

Norm Typology and the Study of Commons



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Abstract

Ostrom's institutional grammar provides an analytical framework for identifying different rule-types used in the governance of commons, in other words, it provides a typology of rules for how commons can be regulated. Outside of Ostrom's institutional grammar, norm typology is also found in particular in legal theory, most famously in Hohfeld's oft-cited (though less often applied) study of jural relations (1919), while a more recent example is Frändberg's study of the foundations of legal order (2018). By identifying the formal characteristics of rules in general and of different rule types, such analysis provides standards for the appraisal of particular substantive rules. In particular, Ostrom's institutional grammar provides an overall framework for apprehending the range of possible rule types in the regulation of commons, as well as design principles derived from empirical studies allowing optimal approaches to commons governance. Ostrom made some reference to Hohfeld's work, but did not use it extensively or compare her rule types to Hohfeld's jural relations, while Ostrom's work has been little cited in legal scholarship. Within literature inspired by Ostrom's institutional grammar, some authors have suggested adjusting aspects of Ostrom's typology (such as Siddiki et al 2011), while others have not relied on Ostrom's rule types, instead adopting a considerably more detailed typology of rules (de Moor et al 2016). This paper considers Ostrom's institutional grammar in light of legal norm typology to assess to what extent the latter might be a basis for critiquing or supplementing Ostrom's approach.

Introduction

- **Conceptual analysis of fundamental legal concepts** is a recognised and respected sub-field, but not widely studied or applied
- Most famously, **Wesley Hohfeld's (1879-1918) study of jural relations** (e.g. 1919)
- The main benefit of close study of definitions of norms, e.g. of right or duty, is **clarity and precision in their use in legal analysis and application** → **greater correctness in application**
- **Ostrom:**
 - A(B)DICO
 - Design principles of commons governance
- **de Moor et al (2016)** coded for Finance – Tax (under Governance) in their historical survey, more detailed and specific than Ostrom's typology of rule types (costs and benefits)
- What **legal analysis** can contribute? → An understanding of deontic aspect of rules



Introduction (contd.)

- Context: **'The tragedy of the commons'** (Hardin): the problem of free-riding and loss of resource value of collective goods → commons governance as a third way between the market and the State
- The concept is most associated with **Elinor Ostrom (1933-2012)**:



E. Ostrom, *Understanding Institutional Diversity* (Princeton University Press 2005)

See, e.g. recent review article:

Pieper, L., Virgüez, S., Schlager, E., & Schweik, C. (2023). 'The Use of the Institutional Grammar 1.0 for Institutional Analysis: A Literature Review'. *International Journal of the Commons*, 17(1), pp. 256–270. DOI: <https://doi.org/10.5334/ijc.1214>

Typology – Universal forms

“At the same time as I am committed to digging into and revealing an underlying universality in the components of human action, I am repeatedly challenged and amazed by the multiplicity of rules that colleagues and I have recorded in fieldwork (see chapter 8) and that other scholars have used in their analyses of situations. ... [The puzzle has been how to develop a language to express rules that enables one to capture in a consistent and cumulative manner the most general characteristics of the basic rules while providing a structure that enables scholars to enumerate and test the impact of changes in a rule type. ... all repetitive situations faced by human beings are composed of nested layers composed from the same set of elements. ... to be more confident that we have identified the components of a wide diversity of situations found in all sectors of organized life.](#) This improves analysis in several ways. First, it requires the analyst to make hidden or implicit assumptions overt and explicit. Second, it provides clear elements that need to be generated by rules (or by physical laws). By not requiring that all situations must be expressed as a formal game, the concept of an action situation expands the range of situations that can be compared using the same structural variables. The attempt to find a way of expressing the most basic rules that generate action situations will help us illustrate that the generic rules used to constitute a market come from the same set of generic rules used to constitute a legislature, a hierarchy, a self-organized resource governance system, or any of a wide diversity of situations.” (Ostron, 2005, pp. 175, 180)

