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Relevance of Benjamin Cardozo's methods of interpretation in judicial proceedings and the limitations posed by the same principles

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Abstract
This research paper provides a well- structured and detailed description of interpretation of statutes according to the four methods/ principles laid down by Benjamin Nathan Cardozo. He professed the need to understand legal provisions in conformity with the case under discussion. Hence, the four methods/ principles of interpretation clearly talk about the unlimited interpretations that could be drawn out for the legal provision increasing its practicability and saving it from sustain as mere words coded in various books of law. The work analyses various facets of the four principles through the application of doctrinal method of research. The entirety of the paper is purely based on secondary information, but at the same time has evolved to depict a different perspective about the interpretation. The understanding has further assisted in the thorough and distinctive study through precedents, emphasizing on better clarity and minimize ambiguity. Throughout the spans of the research paper it can be perceived that the interpretation of statutes with using these principles (most of the times) is unavoidable irrespective of the field of law involved in the question. Therefore, it showcases the omnipresent nature of interpretation of statutes, and the ability of it in mixing with other fields of law without any overlaps or difficulties.

Keywords: Benjamin N Cardozo, interpretation of statutes, methods of interpretation of statutes

Introduction

On May 24, 1870 Benjamin Nathan Cardozo was born in New York City. He graduated from Columbia University in 1889. Later Cardozo received 14 honorary degrees from Yale, Harvard and several well-known universities. He was elected to the New York court of appeals in 1914 and he served there till 1932. In the last six years of this tenure Cardozo served as the chief justice of the same court. On February 15, 1932, Cardozo was elevated to the position of associate justice of the Supreme Court of the United States, where he served until retirement in 1937 [1]. "In his book, The Nature of the Judicial Process, Cardozo talks about 4 methods: The Method of Philosophy, The Method of History, tradition and Sociology, The Method of Sociology and the Judge as a Legislator and Adherence to Precedent, the Subconscious Element in the Judicial Process. The works of Justice Cardozo can be arranged in three different ways: first being the judicial opinions he composed, 500 opinions while he served in the New York Court of Appeals and 154 opinions while he served in the Supreme Court of the United States. Second being the extra-judicial works that were philosophical in nature: The Nature of the Judicial Process (1921), The Growth of the Law (1924), The Paradoxes of Legal Science (1928). Thirdly there are numerous addresses and talks given via Cardozo together with law survey articles that bargain a littler heritage to legal writing. It is the parliament which makes the law yet with regards to keeping up lawfulness in the general public, judiciary is the one which forces and deciphers it for the wellbeing of the state and to guarantee that equity framework is reasonable. Furthermore, once in a while in understanding of those words which were drafted by the administration so it tends to be viably applied in different conditions, judiciary utilizes its tact and inventive force with the goal that the legal cycle can give equity to each victim of the general public." Therefore, there are two contrasting views as to how judges should go about determining the meaning of a statute- the restrictive literal approach and the more permissive, purposive approach. The present paper discusses the present relevance of Benjamin Cardozo's methods of interpretation in judicial proceedings and goes into intricacies on how the same principles limit the judiciary in encroaching on the legislative field in spite of the presence of legislative discrepancies.

Objective

To understand the present relevance of Benjamin Cardozo's methods of interpretation in judicial proceedings and to see whether the same principles limit the judiciary in encroaching on the legislative field.

Research Issues

1. Whether the methods given by Cardozo apply to the present scenario of judicial proceedings?
2. Whether the same principles limit the judiciary in encroaching on the legislative field in spite of the presence of legislative discrepancies?

Scope of the paper

The paper aims to understand the very essence of the methods of interpretation professed by Benjamin N. Cardozo and the relevance of these methods in Indian as well as International interpretation in judicial proceedings.

