

Between tradition and modernity.

Local institutions and the management of common property in mountain regions in the Southern Norway in the 1990's.

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I. Institutions of complexity; The Norwegian commons.

The state commons and the parish commons in Norway consist of large forest and mountain areas in the Southern Norway. (South of Nordland County. The parish commons have an area of ca 6.817.000 dekar, which includes ca. 4.107.000 dekar productive forest this area represent ca. 2.6% of the Norwegian productive forest There are 51 parish commons and the most of them are in the southern part of Oppland and Hedmark and it is these commons that have the most of the productive forest. There are 17.000 farms with rights in the parish commons. The rights to materials are organized in that way that the farmers get materials for low prices from the common, not by the way that the farmer himself is cutting the timber or wood. The commons are managed as a unit. This was stated in the Act of 17. juni 1937. The biggest parish commons have also a sawmill. The Local institutions of the state commons and the parish commons have not been focused on in the study of local environmental politics. The institutions are more associated with the law-profession- to a very complex situation of different types of rights regulating the use of the common.

The national parks and other protected areas according to act of nature protecting in the south of Norway is in state commons. (In Northern Norway in State property) The most of the proposed new protected parks is also in the state commons.

At the same time both local interest-groups and companies and authorities with responsibility for the development of new economic activities in the district want to promote both more tourism and new types of tourism in the areas that are proposed to be new protected areas.

The mandate of the local institutions, specially for the Mountain Council, that bring them into a role to balance between more protection and more economic development or to stand on traditional way of management and use of the nature according to formal rights defined by the laws of the common and to local customs.

From the end of the 80's there have been a decentralization of authority from state and regional environmental authorities to the local institution. At the same time there have been initiatives to develop the exploitation of the natural resources specially to develop new types of tourism.

The local councils are old institutions with traditions that had received enlarged mandates. The task was first to represent and work to secure the common property rights for the local farmers but now the tasks have also a more general character. One strong norm in both commons is: The use of the commons should be as it has been of old. The commons were not ordinary property units. They can in principle not be alienated. This does not mean that the use and the legal situation in the commons have not changed, neither that the commons today are as they were of old. But the commons are closely linked to its history and this slows

down the process of change in use and change in legislation.

This development can be seen in relation to a general tendency from the beginning of the century until today of modernization. Both in legislation and in politics concerning the management for the outfields the tendency is to secure the general rights and secure the same treatment for everyman- this in conflict with private property and local interests and traditions. (¹) This have been an important part of the development of the welfare state after the second World War in Norway called the standardisation politics. (Jfr. Strand 1979, Strand 1985, Mjøset 1985). This generalisation or modernization have made frameworks for the management of the outfields generally and the commons specially. The general tendency is that the farms with common property rights have been restricted.

The research project "local institutions and the management of outfields" is a social scientific project within a research-program; (The outfieldprogram) from the Norwegian Council of Research, NFR. Our project is a study of the local institutions of the state and parish commons in the period 1991 to 1998. The project focus on decisionmaking in the local institutions and their communications with interestgroups and institutuins whithin and outside the local community. The main purpose of our project was to examine how members of local institutions with responsibility for the management of mountain areas behave when they are under pressure from both environmental authorities to implement national environmental objectives and from different local economic actors to develop the agriculture or the local tourism. The mandate for both the Mountain council and the commons board, specially the mountain council is to organize in and coordinate different interest both public and "private". The councils have similiarities with modern attempts to establish local arenaes for environmental management. But the two institutions are a more exclusiv arena then the new arenaes created in the LA-21 project.

In-organization or integration of many contradicting interest in a single institution may cause an increased legitimacy and increase the chance for the institution to be flexibel and therefor recieve more resources from different parts of the public administration.

But the main problem of to organize in contradicting interests in a single institution is the problems to make decisions. But these local institutions do function in a situation where the market is important and where it is a political intention to bring the market mecanism into new territories. The commons, both the state common and the parish common are contitute by a different kind of logic than an ordinary company so it is interesting to find out in what way the changing the last years in the institutional surrounding have influenced the local institutions for the commons.

The paper vill; 1) discuss some general questions concerning the study of local institutions managing natural resources especially management of natural resources by semi-public local institutions and local agendas. 2) present a dicussion on tradition and modernity, 3)

¹ The Act of recreation from 1957 confirmed the old principle of everymansright(allemansretten) and strenghten the urban interest versus the rural interest. Other examples is legislation concerning the environmental protection 1910, 1954, and 1970 and the planning legislation; 1965, 1981 and 1986.

present some important characteristics by the history of the commons, the complexity of rights and the local institutions connected to the commons. 4) present the research design and discuss the results from the empirical study of the development of mountain commons in the Southern Norway in the 90th.

II. The critique of the "Tragedy of the commons".

Much of the debate around resource management has revolved around the problems raised by Hardin's provocative article "Tragedy of the commons" (Hardin 1968). Hardin analyzes a known theme from the social science: individual rationality makes collective irrationality or a tragedy in the common. The statement from Hardin was used metaphorically as a "social law" expressing without recognized private owners or a state capable of enforcing the rules the outcome is degradation of resource. The position from Hardin gave ideological support both to entrepreneurs striving for privatization and to community-scepticism of influential pioneers supporting the hierarchical authority enforcing the protection policy.