Ostrom's Institutional Grammar

- A **typology** or **grammar** of commons-related rules or norms, based on extensive empirical case studies
- **Norms and rules**: rules are distinguished by an 'or else' or sanction component
- The 'or else' or sanction element suggests relevance of Ostrom's framework for **understanding legal rules, and vice versa**
- Legal theories do not seek to reduce law to sanctions, but **sanctions as a general feature of law** do distinguish it from other types of social norm
- **Conceptualisation of general forms or types of legal rules** (perhaps surprisingly for non-lawyers!) is not typical of legal analysis: the best-known such example is Wesley Hohfeld's *Fundamental Legal Conceptions as Applied in Judicial Reasoning* (Yale University Press 1919), Torben Spaak, *The Concept of Legal Competence* (Ashgate 1994) and more recently Åke Frändberg's *The Legal Order: Studies in the Foundations of Juridical Thinking* (Springer 2018)
- Ostrom's approach has been widely adopted as an 'institutional grammar', e.g. recently Piper et al 2023

The Grammar of Rules - ABDICO

□ The ‘**grammar of (regulative) rules**’:

+ Siddiki et al’s **Object**, i.e. a receiver of an action/aim by attribute

A.D.I.C.O.

A.B.D.I.C.O.

ATTRIBUTES of the actors who are

OBLIGED, FORBIDDEN, OR PERMITTED (‘**D**eontic’ or D) to

ACT (or AFFECT an outcome or **A**IM) under specified

CONDITIONS,

OR ELSE (i. sanction or consequence decided by prior collective decision, ii. backed by another norm or rule that makes the sanction/consequence an aim for the actor imposing it, iii. monitoring)

D D EONTIC is a holder for the three modal verbs analyzed by von Wright. These are “may” (permitted), “must” (obliged), and “must not”

Ostrom 2005, pp. 139-140; Pieper et al 2023, p. 258; Siddiki et al (2011)

The Grammar of Rules

- Using these general characteristics, Ostrom identified 7 broad types of rule:
 - ▶ Position rules about participants and to which specific action sets are assigned at junctures in a decision process, e.g. who is a law-maker, monitor; in legal terms, could describe as status rule
 - ▶ Boundary rules, i.e. how individuals are assigned to or leave positions + how is one situation linked to other situations
 - ▶ Choice rules, i.e. the assignment of particular action sets to positions (what and when can someone in a position do) at a particular point, e.g. the time period for accessing resources or rules about location
 - ▶ Aggregation rules, i.e. that affect the level of control that individual positions exercise at a linkage within or across situations (in legal language, jurisdictional rules), whether single or more participant needed for an action
 - ▶ Information rules, i.e. affecting the level of information available in a situation about actions and the link between actions and outcome linkages
 - ▶ Pay-off rules, i.e. the benefits and costs of outcomes given the actions chosen
 - ▶ Scope rules, i.e. affecting the outcomes that must, must not or may be affected within a domain
 - ▶ Default conditions rules, i.e. what happens when no rule exists related to the components of an action situation?

Rules Types

- Features of the above rule types:
 - They do not have deontic element, instead they relate to
 - (i) **a typical or standard subject matter in the context of commons**: position, boundary, aggregation, information, pay-off
 - or
 - (ii) **more general features of rules**: choice, scope
- The first three in category (i) correspond, in different aspects, to the legal concept of power
- The last two in category (ii) seem deontically more neutral, to be consequences of other deontic rules?
May depend on context, e.g. a tax has a more deontic character, duty to provide information
- Category (ii) are more ambivalent in their formulation because they are more general?
- In IG, the deontic is provided for within the frame of ADICO or A(B)DICO: ADICO or ABDICO apply across all of the above rule types