Theoretical Underpinnings

Several well-known authors and philosophers have previously written about Cardozo and his work, about interpretation by judges and the problems faced by them due to legislative limitations. One such example is a thesis by Joel K. Goldstein called, 'The Nature of the Judicial

Process: The Enduring Significance of a Legal Classic'. This thesis goes deep to the roots of Cardozo's book on judicial processes. It explains the four methods of interpretation given by Cardozo - the method of philosophy, history, customs, and sociology. The thesis further explains how the four methods came into being and what are their relevance with judicial processes and applicability in law. it was noted that the first and fourth methods were most used by jurists and adjudicators and the maximum focus was on these two mainly. There is another similar work of research done by William Charles Cunningham of Loyola University, Chicago which talks extensively about Cardozo, his book, the reactions of people to his book, the criticism and the appreciations. This article is called 'Cardozo's Philosophy of Law: His Concept of Judicial Process'. this article was greatly helpful in obtaining a clear understanding of the research topic, its drawbacks and limitations. The research article 'Social Dynamics: Legislative Law vs. Judge Made Law' the author tends to bring out the conflict that could happen if the judiciary is given the opportunity to make laws. this would shoot up the uncertainties that prevail in the process of rendering justice. The very existence of natural justice would be questioned to the extent that the judiciary would fall prey to the uncontrollable power. Hence, suppressing and surpassing the legislation. Therefore, he reads Cardozo's principles with the intent to understand the importance of judicial review and interference into the legislation, but with holding the designation of an observer. 'Cardozo's Philosophy of Law' (1939) paints the image of him as a contemporary who was brave enough to experiment with combining philosophy with law. giving it a more realistic yet satisfying approach. The American jurist pushed the boundaries of the legal framework by incorporating concepts which stand more related to human views and strives to move out of the rigid legal structure. Thus, moving away from the conventional way of dealing with any case in hand.

Methods of Interpretation [2]

Benjamin N Cardozo's influence on the international and Indian judicial decisions making has been vital since more than a century. Judicial process as is propounded by Frangois Geny is free decision making or the maxim- 'libre recherché scientifigue' [3] sets the footing to the modern judicial making majorly in Constitutional law and matters related to Public/Private International Law. Following are the four principles with their respective analysis pertaining to the issues at hand along with relevant case laws:

Method 1: logical progression, or the method of philosophy

The approach of logic primarily uses analogy or philosophy while keeping intact the legal and logical consistency. This technique for reasoning had a specific assumption in its courtesy dependent on contemplations of consistency, reasonableness, and fair-mindedness and to save confidence that the lawful framework is authentic, not discretionary. Takeoffs from rationale required legitimization. However, rationale in some cases pointed in various ways and expected appointed authorities to pick between or oblige contending legitimate standards or seek some other models for direction. "The maiden principle by Cardozo can be seen striking a similarity with Aristotle [4] as both used analogies or philosophies which extends to logical consistency to understand and limn the situation or judicial decision making. Cardozo rejected the idea of sticking to a single principle or concept to evaluate the intensity of a case. He emphasized on the necessity to perceive each case as unique and not to stick on to archaic principles in deciding cases in the modern times." The principle of philosophy or analogy further pushes the court to expand and broaden their judicial holdings to accommodate contemporary cases [5].

This is a cycle that continues without any halt as novel categories would have to be recognized as the human race is bringing out more diverged aspects of life with travels far away from the conventional thinking [6]. Panama Refining Co v. Ryan [7] would be the apt case law to cite here in support of this method of judicial decision-making process. In brief, the Panama Refining Co. was operating an oil refinery and wanted to impose an injunction against the National Industrial Recovery Act which was legislated by the US President via Order 1699. This Act was supposed to interdict the transportation petroleum and allied products inter-state or to foreign parties if produced in excess than the quantity allowed by the United States Government [8]. The lower court gave judgment in favor of the company, but the higher court dismissed the injunction. Though Cardozo's judgment was dissenting, still it holds significance here because of the farsighted explanation that was given in his dissenting judgment. Cardozo upheld the constitutional validity of the enactment as well as the President's act to forbid the Company's trade in petroleum as it was observed that this was to regulate interstate commercial activities, and to minimize the unfair practice in trade. He further went on to say that the government has to travel beyond the conventional approach in-order to face new challenges. Hence, through the example of this case law it is established rightly that the first principle also addresses the novel challenges by forgetting the conventional methods of judicial process. In the case United States v. Butler [9] The court said that it's indeed necessary to check if the Congress has exceeded its powers and whether this act has resulted in not following the mandates prescribed in the Constitution. And the court also mentions the need to rule out if the act of the Congress is logical as to face the new challenges.

