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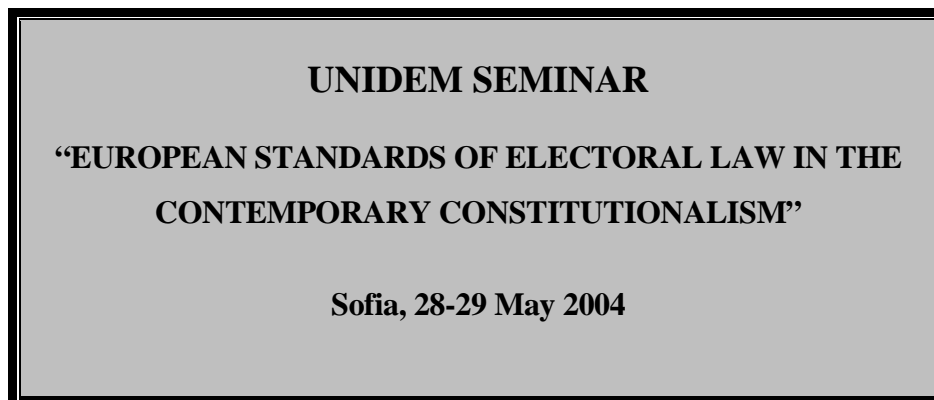
THE SPANISH SYSTEM OF
PROPORTIONAL REPRESENTATION AND ITS LIMITS,
ACCORDING TO THE CONSTITUTIONAL COURT

Report by

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I.   Introduction: elections, politics and law

One of the clearest trends in contemporary constitutionalism is the progressive extension of the Rule of Law. The idea of Government through law reaches spheres where politics ruled peacefully up to recent times. The idea of Politics caught up by the Law (*La politique saisie par le droit*) has quite recently arrived at the realm of electoral systems, usually considered as a purely political decision, basically conditioned by historical and traditional data.

Constitutional Law is the sphere where Politics and Law find each other. Both claim for their own autonomy and rules. But sometimes they must agree. And it must happen very particularly in the sphere of electoral law.

In any democratic context, elections are the basic instrument for the political system to be legitimate and accepted by the citizens. But under the rule of law, all power must be submitted to constitutional or legal rules. Even the power to choose those who govern. Elections are an essentially political process. But they have to be held under juridical (constitutional and/or legal) conditions.

In that framework, constitutional and legal norms have adopted the commonly accepted standards of electoral law in democratic countries. Standards which refer to essential constitutional principles such as freedom (free elections and secret vote) or equality (universal suffrage, equal vote and equal opportunities). But of course these principles have to be respected by electoral rules. Rules which, in many cases, are founded in national traditions, cultures and experience. And sometimes both spheres conflict.

II.   Majority and Proportional electoral systems

 The conflict between political traditions and basic constitutional principles appears quite clearly when considering the problems faced by the majority electoral systems, which have found growing and important theoretical difficulties to defend themselves. Majority systems usually have a traditional origin. Historically, the first democratic electoral systems were based on majority rules (Great Britain, United States, France…). Nonetheless, in the XXth Century, the extension of democratic principles and the strength of the principle of equality have given place to the rise of proportional representation (PR) systems.

In very general terms, it is commonly accepted that majority systems favour the formation of clear parliamentary majorities, but at a high cost in terms of a proportional –fair- representation of political parties. On the contrary, proportional systems usually guarantee a high level of "justice" or fair representation, because the political composition of Parliament more or less reflects the political distribution of the voters. But this "justice" usually has a certain cost in terms of difficulties for forming clear majorities, which may assure stable governments.

At the end, the conflict between "majority" and "proportional" systems may be presented as a conflict between stable government and fair representation, between efficiency and justice or equality. As Tocqueville foresaw almost two hundred years ago, this is the time of equality. And, in the electoral context, equality usually means proportionality.