The Grammar of Rules

- AIM component of each type of rule (2005, pp. 184-185):*

TABLE 7.1

The AIM component of each type of rule

<i>Type of rule</i>	<i>Basic AIM verb</i>	<i>Regulated component of the action situation</i>
Position	Be	Positions
Boundary	Enter or leave	Participants
Choice	Do	Actions
Aggregation	Jointly affect	Control
Information	Send or receive	Information
Payoff	Pay or receive	Costs/Benefits
Scope	Occur	Outcomes

Note: Default condition/rules not included in the Table

Rules Types and AIM component

- AIM component/verb:

- (i) **A typical or standard subject matter in the context of commons:**

Position → AIM verb 'be' regulating 'positions'

→ Ostrom does not define very exactly, give examples, e.g. judge

→ Status or power defined relative to actors' role?

Boundary → AIM verb 'enter' or 'leave' regulating 'participants'

→ Power/jurisdiction *ratione loci* or territorially relative to recognised actors in a position

→ reflects practical feature of commons as involving land

Aggregation → AIM verb 'jointly affect' regulating 'control'

→ Key point: acting together or singly, includes/overlaps with default rule

Information → AIM verb 'send' or 'receive' (regulating information)

→ Legally, i. right to receive, ii. duty or iii. power to provide?

Pay-off → AIM verb 'pay' or receive regulating cost or benefit

→ Consequence, or deontic?

Or

- (ii) **More general features of rules:**

Choice → AIM verb 'do' regulating an 'action'

→ Highly generic, miscellaneous category, e.g. agenda control rule; Ostrom suggests can authorise powerful positions

Scope → AIM verb 'occur' regulating 'outcomes'

→ Highly generic, miscellaneous category – if not one of above and regulates an outcome: aspirational, or stronger deontic (if a rule, must have a sanction)?

Ostrom on Rules Types

- “**Participants** in an action situation are decision-making entities assigned to a position and capable of selecting actions from a set of alternatives made available at nodes in a decision process.” (Ostrom 2005, p. 49)
- “Participants in an action situation are **decision-making entities assigned to a position** and capable of selecting actions from a set of alternatives made available at nodes in a decision process. Examples of positions include players, voters, judges, buyers, sellers, legislators, police officers, and so forth. Positions and participants are separate elements in a situation even though they may not be clearly so identified in practice. ... Positions are thus the connecting link between participants and actions. In some situations, any participant in any position may be authorized to take any of the allowable actions in that situation. However, in most “organized” situations, the capability to take particular actions is assigned to a specific position and not to all positions. The nature of a position assigned to participants in an action situation defines the “standing” of the participant in that situation. The standing of a position is the set of authorized actions and limits on actions that the holder of the position can take at particular choice sets in the situation.” (ibid, pp. 52-53)
- “**Aggregation rules** determine whether a decision of a single participant or of multiple participants is needed prior to an action at a node in a decision process.” (ibid, p.196)

Ostrom on Rules Types

- “When the action of an AIM relates directly to entry or exit from a position, giving or receiving information, joint control over a decision, or giving or receiving payoffs, then the rule is a boundary rule, information rule, aggregation rule, or payoff rule, respectively. [Choice rules](#) partition all other actions that do not fit into those specific parts of the action situation. In complex situations structured by complex systems of rules, however, a system of choice rules may not completely partition all other possible actions into required, permitted, or forbidden actions. ... By widening or narrowing the range of actions assigned to participants, choice rules affect the basic rights, duties, liberties, and exposures of members and the relative distribution of these to all. Choice rules may allocate to positions high levels of control over many different state variables; in other words, authorize powerful positions. Choice rules empower, but the power so created can be distributed in a relatively equal manner or a grossly unequal manner. Choice rules thus affect the total power created in action situations and the distribution of this power.” (ibid, pp. 194-195)
- “Scope rules affect a known outcome variable that must, must not, or may be affected as a result of actions taken within the situation. Scope rules define this set, affect the width of the outcome space (number of state variables affected), and specify the range on each outcome variable included in that space. The AIM component in scope rules describes an outcome rather than an action. Since our classification scheme focuses on the most direct link between the AIM and a component of the action situation, rules with outcome AIMs directly tied to positions, boundaries, information, payoffs, or aggregation would be classified as position, boundary, information, payoff, and aggregation rules, respectively, leaving all other rules with outcome AIMs in the [scope rules category](#). Thus, the scope rule category and the choice rule category both work as “all other” categories. If a rule is not a position, boundary, information, payoff, or aggregation rule, then it is either a choice rule (if the AIM is an action) or a scope rule (if the AIM is an outcome).” (ibid, pp. 201-202)