In the Indian judicial perspective, it has not been an easy-breezy task as the philosophical/analogical approach varies to a great extent when compared to the international perspective. The effectiveness of judicial decision making has always been talked about and criticized as well as supported in the country. Post- independence era saw lot of English influence, hence shaping the judicial thinking according to the Indian taste has been a colossal task [10]. A tour back to the time since independence lights up the drawbacks in the Indian judicial system. Even after having such a situation still we have had tectonic judicial decisions like A.K. Gopalan v. State of Madras [11] ruled the magnitude of the fundamental rights in the constitution, and the need for it to be considered in isolation. Keshavananda Bharthi v. State of Kerala [12] as is famous upheld the need to prevent any amendment to the basic structure of the constitution [13], Maneka Gandhi v. Union of India [14] - the constitutional right to personal liberty was established in this case. Sharad Birdi Sarda v. State of Maharashtra [15]- the court established the validity of accepting circumstantial evidences under the criminal law, and State of Haryana v. Bhajan Lal [16] discussed the interference of the Court in criminal law proceedings. Hence, these case laws clustered

together provides the answer that Cardozo's first principle is partially or completely used in these judicial decisions since the sole aspect of the principle, i.e shaping or interpreting the statute to accommodate the novel challenges, as these cases were totally different from each other and had not even a single issue which is common. Also, here the other observation would be that in the Indian scenario this principle is majorly used in the cases related to Constitutional Law matters [17].

The analysis of the first method answers the issues in the following manner:

1. Addressing the first issue as to the influence in the present scenario, it can be very well said that in both situations, i.e. international as well as Indian situation, the principle does hold a significant position. This is already substantiated with the case laws cited as examples, since these case laws are from various periods of time. Therefore, it can be concluded that over the period of time the need to have more judicial decisions based on logical consistency has become the need of the hour, urging the judges to think out of the box.
2. As to whether these principles limit the judiciary from encroaching into the legislative spectrum, the answer to that be, to an extent it doesn't as the legislations already in existence are broad and are capable of accommodating novel issues.

Method 2: historical development or the method of evolution

"The approach of history also called the evolution approach tends to travel down the path tracing the origin of the law or concepts. Cardozo cautions that common law, however a slow advancement of judicial choices throughout the long term, doesn't work from pre-built up certainties of all-inclusive and unyielding legitimacy to ends got from them deductively Rather, it grows inductively moving from the specific to the general. Cardozo has seen the cycle of continuous change in man-made law go to a round trip, a full circle. For Cardozo, the Method for history is prevalently an examination of origins instead of the technique for theory or the rationale which is mostly crafted by reason. Plainly, in his advancement of the technique for history he restricts that strategy to explaining an issue in law instead of understanding it.

The second principle put forth by Cardozo is of history-tracing the origin of the law or legislation. Here, he tends to strike a balance between the historical mien and to connect it with the present times. The principle overlaps with the fourth principle of sociology as history has revolved around human life, and its evolution. the world has witnessed several controversies." Two of the recent are the Hagia Sophia or Ayasofya and the Babri Masjid cases respectively. Both have stood the test of time and have been symbols of a civilization. The conversion of Hagia Sophia into a mosque by the present Turkish President Recep Tayyip Erdogan with the backing of the Supreme Court of Turkey raised a huge mob outburst. This questions the secular nature of Turkey, trying to establish it as an Islamic state [18]. The Ram Janmabhoomi case [19] The Babri Masjid Demolition case in India showcases similar non-secular nature. The Apex Court of the country had pronounced an earth-shattering judgment last year (2019) in the former case giving the temple trust the ownership of the property where the mosque had been erected. The court's verdict read that the land belongs to the temple and as compensation the Sunni Waqf Board was given 5 acres of land elsewhere to build a mosque. The recent verdict given by the Lucknow court on the Babri Masjid Demolition case was even more surprising. The court found all the 32 accused not guilty even after having all possible evidences [20].

The analysis of the second method answers the issues in the following manner

1. The analysis of this particular issue in hand is highly fragile, since it is subjective and has seen a lot of protests. These two matters: the Hagia Sophia and the Babri Masjid cases respectively have projected how even history couldn't stop the judiciary from supporting a cause which is altogether unnecessary. Here, it is obvious that Cardozo's second method has been wrongly used to reach the verdict. This shows that the judicial decisions were made without considering the historic background of the laws that had been supporting the earlier existence of the two monuments.
2. Through these examples it can be said that Cardozo's principle did not limit the judicial decisions, instead the judiciary itself did not dwell much into the importance of this method. Thus, leaving no room for criticisms.