That notion is quite clear in the European Union framework. Despite of their different political cultures and institutional arrangements, all the 15 members of the EU used PR systems in the

last 1999 elections to European Parliament. Even Great Britain left its traditional, majority, "first-past-the-post" system, as France had also done before, although they both keep their respective majority systems for legislative, national elections. The Italian case is remarkable because it is a "new" majority system, the only proportional country which has adopted an essentially majoritarian model for legislative elections. But it has conserved the proportional system for european elections. With those antecedents, it is not strange that the Council of the EU decided, on may 2002, to reform the 1976 rules for the election of the European Parliament, establishing in the new article 1 that the EP members will be elected according to proportional rules.

This tendency towards proportionality seems thus to be clear. The purpose of this paper is to show, first, how the Spanish electoral system, based on proportional principles, has nonetheless taken into account different factors which reduce proportionality and favour the formation of parliamentary majorities; and, second, how the Constitutional Court has had to define the constitutional principle of proportionality and its possible limits.

III.   The Spanish electoral system: proportional but not too much

1.   The constitutional and legal framework

The Spanish political transition from the authoritarian Francoism to Democracy finished with the enactment of the 1978 Constitution (hereinafter, C.), which set up a democratic, parliamentary regime similar to others in Western Europe. The Spanish Parliament, the *Cortes Generales*, is composed of two Chambers: the Congress of Deputies and the Senate. The Senate is conceived, as in many other countries, as "the House of territorial representation", and is formed basically for four senators elected in any of the 50 Spanish provinces, and a number around 50 elected by the Legislative Chambers of the 17 Autonomous Communities (one Senator for any Community, and another for every million inhabitants in any of them).

In any case, the most important Chamber is the Congress of Deputies. As usual, this Lower Chamber votes the Prime Minister and can censure him, thus provoking the fall of the Government. It consists of a minimum of 300 and a maximum of 400 members elected "on the basis of proportional representation", in provincial constituencies (art. 68 C.). Constitutional rules are, of course, developed by the Organic Law 5/1985, on the General Electoral Regime (LOREG), which opts for the D'Hondt formula, applied on 50 provincial constituencies, to elect 350 deputies.

The constitutional principle for the election of the Congress of Deputies is, then, that of Proportional representation. A principle linked, as we have already pointed out, with the values of equality and justice, considered as "highest values" of the Spanish legal system (article 1.1 C.), and which have a particular meaning in the field of political representation, as the article 23 C. makes clear: "1. Citizens have the right to participate in public affairs, directly or through their representatives, freely elected in periodic elections by universal franchise. 2. They likewise have the right to access *on equal terms* to public office, in accordance with the requirements laid down by the law".

Nevertheless, all the elections held in Spain have shown that the electoral rules do not assure strictly proportional results. In fact, the Spanish electoral system produces a relatively quite important deviation from strict proportional results.

2. The results

Some examples can make it clear. Table 1 shows the results of the last Spanish general elections, held on 14 march, 2004, in votes and seats:

TABLE 1

1. Parties	2. % of votes (Number of votes)	3. % of seats (Number of seats)	4. Difference 3-2 (% seats - % votes)
1. Socialist Party (PSOE)	42'64 % (10.909.687)	46'85 % (164)	+ 4'2
2. People's Party (PP)	37'64 % (9.630.512)	42'28 % (148)	+ 4'6
3. United Left (IU)	4'96 % (1.269.532)	1'42 % (5)	- 3'5
4. CiU (Convergence and Union, catalonian nationalists)	3'24 % (829.046)	2'85 % (10)	- 0'4
5. ERC (Republican Left of Catalonia, catalonian nationalists)	2'54 % (649.999)	2'28 % (8)	- 0'26
6. PNV (Basque Nationalist Party)	1'63 % (417.154)	2 % (7)	+ 0'37
7. CC (Canarian Coalition, regionalists)	0'86 (221.034)	0'85 % (3)	=
8. Other nationalist parties (BNG, CHA, EA, Na-Bai)	1'73 % (440.736)	1'42 % (5)	- 0'3
9. Others (Non parliamentary parties)	*Circa* 4'75 %	0'00 (0)	- 4'75

Data: Spanish Ministry of Interior (www.elecciones.mir.es/elecmar2004/congreso)

In terms of proportionality, the distribution of seats permits to draw some conclusions. In particular, that the (two) major parties are overrepresented, whilst the third and minor parties are underrepresented.