Ostrom's Design Principles of Commons Governance

- Without making a universal empirical claim, Ostrom & Crawford supposed 8 design principles of robust governance systems of a commons, i.e. by 'robust' meaning long-lasting with operational rules devised and modified over-time by a set of collective-choice rules (taken from Shepsle 1989) – p. 253:

Design principles derived from studies of long-enduring institutions for governing sustainable resources:

1. *Clearly defined boundaries.* The boundaries of the resource system (e.g., irrigation system or fishery) and the individuals or households with rights to harvest resource units are clearly defined.
2. *Proportional equivalence between benefits and costs.* Rules specifying the amount of resource products that a user is allocated are related to local conditions and to rules requiring labor, materials, and/or money inputs.
3. *Collective-choice arrangements.* Many of the individuals affected by harvesting and protection rules are included in the group who can modify these rules.
4. *Monitoring.* Monitors, who actively audit biophysical conditions and user behavior, are at least partially accountable to the users and/or are the users themselves.
5. *Graduated sanctions.* Users who violate rules-in-use are likely to receive graduated sanctions (depending on the seriousness and context of the offense) from other users, from officials accountable to these users, or from both.
6. *Conflict-resolution mechanisms.* Users and their officials have rapid access to low-cost, local arenas to resolve conflict among users or between users and officials.
7. *Minimal recognition of rights to organize.* The rights of users to devise their own institutions are not challenged by external governmental authorities, and users have long-term tenure rights to the resource.

For resources that are parts of larger systems:

8. *Nestled enterprises.* Appropriation, provision, monitoring, enforcement, conflict resolution, and governance activities are organized in multiple layers of nested enterprises (based on E. Ostrom 1990, 90).

Advantages of IG

- Ostrom and Pieper et al (2023), pp.258-259, identify several uses of IG as reflected in the literature to date:
 - i. game-theoretical analyses (effects of adding or subtracting components): see Ostrom (2005),
 - ii. synthesizing findings from the different subfields that relate to each type of institutional statement
 - iii. empirical field research, including comparative studies
 - iv. Identifying reforms
- From a legal point of view, the IG has the advantage of identifying more readily regulatory gaps, e.g. in any given situation relating to a commons:
 - What is not covered by one of the forms of rule?
 - Why?
 - +
 - it enables comparative study

De Moor et al's alternative typology

Rule category:

- Access
- Use: *i. General, ii. Specific*
- Management
- Governance Structure: *i. General, ii. Specific, iii. Party Category*

Rule Form:

- Permission
- Obligation
- Prohibition
- Appointment
- Rejection
- General

Rule Sequence:

- Adjustment
- Annulation *etc.*

Sanctioning

General:

- Liability
- Party suffering
- Party offending
- Rule trigger
- Graduated
- Differentiated
- Harm type

Specific:

- General: Offence, Quantity-Amount, Quantity-Time
- Specific item, e.g. animal, branch, bush

Type:

- Confiscation private property
- Confiscation resource common *etc.*

Hohfeld's Typology

- Welsey Hohfeld's typology of **basic legal concepts** (*sui generis concepts*): 'right kind of simplicity' (...)
- Essential insight → **legal concepts are relational** by definition and cannot be fully understood 'atomistically'
- Basic legal concepts → possess (i) **an opposite**, (ii) **a correlative**

