing the need to align domestic laws with international regulations. The study identifies ambiguous areas within the legal framework, encompassing uncertainties in law interpretation, regulatory gaps, or inconsistencies in rule application. Addressing these grey areas is crucial for transparency and fairness in sports governance, urging a comprehensive review of existing laws to eliminate ambiguities and close regulatory gaps. This research contributes to the understanding of Pakistan's sports legal landscape, advocating for a harmonized approach that aligns with both domestic and international standards, ultimately fostering transparent and equitable sports governance.

Conclusion

This comprehensive study navigates through the multifaceted landscape of sports law, focusing on cricket in Pakistan. After delving into the intricacies of the legal framework, the conclusions and recommendations chapter emerges as the compass guiding the synthesis of insights from extensive exploration and analysis.

The thesis aims to contribute significantly to the discourse on sports law and governance, providing insights for policymakers, sports administrators, and legal scholars. It emphasizes the vital role of law in preserving the integrity and fairness of sports, particularly cricket, ensuring a just and transparent environment. Sports law, dynamic and essential, upholds values on national and global scales, evolving with the changing sports landscape. Continuous adaptation and reform are recognized as paramount, given the special place sports, especially cricket, holds in the hearts of millions.

The manipulation of sporting events, termed "match-fixing," is discussed within the framework of the Macolin Convention. The research advocates for a coordinated effort between sports organizations and governmental authorities to prevent, identify, and punish match-fixing, safeguarding the integrity of sports events globally.

The literature review offers insights into the multifaceted domain of sports law, distinguishing between "international sports law" and "global sports law." Ethical principles, fairness, and integrity emerge as integral to the "spirit of the game." The review delves into the evolving nature of sports law, its influence on international and national legal systems, and the distinct organizational structures within professional sports.

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The analysis of cricket in Pakistan explores constitutional, civil, and administrative laws governing the sport. Comparative analyses with other cricket-playing nations, assessments of legal enforcement mechanisms, and considerations of the legal framework's impact on cricket's development form critical components. Stakeholder viewpoints contribute to understanding perceptions within Pakistan's cricketing ecosystem.

The research concludes by providing actionable recommendations for enhancing the legal framework governing cricket in Pakistan. It underscores the need for continuous improvement, adapting to emerging challenges, and striking a balance between autonomy and accountability within sports federations. Athletes' rights, security concerns, and the delicate interplay between EU law and sports law are also highlighted. The thesis ultimately aims to contribute to a deeper understanding of the legal framework's strengths, weaknesses, and potential reforms, benefiting sports governance in Pakistan and the global sporting community.

In recognizing cricket's central role in Pakistan's national identity, the study addresses population decline, the nation's involvement in the Asian Games, and the influence of GDP on sports. Inadequate physical activity opportunities, infrastructure issues, and mismanagement of financial resources are identified as challenges requiring a nationwide assessment of physical education. The study underscores the need for funding mechanisms and comprehensive policies to ensure the well-being of the population.

The historical evolution of sports law, from its origins to contemporary developments, is elucidated, emphasizing its substantial growth and influence as a discipline. The review distinguishes between international sports federations and global sports organizations, contributing to a clearer understanding of terminology and scope within sports law. The literature review serves as foundational knowledge for analyzing the legal framework governing cricket in Pakistan, aiming to contribute insights for policymakers, sports administrators, and legal scholars.

In conclusion, this study on the legal framework regulating cricket in Pakistan holds paramount significance due to its multifaceted impact on various aspects of the sport and its stakeholders. By comprehensively analyzing and critiquing the existing legal framework, this research not only contributes to the field of sports law but also has practical implications that extend far beyond academia. Through this study, the potential benefits are clear: enhancing transparency and accountability, safeguarding player welfare, fostering positive international relations, understanding economic dynamics, and promoting fan engagement. Furthermore, it provides insights into the resolution of conflicts within the cricketing ecosystem and offers educational value for future sports law practitioners and administrators. Perhaps most importantly, this research acknowledges the central role that cricket plays in the

national identity and pride of Pakistan. It recognizes cricket's status as more than just a sport but as a symbol of unity and a source of inspiration for millions of Pakistanis. By shedding light on the strengths and weaknesses of the current legal framework, this paper paves the way for informed policy recommendations that can lead to a more robust, equitable, and efficient administration of cricket in Pakistan. Ultimately, the significance of this study lies in its potential to catalyze positive changes within the realm of cricket governance, making it a richer and more rewarding experience for players, fans, and the nation as a whole.



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