That is true especially in the national sphere: the two greater parties, PSOE and PP, do usually have a greater percentage of seats than of votes. This is because, as we will see, they are the two leading parties in most of the Spanish constituencies. On the contrary, United Left (IU), is the third party in the majority of the Spanish constituencies, which do not have nationalist parties; and the fourth (in Galice, Canary Islands or Navarre) or even the fifth (in Catalonia or the Basque Country, among others) where (usually, leftist) nationalists or regionalists are strong. The result is an important loss in terms of proportional representation in the Chamber.

The same result can be observed in the regional level, where there are many parties which do not win seats (most of them, little regionalist parties, which have more incidence in local and regional elections), and whose votes are also "lost" in terms of representation.

3. The causes of disproportionality

Technically speaking, the "problem" (in terms of proportionality) is due to the small size of Spanish constituencies. 350 deputies for 50 (in fact, 52) constituencies implies a medium size of 7 deputies elected in any constituency. The Spanish Electoral Law sets up an electoral threshold of 3 % of the votes for any party to participate in the allocation of seats. But it is not a 3 % at national level. In fact, as shown in Figure 1, only 4 out of 11 parliamentary parties got more than a 3 % of the valid votes all over Spain. Nor even at a regional level: the threshold only acts at constituency level. But, speaking once again in purely technical terms, this 3 % threshold is useless in almost all constituencies. Because if they have only 7 seats to allocate, the electoral quota, and therefore the medium threshold, is well over 10 % (100/7).

And, in fact, there are many constituencies (more than a half) which only elect 3, 4 or 5 deputies. If there is only 3 or 4 seats to allocate, it is very difficult to obtain any of them with less than 20% of the votes. In most of these constituencies, all the seats are allocated to the two major parties, so that minor parties, which have 5, 10 or 15 % of the votes, can only gain seats in greater constituencies, such as Madrid (35 seats), Barcelona (31) or Valencia (16), where the "technical" threshold may be close to 3 to 5 %. In other words, most of the Spanish constituencies work as majoritarian.

Therefore, first and second parties in most constituencies (PSOE and PP all over Spain; and PNV in the Basque Country) are overrepresented (have higher percentages of seats than of votes). On the contrary, parties which almost always are third or even less, as IU, are strongly underrepresented.

These results have been produced in all nine general democratic elections since the Spanish political transition[1]. The only differences are in the name and the number of the parties. From 1977 to 1982, the two great national parties were the PSOE and the centrist UCD. Since then, PSOE and the centre-right PP (with different names between 1982 and 1989). But, in all cases, they both had higher percentages of seats than of votes. When looking closely to the data, it is also evident than the winner party always gets the maximum benefit:

TABLE 2

Election	Winner Party	Votes (%)	Seats (%)	Diff.	Second Party	Votes (%)	Seats (%)	Diff.
2000	**PP**	*44'52*	*183 (52'3)*	*+7'8*	**PSOE**	*34'16*	*125 (35'7)*	*+1'5*
1996	**PP**	*38'79*	*156 (44'6)*	*+5'8*	**PSOE**	*37'63*	*141 (40'3)*	*+2'7*
1993	**PSOE**	*38'78*	*159 (45'4)*	*+6'64*	**PP**	*34'76*	*141 (40'3)*	*+5'5*
1989	**PSOE**	*39'60*	*175 (50'0)*	*+10'4*	**PP**	*25'79*	*107 (30'6)*	*+4'8*
1986	**PSOE**	*44'06*	*184 (52'6)*	*+8'5*	**PP**	*25'97*	*105 (30'0)*	*+4'0*