Hohfeld's Typology

Jural: rights privilege power immunity

Opposites: no-rights duty disability liability

Jural: right privilege power immunity

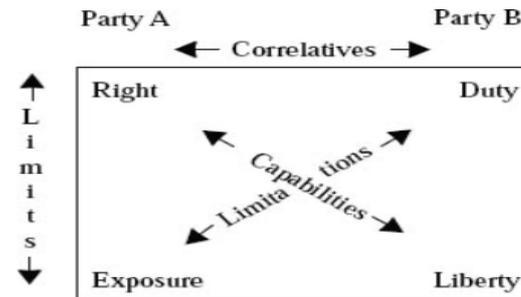
Correlatives: duty no-rights liability disability

Hohfeld's Typology

- **Opposite:** the opposite or negation of a term is self-explanatory
- **Correlative:** for Hohfeld, an implication of a first legal interest's characterisation for the understanding of another legal interest or concept (other than the first legal concept's opposite)
- **Relativity of legal concepts**
 - a privilege is weaker than a right: no corresponding duty with privilege (contrast right)
 - one's freedom from the right or claim of another (Hohfeld)
 - merely a possibility (Simmonds)
- **Power**
 - control over legal relations [Non-legal equivalent? e.g. '*deontic control*']
 - the opposite of power is no power or *disability*, and the correlative of disability is *immunity*
- **Immunity**
 - correlative of *disability* ("no power"), and the opposite, or negation, of *liability*

Critiques of Hohfeld

- Hohfeld's typology is '**paradigm analysis**' (Spaak (2003), p. 89)
- Commons differed from Hohfeld in adopting **different terminology** (e.g. limits versus opposites), with somewhat different implications, including the term 'exposure' instead of Hohfeld's 'no-right':
 - beyond the scope of a right, Commons argued we are 'exposed' to being put at a disadvantage or harm by the freedom of others unimpeded by any rights of ours
 - 'exposure' refers to the disadvantage we suffer even without experiencing a legal wrong
 - Commons steps outside a purely legal understanding of damage or harm
 - Commons (1924, 1995), pp. 91-98
- **Ostrom adopts Commons' modification** of Hohfeld (pp. 144-145) ▶



Other Aspects of Norm Categorisation

- Hart's primary and secondary rules:
 - i. **Primary** → substantive rules
 - ii. **Secondary** → rules about the rules: i. rule of recognition, ii. rules of change, iii. rules of adjudication
- 'Constitutional rules':
 - Constitutive statements** - parameterizing features of a governed system → in law, Hart's primary rules
 - versus*
 - Regulative statements** - statements prescribing actions for specific actors within particular constraints → in law, Hart's secondary rules
- Variations of distinction widely discussed (e.g. Searle), in context of IG, see, e.g. Pieper et al (2023) on constitutive and regulative statements
- Ostrom acknowledged different levels of norms/rules, including constitutional: ...
- Frändberg – Hybrid norms

Hohfeld-Ostrom

Ostrom

(i) **Typical subject matter for commons:**

Position → AIM verb 'be' regulating 'positions'

Boundary → AIM verb 'enter' or 'leave' regulating 'participants'

Aggregation → AIM verb 'jointly affect' regulating 'control'

Information → AIM verb 'send' or 'receive' (regulating information)

Pay-off → AIM verb 'pay' or receive regulating cost or benefit

(ii) **More general rules:**

Choice → AIM verb 'do' regulating an 'action'

Scope → AIM verb 'occur' regulating 'outcomes'

Hohfeld equivalent

→ Power

→ Right

→ Power

→ i. Right to receive, ii. Duty to provide or iii. power to provide?

→ Right or Liability

→ Generic re action

→ Generic re outcome, No equivalent, e.g. Directives in EU law?