Method 3: Community customs, or the method of tradition

"The approach of custom coupled with tradition, emphasizes that customs are helpful in building and guiding communities with moral values. The third method or principle of selection to guide the judge in determining the application of a principle of the law is the method of custom. Cardozo rejects Coke's theory that the common law is separated from customs, and Blackstone's that custom pervades all of the law. These were the old views, the views that prevailed at different times in the thought of English Jurisprudence. Cardozo's view is more moderate. These days, he says that at all events, we look to customs, not so much for the creation of new rules, but for the tests and standards that are to determine how established rules shall be applied. Customs, if it is to obtain the dignity of positive human law must do so through legislation. It is enough for Cardozo that the method of custom exercises its creative power not so much in the making of new rules as in the application of the old ones. But the potential of custom to be extended until it becomes identified with customary morality, then prevailing standard of right conduct, brings the method of custom or tradition to the point of convergence with the last method, the method of sociology."

Cardozo has tried to find custom as a method in the judicial process. In the cases of Shani Shingnapur temple [21], Sabarimala Temple [22] and Haji Ali Dargah [23] respectively, the entry of women worshippers had been denied since time immemorial. Several women activists claimed that this denial violated their 'right to equality' and the 'right to freedom of religion' as guaranteed by the Constitution of India. The custom/ tradition has ever since been this, and it remained as an uninterrupted practice of denying the entry of women into these temples. Shani temple had also denied entry of dalits, but this practice was struck down through enactments and also because it violated the constitution.

The analysis of the third method answers the issues in the

following manner:

1. Cardozo's third method of judicial decision making roped with the historical, logical and sociological method gives the answer that it's the archaic perspective of the judiciary which has to change. Incorporation of these methods has given birth to several new ideas which had to have come into practice before. But due to the delayed realization that the Indian judiciary have had, the effects are also minimal. The myths and taboos revolving around menstruation, the main reason why entry in temples is denied, then the fact that homosexuality is not a disease. But an individual's personal choice, the biased notion that women are weak, hence cannot survive without a male support therefore has to provide alimony after divorce (highly controversial), the compulsion to criminalise marital rape to mention few had always been in existence, and was perceived negatively. But with the judiciary travelling to new levels of exploration has brought in positive changes. Still the fair and transparent judicial decisions are yet to come.
2. The method was limitlessly and optimally applied in the judicial decision-making process. According to the above-mentioned examples, the judiciary was even successful in pointing out the lacunae in the legislation.

Method 4: Justice, morals and social welfare, or the method of Sociology

"From the initial three strategies for choice, that is, of philosophy, of history and of customs, one can understand that there isn't a single strategy which is liberated from all hints of at least one of different strategies. A similar marvel is valid for the last strategy, the technique for sociology. Cardozo comprehends the strategy for sociology as a bigger and more comprehensive technique than any of the previous three. At the point when the social needs demand one settlement as opposed to another, there are times when we should twist balance, disregard history, and twist custom in the quest for other and bigger finishes. He states as the last reason for law the government assistance of society, and brings up that all different strategies are overwhelmed by this reason. Since this technique for sociology is to be the device or instrument of the adjudicator, there must be some breaking point to the strategy to forestall its uncontrolled exercise by the appointed authority.

The strategy for sociology is, for Cardozo, the technique second to none for topping off the "holes in the composed law. Cardozo didn't accept that judges had permitted for the most part to force their own origins of profound quality. Rather, they should apply a target test and apply the perspectives they may sensibly anticipate that a sensible individual should see as right. Cardozo was mindful so as to put his case with respect to judicial lawmaking inside the setting of a legitimate framework that made such a movement the uncommon special case, not the standard. Cardozo presumed that where the law didn't give an appropriate standard the best course was to endow goal to an unbiased appointed authority dependent on what reasonable and sensible people who knew network propensities and principles of equity would close. By and large, the outcome so produced would reflect what a statute would have given.