Data: Spanish Ministry of Interior (www.elecciones.mir.es/MIR/jsp/resultados)

With reference to the number of national relevant parties, between 1977 and 1989 they were four: besides the "two majors", at the beginning, the Communist Party, PCE, and the conservative AP; afterwards, the PCE and a centrist party UCD-CDS; since 1986, IU and CDS. A fourth national party which, of course, was also underrepresented.

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[1] 1977, 1979, 1982, 1986, 1989, 1993, 1996, 2000 and 2004.

TABLE 3

Election	Third Party*	Votes (%)	Seats (%)	Diff.	Fourth Party*	Votes (%)	Seats (%)	Diff.
2000	IU	5'45	8 (2'28)	-3'17	GIL	0'31	0 (0)	-0'31
1996	IU	10'54	21 (6'0)	-4'54	LVE	0'25	0 (0)	-0'25
1993	IU	9'55	18 (5'14)	-4'41	CDS	1'76	0 (0)	-1'76
1989	IU	9'07	17 (4'85)	-4'22	CDS	7'89	14 (4'0)	-3'89
1986	CDS	9'22	19 (5'42)	-3'8	IU	4'63	7 (2'0)	-2'63

Data: Spanish Ministry of Interior (www.elecciones.mir.es/MIR/jsp/resultados)
* The third and fourth parties considered are only those of national scope (i.e., excluding nationalists parties)

In conclusion, and even when other factors are evidently relevant (in particular, the distance between the first and the second party: the greater the distance, the greater the benefit for the first), the basic cause of disproportionality is the small size of constituencies, which makes very difficult a real application of the principle of proportional allocation of the seats.

4. The criticism of political scientists

The consequence is that the Spanish electoral system has been often criticised as non-proportional, and since 1978 there have been voices claiming for its reform in a "proportional" way.

In fact, political scientists have often considered that in general, Spanish electoral system is closer to majority than to proportional systems. Therefore, it should be defined as majoritarian (even attenuated) rather than as proportional (even if it is qualified as imperfect). It has even been said that considering the Spanish electoral system as proportional can only be understood as the result of a non critical, pseudo-constitutionalist or simply nominalist perspective, based on the inertia caused by the constitutional wording[2].

Douglas W. Rae, one of the leading experts in electoral systems, distinguishes two different "families" of proportional systems: those "highly" proportional and those which are "slightly" proportional. The latter are those which are proportional, but accept the fact that "elections must decide on decision-making… An election is less a question of drawing a portrait than of taking a decision, less a question of reproducing differences than of directing… a country, less a question of resembling than of making". With reference to the Spanish system (which, of course, "will not be qualified for the Olympics of proportionalism, which is not, in my view, any disgrace"), he considers that it "is a kind of proportionalism which leads to a decision: the system does not intend to take a photograph of the electorate and to put it in the Chambers"[3].

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[2] See José Ramón MONTERO and Richard GUNTHER, "Sistemas cerrados y listas abiertas: sobre algunas propuestas de reforma electoral en España", in VV.AA., *La reforma del régimen electoral*, Centro de Estudios Constitucionales, 1994; and José Ramón MONTERO and Josép María VALLÉS, "El debate sobre la fórmula electoral", in *Claves*, núm. 22 (1992).

[3] "Análisis del sistema electoral español en el marco de la Representación Proporcional", in D. RAE y V. RAMÍREZ, *El sistema electoral español*, McGraw-Hill, Madrid, 1993, pages 9, 19, 27 and 35.