Reconfiguring Ostrom in light of Hohfeld, Hart, De Moor et al

Ostrom

Hohfeld & legal equivalent

(i) Organisational (secondary) rules:

Position

+

Aggregation

▶ Power/Competence* re: (i) role or (ii) level within a multi-level framework

. Agenda-setting e.g. → competence rule?

+

Liability – Sanctions: under ADICO, Ostrom acknowledges sanctions as separate or additional rules – De Moor et al

(ii) Subject-matter (primary) rules:

Boundary

▶ Right to exit or enter

Information

▶ i. Right/Duty to receive, ii. power to provide information

Pay-off

▶ Right to be paid or Liability to pay

More general subject matter rules:

Choice → good label?

▶ Generic re action: 'Other duty-imposing rule'

Scope → good label? 'Framework/Directive rule'

▶ Generic re outcomes, No equivalent

Hohfeld - Ostrom

- Ostrom's overall approach tends to **de-centre an understanding of rules away from the deontic** as defining the rule type
 - **Definition of a norm:** "norms are prescriptions held by an individual that an action or outcome in a situation must, must not, or may be permitted" (ibid, pp. 125-126) + gives examples that are legal (adopted from Von Wright)
- Ostrom is **not just concerned with legal rules** (whereas Hohfeld is), but with rules or norms of social cooperation: she does not analyse effects of legal versus non-legal rules/norms
- Ostrom is concerned with **overall relational effects, not just with deontics**, e.g. her adoption of Commons' concept of exposure? (pp. 144-145)
- Ostrom puts **front and central the subject matter** in defining rule types in a commons context

Hohfeld - Ostrom

- **Ambiguities in distinguishing Ostrom's rule-types** can be reduced by adopting Hohfeld
- The **IG** – or analysis of A(B)DICO – **can be largely separated from the design principles**
- However, **centrality of deontic sometimes comes through in Ostrom's writing** (e.g. p. 195) and is present in the definition of norm above (“must, must not, or may be permitted”)
- Rule-norm distinction and sanctions in Ostrom: **sanctions** deserve to be a rule type/category as a secondary rule?
- **De Moor et al** give sanctions more prominence

Ostrom - Deontics

- See pp. 143-145
- “The partitioning of actions can also be complicated by complex sets of rules that may be inconsistent in their ordering of actions with different rules assigning different DEONTICS to the same action. One rule may forbid an action, while another rule requires that same action.”
(p. 195)

OST & the I.G.

Article in OST	Content	I.G.	Notes
Article I	Exploration and use in the interests of all countries, freedom of access	Position (or participant) & Boundary rules (all States), Choice rule (freedom of access)	General international law provide the fundamental or constitutional Position rules, i.e. no special institutions created here; de Moor et al: Access, Use
Article II	Non-appropriation of outer space	Position rule (who can), Choice rule (what and when can be done)	Could also understand as negative position or scope rule (cannot become owner); de Moor et al: Access, Use, Management, Governance
Article III	Activities in the exploration and use of outer space, including the Moon and other celestial bodies, in accordance with international law	Choice rule (what can or cannot be done), Scope rule (outcome of compliance with international law)	de Moor et al: Governance

OST & the I.G.

Article in OST	Content	I.G.	Notes
Article IV	Use of WMD in space prohibited, prohibition of weapons testing and military installations on celestial bodies, military personnel for scientific research allowed	Choice rule[?], Scope rule, Participant rule	Probably better seen as scope rule than choice rule; De Moor et al: Use - Prohibition
Article V	Role of astronauts as 'envoys of mankind', duty to help them, disclosure of information on dangers to health or life of astronauts	Position rule, information rule	Cooperation requirement
Article VI	International responsibility for national activities in outer space, including the Moon and other celestial bodies, whether such activities are carried on by governmental agencies or by non-governmental entities, national regulation of space activities of non-governmental bodies	Position rule , Boundary rule, (Minimal) Scope rule	Requires national, i.e. State, regulation of private space activities, but scope of this in terms of standard of regulation not addressed

OST & the I.G.