The last principle presupposed by Cardozo is that of Sociology: which outlines the components such as social welfare, justice and reasoning." To understand the sway of the last method it would be completely justified to cite McPherson v. Buick [24] which is more than a century old, but holds the drift in the present time as well. The issue raised in the case was whether the defendant owe any duty of care to a third party other than the owner of the vehicle who had just purchased it from the latter. And in this case Justice Cardozo successfully established the 4th method through two principles. They are: "inherently dangerous" (if neglected can become imminently dangerous) and "imminently dangerous". Here the court held that the manufacturer, i.e., the defendant owes duty of care. It is his duty to check for any defects in the vehicle before handing over it to the owner. In this case one of the wheels of the vehicle came off as it was loose and this became imminently dangerous hence, putting people's life in danger [25]. This case law solely establishes the method of judicial decision making through sociology as it addresses the aspect of welfare of people through owing duty of care.

The day to day products that we use like shampoo, lighter etc. if not Scrutinized properly by the manufacturer, can cause destructible effects, even loss of life. Before Cardozo established this method, the manufacturers could only be sued if the item is categorized as imminently dangerous. That is the upgrading from inherent danger to imminent danger was not available. With this case it came into being. He was completely against the former concept as it was very narrow and limited the court from delivering justice. It was a futuristic judicial decision as the usage of automobiles then was minimal. The second case to be discussed is Hynes v. New York Central Rail Co [26], this case addressed the issue of public nuisance as the three existed a plank erected by the children trespassing into the property owned by the rail company. This plank was extending above the railroad. Bunch of electric wires were lined up above the property, and unfortunately, one day a child standing on the plank to dive was struck by the wire which came off, hence killing the child. The rail company denied any duty of care, as they claimed that hadn't the child stepped on the wooden plank he wouldn't have electrocuted to death. Justice Cardozo struck down the claim and suggested instead that it is mere common sense to provide safety instead of twisting the law with unjustified claims and counterclaims. The Indian scenario is way too different. The struggle to place intact the sociological method of judicial decision making in this country still has to go a long way. The vibrant sociological aspects of human beings are perceived slowly when it comes to Indian judiciary. This statement is well substantiated with the NAZ Foundation [27] case that triggered one of the most resonating outcries to tear apart the long held moral standards of human sexual idea. This particular case forced the Delhi High Court to make Article 15 of the Indian Constitution more elastic to merge in the concept of 'sexual orientation', and to eliminate the tag that it's a disease. "The social welfare aspect of democracy, along with the widening of the term 'sex' to establish that any person in this country has a public identity and a private identity. This also invoked the other similar Articles addressing the Fundamental Rights in the Constitution, i.e., Articles 15 to 19, 25, 26 to 30. Hence, bringing in the essence that a person's private life includes his/ her sexual orientation as well, and the society is nobody to decide upon it, and also it' s not a disease, but its freedom of one's life."

The analysis of the last method answers the issues in the

following manner:

1. The last method of judicial decision making/ judicial process seems to have greater explanation than what is held as the face value. This is because the sociological aspect has influenced the judicial process vibrantly in the international and the Indian perspective. Considering the case laws and examples already discussed, it is completely luculent that the principle holds a wider angle. If it is about the duty of care that was emphasized in the international spectrum, then in Indian case it's the recognition of the public identity and private identity of a person, and the need to respect both without discriminating on any given grounds. Further the principle tries to push the limits of Articles in the Constitution to clearly suggest that with emerging human facets of life, its sine qua non to widen the concept, rather than just sticking on to the words and limiting itself [28].
2. The question if this principle limits the judiciary from inching into the legislation even though there exist lacunae in the legislation is highly unpredictable. This is solely because if there exists constitutional violation as one of the issues in a case then definitely the principle comes handy, along with the other three principles. It is evident from the analysis that in Indian judiciary the incorporation of this principle has taken more time, as compared to the rest of the world. This may be because of the myths and taboos that prevail around the notions of religion and we tend to attach everything including one's sexuality, sexual orientation etc. around the only moral, i.e., religion. But not anymore as the incorporation of these methods are happening more and faster. Therefore, creating room for more judicial criticisms, even if there is not much direct interference into the ball game of legislation.