And, in fact, it is clear than the system has worked in such a way as making possible some results quite similar to those of the majority systems. For instance, since 1977, the party that has won the elections has had an amplified (see data above) parliamentary majority, and has been able to form one-party Governments. There has been no Government coalitions (even when there has been some "parliamentary agreements", when the majority was not an absolute majority), and the instability derived of "alternative majorities" has been almost non-existent.

IV.   THE CONSTITUTIONAL PERSPECTIVE: PROPORTIONALITY AND ITS LIMITS

1.   From Politics to Constitution

Up to now, the question of the proportionality of the Spanish electoral system has been summarised in purely political terms. But, as it has been pointed out, it is also a juridical, and constitutional, problem. If the Spanish 1978 Constitution requires the electoral system to be proportional, and the results are closer to majority than to proportional systems, the question is evident. Is the Spanish electoral system contrary to the Constitution? What should be then, and what has it been, the role of the Constitutional Court?

Some authors, following the previously exposed point of view of the Political Science, have affirmed without any doubts that the Constitution, which states that the electoral system must be proportional, is not being fulfilled. The argument is basically clear: i) The Constitution requires a proportional system; ii) The Organic Law sets up so many limits to proportionality, than the results are disproportional; iii) The Law is, then, non-constitutional. As it has been summarised, the Spanish system is proportional in theory, and majority in practice, which is the worst possible option[4]. Not only because of the disproportionate results, in general; but also because disproportion means inequality. In fact, due to the same reason already mentioned, that is, the different size of the (provincial) constituencies, the ratio between seats and votes is very different in the different provinces. Once more, the data are expressive enough.

TABLE 4

Constituency (Province)	Deputies elected	Number of electors	Ratio Electors/Deputies
Soria	*3*	*75.767*	*25.255*
Teruel	*3*	*112.961*	*37.653*
Segovia	*3*	*122.466*	*40.822*
Huesca	*3*	*172.866*	*57.622*
Valencia	*16*	*1.852.986*	*115.812*
Barcelona	*31*	*3.930.032*	*126.775*
Madrid	*35*	*4.317.711*	*123.363*

Data: Spanish Ministry of Interior (www.elecciones.mir.es/elecmar2004/congreso

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[4] See the intervention of the Professor of Constitutional Law (and Deputy of IU at that moment), Diego LÓPEZ GARRIDO, in AAVV, *La reforma del régimen electoral* (*op. cit.*, p. 158).

If Tables 1 to 3 made clear than the election results were not exactly proportional, over-representing some parties and under-representing others (so that it may be argued that there is not an equal "right to access to public office"), Table 4 is even clearer to show that the principle of equality is not fulfilled with. It is evident than some Spanish citizens are overrepresented, and others are underrepresented. In other terms, some votes have "more value" than others.

Does this situation mean than the Spanish electoral system, set up by the 1985 Organic Law, does not fulfill constitutional requirements? What is the opinion of the Constitutional Court?

2. The principle of proportionality in Spanish Constitution, and its limits, according to the Constitutional Court

The Court has had to give its opinion in some decisions, with reference to different problems. In general, they answered to individual appeals for protection of fundamental rights (recursos de amparo), based on article 23. And, not surprisingly, it has accepted the Spanish electoral system, as defined by the Law, as constitutionally acceptable.

In fact, following the Court decisions it is clear that the difficulties are not in the Law, but in the Constitution itself. The problem arises when a mathematical principle, that of proportionality, is exported to the realm of political representation, in its constitutional translation in the Spanish system. Because, in fact, the 1978 Constitution admits the principle of proportionality, but at the same time draws such important limits, that proportionality may lose its deepest sense.

As the Constitutional Court put it in its first decision on this issue (S. 40/1981), "proportional representation searches to allocate to each party or group of opinion a number of seats related to its numerical strength. Whatever its concrete varieties may be, its fundamental idea is to guarantee to each party or group of opinion a representation, if not mathematical, at least adjusted to its real importance". A definition which -not by chance, for sure- follows almost word by word the formula used by one of the most classical books on electoral systems[5].