Article in OST	Content	I.G.	Notes
Article VII	Liability for damage of each State Party to the Treaty that launches or procures the launching of an object into outer space	Position rule (i.e. directed at States), Scope rule	Liability does not fit easily into I.G.?
Article VIII	A State Party to the Treaty on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object, and over any personnel thereof, while in outer space or on a celestial body + ownership unaffected by being in space	Position rule (i.e. directed at States), Choice rule	Continuing ownership and control of own objects attributable to States
Article IX	Cooperation and consultation	Scope rule, Information rule	

OST & the I.G.

Article in OST	Content	I.G.	Notes
Article X	Duty to consider observation	Information rule	About cooperation
Article XI	Informing Secretary General of UN to the greatest extent feasible and practicable, of the nature, conduct, locations and results of such activities	Information rule	
Article XII	All stations, installations, equipment and space vehicles on the Moon and other celestial bodies shall be open to representatives of other States Parties to the Treaty on a basis of reciprocity	Choice rule (access in circumstance of reciprocity), Scope rule (access as outcome)	

OST & the I.G.

Article in OST	Content	I.G.	Notes
Article XIII	The Treaty applies to State parties	Position rule, Boundary rule re IOs	IOs have derivative status
Article XV	Amendment - Any State Party to the Treaty may propose amendments to this Treaty and amendments shall enter into force for each State Party to the Treaty accepting the amendments upon their acceptance by a majority of the States Parties	Aggregation rule	
Article XV	Withdrawal	Boundary rule (exit rule)	

What gaps does the IG suggest re OST?

- At the ABDICO level?
 - ▶ **O**bject: exclusively directed at States, *private actors not addressed?*
 - ▶ **O**r Else: What happens when there is no payment?
- Relative to types/forms of rules:
 - ▶ Position rules → *Public-private divide?* Only in Article VI
 - ▶ Default rules → *Cooperation, dispute settlement, no special rules in OST on some aspects of this*
 - ▶ Payoff rules → *Nothing on taxation in OST*
 - ▶ Aggregation rules → *Who is to tax:* at what level national or international?
 - ▶ Scope rules? → *What is the jurisdictional basis of the tax?* e.g. at national level, what type of territoriality (source or residence – see Calijuri (2023))
 - ▶ Some legal concepts not immediately placeable in I.G.? e.g. liability, dispute settlement, cooperation
 - ▶ Can characterise legal rules in several ways under I.G.
- Outside of ABDICO?: Who has the *legitimate* authority to impose taxes? Metaconstitutional level condition?

A.B.D.I.C.O. - Tax

□ **A.B.D.I.C.O.**

ATTRIBUTES of the actors who are

OBJECT, i.e. a receiver of an action/aim by attribute

OBLIGED, **F**ORBIDDEN, **O**R **P**ERMITTED ('**D**eontic' or D) to

ACT (or **A**FFECT an outcome or **A**IM) under specified

CONDITIONS

OR **E**LSE

TAX

A: Tax authorities

B: Who is payee?

D: May impose a tax

I: Collect the tax

C: When is there competence/power to tax?

O: i. sanction as in penalty tax, or

ii. some other consequence, e.g. dis-qualifying effect (see Borck & McMaster 2018, p. 235)

→ Applying ABDICO to the tax example illustrates:

▶ what Ostrom referred to as shifting levels of analysis from one situation to a deeper rule-changing situation: the question of the power to impose the tax (constitutional level) versus the application of a tax rule (operational level): 2005, pp. 63-64

▶ the 'Or Else' element of ABDICO by the fiscal penalty or some dis-qualifying effect being alternative 'Or Else' (whereas non-payment or under-payment consequence for the tax collector does not have any 'deontic' role; it is a fact, not a norm): see Ostrom (2005), pp. 149-152

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