Critical Analysis

"The cynosure of Cardozo's four methods of judicial decision-making process is 'librem recherche scientifigue' propounded by Frangois Geny. The methods firmly press upon the criterion that there should be enough room for accommodating novel challenges, but not at the cost of transparency. the process of analyzing the methods propagated by Cardozo, it is very well pellucid to witness that he has borrowed certain ideas from great philosopher Aristotle. The major contribution is seen in the first method that lines up the concept of logic and judicial process. Within the logical method Cardozo very seamlessly introduced the use of analogy, which he borrowed from Aristotle. Notwithstanding the issues brought about by the nonappearance of a rigid framework, and by a style which may divert, there is likewise the issue of Cardozo's drawing upon several and numerous shifted hotspots for the articulation and definition of his idea. Cardozo preferred to slip away from the conventional procedure of judicial decision making through these methods and attempts to highlight the process as an art. By this it means that he assays to blend in the interpretation of the statutes along with these methods, pronounced better judgments. Cardozo emphasized on the application of rule of law not exclusively, but broadened the idea of justice by employing the methods as to assist in providing justice at its best.

The leverage brought in by these methods on the international and Indian judicial process respectively is drastic. This is perspicuous through the case laws and examples furnished to substantiate the fact that Cardozo was a futuristic jurist with a wider perspective about the evolving human demands. Especially, in matters relating to Constitutional Law and Public/ Private International Law. The methods overlap making it easy for the judge to use it as it doesn't have to be chosen keenly. In the NAZ Foundation case it was observed by the Court that the need to quash the myths revolving around sexuality and sexual orientation. moreover, the issue also involved the question if it violates the fundamental rights of the individual. Therefore, giving it a logical and sociological perspective as well. The court through this judgment removed the long-standing term 'unnatural sex' or 'against the law of nature relationship'." In Divisional Manager, Aravali Golf Club v. Chander Hass [29], "The Supreme Court observed that Judicial restraint is consistent with and complementary to the balance of power among the three independent branches of the State. It accomplishes this in two ways. First, judicial restraint not only recognizes the equality of the other two branches with the judiciary, it also fosters that equality by minimizing inter-branch interference by the judiciary. In this analysis, judicial restraint may also be called judicial respect, that is, respect by the judiciary for the other coequal branches. In contrast, judicial activism's unpredictable results make the judiciary a moving target and thus decrease the ability to maintain equality with the co-branches. Restraint stabilizes the judiciary so that it may better function in a system of inter-branch equality.

Second, judicial restraint tends to protect the independence of the judiciary. When courts encroach into the legislative or administrative fields almost inevitably voters, legislators, and other elected officials will conclude that the activities of judges should be closely monitored. If judges act like legislators or administrators it follows that judges should be elected like legislators or selected and trained like administrators. This would be counterproductive." Cardozo even urges the judges to think out of the box and make room for the unpredicted, but he also warns the judiciary from stepping into the shoes of legislation completely. This would create an uncontrollable immunity in the hands of the judiciary making it the sole possessor of its fate. This means there won't exist anymore transparency or the need to scrutinize the law. Judiciary would be bestowed with the power to legislate the way it wishes to. Therefore, limiting the principles from legislating laws.

Conclusion

Judicial work must function intimately with legislative work. This participation among legislature and judiciary Was Cardozo's fantasy toward the start of his vocation as an appointed authority; and it outfitted him with a theme for talk on more than one of his Frequent speaking engagements. To be sure, he upheld and advanced an arrangement for a service of equity that was organized and crafted by the judicial and legislative parts of the administration of New York State. As he would see it, when a statute has been outlined it must find its viability diminished. It is then for the court to decide related to the legislature, whether a given case falls inside the domain of a legal arrangement. Judicial cycle must, consequently, guarantee a nearby affinity with the legislative branch if either is needed to be powerful. It appears to be evident that Cardozo's Commitment to the field to legal philosophy must

be estimated regarding his work on the idea of judicial work. This impediment was asked by Cardozo himself, and the majority of the assessments of his work have been made in these terms. Certain journalists notwithstanding, have not been substance to restrict their analysis to Cardozo's communicated reason. Some would esteem his work by' Judging his compositions and as an endeavor to express a severe and complete way of thinking of law. “This is to misconstrue his motivation. In the last investigation, Cardozo was a law specialist and an adjudicator not a philosopher. The facts confirm that he focused on the requirement for a way of thinking as a guide to characterize the closures of law and to oversee its Application and development. In any case, his point was to inspect just one cycle to which the name "law" could be applied. It seems conceivable subsequently, to separate what he has done on method from the technical Implication and consequence of his writings when this work is viewed as an attempted philosophical analysis of the entire field.

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