That concept of proportionality is afterwards used in other decisions, such as S. 75/1985. In this case, the appeal was provoked by the threshold of 3 percent of the valid votes, which the Catalonian Statute of Autonomy declared in force also for the Catalonian regional elections. Two different parties considered that the threshold, which prevented them to get any seat in 1984 elections, was not compatible with the principle of proportionality[6].

In that context, the Constitutional Court declared that the principle of proportionality expresses the will to guarantee a certain relation between votes and seats. It implies then a remarkable sphere of uncertainty, which has to be filled by the legislator. In sum, proportionality is a criterion of tendency, which is always, when put in practice, corrected by different elements of the electoral system. It is even possible to say that any normative development of this principle, necessary to put it in practice, implies a certain deviation of the proportionality, in abstract.

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[5] See Jean Marie COTTERET and Claude EMERI, *Los sistemas electorales*, Barcelona, Oikos-Tau, 1973, p. 78.

[6] In the province of Barcelona, which elects 85 regional deputies, the Party of Communists of Catalonia (PCC) had 60.900 votes (2'76 %), whilst other leftist coalition (EEC) got 24.702 (1'12 %). The technical threshold was, then, much lower than 3 percent and, in a strictly proportional system, the PCC list would have won 2 seats, and the EEC, one. So that the 3 % threshold let these two lists out of Catalonian Parliament. That is why they could appeal to Constitutional Court, claiming that their "right to access on equal terms to public office" was not respected.

Within that sphere of uncertainty derived from the need to transform the abstract principle in precise legal rules, the legislator has different options. And there are also other constitutional interest which may be relevant. For instance, the Spanish Constitution opted for a system of "rationalised parliamentarism", and in that sense it tries to avoid political and parliamentary fragmentation or atomisation, strengthening solid parties. Thus, among the various formulae for the allocation of seats which follow proportional criteria, the Spanish legislator has opted for the D'Hondt formula, which gives certain advantages to the lists with higher number of votes.

Those interests, constitutionally relevant, give constitutional support to clauses setting up limits to proportional allocation of seats. In that sense, the Constitutional Court has declared, quite logically, that "the 3 percent threshold… substantially respects the criterion of proportionality, because it… does not impede that the allocation of seats follows that criterion with respect to the vast majority of the votes cast in the constituency"[7]. The conclusion is, then, that the rules of the Constitution (and, for this given case, of the Catalonian Statute) establishing a system of proportional representation have not been violated.

But other constitutionally relevant interest can justify the exceptions to the -also constitutional- principle of proportionality. In fact, it is not the most important one. Because, as I have already pointed out, the main disproportion in the Spanish electoral system results from the allocation of seats in a provincial basis. And that was also a fundamental political decision, taken during the Spanish political transition, and accepted by the Constitution itself.

In fact, the Spanish electoral system is basically previous to the making of the 1978 Constitution. Its basic features were defined before the first democratic elections, in 1977. But the Parliament then elected, the "Cortes", kept those features and put them into the constitutional text, thus giving them particular relevance, and making them much more difficult to change. It is another example of the well-known law of inertia, which is said to be the most usual and enduring electoral law.

And the Constitution fixes some rules which necessarily limit the extent of the principle of proportionality. Apart from the already mentioned threshold, the option for a Chamber not too big (between 300 and 400 members), combined with the provincial constituency and the requirement of a "minimum initial representation" for any province imply constitutional limits to the proportional principle.

Because, in fact, the proportional allocation of hundreds of seats allows very different possibilities. But if the Constitution itself establishes that "the election in each constituency shall be conducted on the basis of proportional representation" (article 68.3 C.). So that, although the Chambers represent the Spanish people as a whole, the election takes place not at a national level, but at a provincial level. In fact, there are 50 elections (52, when considering "the cities of Ceuta and Melilla", which "shall each be represented by one member", art. 68.2). 50 proportional elections. And it is commonly accepted that proportionality only works upon a given threshold.

It is true that the Organic Law develops that constitutional principles in a way that could be "more proportionalist". For instance, since 1977 the Spanish Congress is composed of 350

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[7] In this case, 82 seats were allocated in a perfectly proportional way. Only 3 seats could have changed if the 3% threshold did not exist.

members. And since 1977, too, the "minimum initial representation" allotted to each province/constituency is fixed in 2 deputies. That means that, out of the 350 Spanish Deputies, 102 (50 provinces x 2, and 2 more for Ceuta y Melilla) are allocated ope lege, without reference to any criterion of population. Only the remainder 248 Deputies are, thus, "distributed in proportion to the population" (art. 68.2) among the 50 constituencies. So that the minimal size of a constituency is of 3 Deputies (two for the "minimal initial representation" required by the Constitution, and a third as the minimal possible result of proportional distribution). And the maximum is, as it has already been shown, of 35 (Madrid)[8].

In that framework, the principle of proportionality would work better if the number of seats was greater (for instance, the maximum foreseen by the Constitution, 400), and the "minimum initial representation" was lower (for instance, one Deputy for each constituency). This two measures would imply that the number of Deputies distributed in proportion to the population would be 348, thus allowing a much greater range of sizes. But they belong to the sphere of political options, open to the majoritarian will of the Parliament. And the Constitutional Court cannot easily censure the legislator when it is the Constitution itself who gives him the power to decide.

Therefore, the Constitutional Court is limited to control if Parliament goes further than it can. But, within the constitutional framework, Parliament can freely decide. Even when the final result may not be so proportional as it could have been if the Law had opted for different rules.

In sum, following the decision 4/1992, the proportionality, or better to say, the deviations from proportionality which [the Court] may judge cannot be understood in a strictly mathematic way. They have to be linked to situations of remarkable disadvantage, and to the lack of any objective justifying principle. In other words, the deviations of proportionality which may violate the article 23.2 C [the right to access on equal terms to public office] must have a clear relevance, and at the same time they must lack an objective and reasonable criterion which can justify them.

V.   Conclusion

After all that has been said, it seems evident than the initial (political and constitutional) qualification of the Spanish electoral system as proportional finds different limits which may even question that qualification. From a political point of view, many authors analyze the electoral results, underlining the resemblance of the Spanish system with majority models. But from a juridical, constitutional perspective, the principle of proportionality is also a norm, which must be respected by the rest of the legal system. In other words, if the Constitution sets up a proportional electoral system, a non-proportional system would be unconstitutional.

It may be stated that the political perspective does not take into account other constitutional data. Particularly, the fact that the Constitution also establishes some other principles which may act as limits to proportionality. Principles such as that of rationalised parliamentarism, or that of the guarantee of a minimum representation of territorial diversity. Principles which may reduce the scope of the principle of proportionality. But principles that have to be considered, first, by the Parliament in its legislative function; and, second, if necessary, by the Constitutional Court in its function of judicial review of legislation, even through indirect means (for instance, through

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[8] Given the demographic changes, there are some variations in the different elections. So, from 1977 to 1986, Madrid elected 32 deputies and Barcelona, 33. But in 2004, Madrid elected 35 Deputies, and Barcelona, 31 (34 and 32, respectively, in the previous election, in 2000).

individual appeals against alleged violation of rights, which may in last instance be driven to the legislative framework).

In sum, the constitutional affirmation of the proportional representation has to be interpreted carefully. As an Spanish Professor has put it, the Constitution speaks of proportional system, of criteria of proportional representation; but, of course, those criteria have to be understood in the terms of the Constitution itself, and not with reference to a model existent out of the Constitution"[9].

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[9] Intervention of Professor Juan J. Solozábal, in AAVV, *La reforma del régimen electoral* (*op. cit.*, p. 166).