Research was focused on common property or "self-organized resource regimes" have been a unison critique of the position held by Garret Hardin. The establishment of "the Panel on Common Property Resource" by National Academy of Sciences in 1986 was an important turningpoint for this critique. The unison conclusion was that both "commons" and "Common property" is misunderstood by Hardin (and his followers) who analyzed open access resources not common property resources. (Bromley 1992:3)

While Hardin made a picture of the Robinson Crusoe without the institutions that produce and reproduce such social control, the social scientists focus on a classical theme in the political science; The importance of how the institutions constrain action to avoid the tragedy of the commons. The focus was the importance of the property right regime; how the distribution of rights and duties regarding the usage of natural resources affect the economic surplus from the resource and the distribution of welfare among people depending on it.

The strategy was to find similarities among long enduring institutions that could help to formulate general principles for the management of commons by local institutions.⁽²⁾ The proper local institution could avoid the problems connected to the rule by hierarchical institutions of the State or the opposite the rule by the market or by the large companies. The critical variables identified was that the share holders or holders of rights in the common have to communicate (avoid the prisoners dilemma game or chicken game), establish norms and rules, establish monitoring, establish a gradually sanctioning or punishment of the free-riders. (Feeny, Berkes, McCay and Acheson 1990, Liebecap 1989, Eggertsson 1990, Ostrom 1990, Bromley 1991, 1992. Ostrom 1992)

Ostrom 1990, 1992, 1994 use a framework developed by Kiser and Ostrom (1982) and Ostrom (1986). Kiser and Ostrom (1982) have elaborated the idea of three worlds of action. Each common is shaped by three layers of rules, constitutional rules, collective choice rules

² A broad presentation of critique is presented in Knudsen 1995.

and operational rules. (Ostrom 1992; 209-210) An important theme or variable in the studies is different type of rules.

Constitutional rules determine who to be eligible to have access to the resource and share the benefit of its use etc. Collective choice rules regulate how decisions are made, for instance in order to decide the level of harvesting or the technological input. Operational rules finally regulate the daily activities. Constitutional decisions establish institutional arrangements and their enforcement for collective choice. Collective decisions, in turn establish institutional arrangements and their enforcement for individual action. Constitutional choices precede and constrain collective choices (Kiser and Ostrom 1982: 209-210, Ostrom 1990:) In this perspective a constitution can be defined as a system of rules specifying the terms and conditions of governance while governance itself "includes the setting of rules, the application of rules, and the enforcement and adjudication of rules". Ostrom's framework have dominated() But Ostrom have made a more sophisticated model. Ostrom's position is that attempts to find solutions of the prisoners dilemma by a hierarchical state enforcing new rules or by the market will not find solutions but create problems. She argues that instead of there being a single solution to a single problem many solutions exist to cope with many different problems. Ostrom present herself as "institutionalist" associate herself with represents of what she call;"the new institutionalism". These representants are representants of the rational choice camp of the very heterogenous "new institutionalism". In stead of presuming that optimal institutional solutions can be designed easily and imposed at low cost by external authorities she argues that;

"getting the institutions right" is a difficult, time-consuming, conflict-invoking process. It is a process. It is a process that requires reliable information about time and place variables as well as a broad repertoire of culturally accepted rules. New institutional arrangements do not work in the field as they do in abstract models unless the models are specified and empirically valid and the participants in a field setting understand to make the new rules work."Instead of presuming that the individuals sharing a commons are inevitably caught in a trap from which they cannot escape, she argue that the capacity of individuals to extricate themselves from various types of dilemma situations varies from situation to situation."(³) Ostrom find that both the centralizers and the privatizers frequently advocate oversimplified idealized institutions-paradoxically, almost "institution-free" institutions." (and suggests that the design of sound policies requires a far more thorough and contexted analysis of the role and functioning of institutions. ⁴)

But is this followed up by Ostrom in her book from 1990 or later contributions?

Empirical studies reveal that each commons institution is different- in its management practices and assumptions, its allocation of rights and responsibilities, its relationship with state agencies. But this plurality derives from the fact that each institution is largely an outcome of interactions between a specific set of users with respect to a local resource. These variations present obvious difficulties for those who want to study institutions as a system. How do local institutions originate ? How are preferences for managing or conserving

³ E. Ostrom 1990; 14

⁴ E. Ostrom 1990 p. 22.

resource stocks negotiated? At what times will specific violators be identified and punished? What effect will new policies, laws and larger institutional frameworks have on local commons regimes? In most cases, the analytical literature provides few satisfactory answers to these and related questions. While it is possible through patient and rigorous sifting of empirical material to discover the principles that distinguish successful regimes and institutions, such principles do not explain the regimes nor are they sufficient conditions for their success.

Such regulation can be enforced by the state through laws, policies taxes and other formal rules and instruments. However, users can also agree to cooperate through decentralized and uncoercive means. Because these means and the institutions through which they are accomplished are largely an outcome of interactions between users themselves, they do not possess the standardised features associated with state or market institutions. Instead the largely informal and self-governing nature of commons arrangements reflect the relationships, experiences, interests and beliefs of their members. One possible analytical approach is to consider how these social attributes structure levels of interaction between members, and how within such interaction the problems of coordination and trust arise and overcome. Inherent in this approach is the view that such institutional arrangements originate in the form of local society, not merely as an aspect of property arrangements, and that the pattern of interactions are rooted. If such interactions are central in the process of joint consumption involving different levels of capabilities, preferences, trust and reciprocity, then their analysis is important for the study of commons institutions.

The historical beginnings of the modern commons discourse() lie in an economic analysis of property rights defined along binary axis between public and private goods. This analysis based on culturally conditioned social meaning of property has remain pervasive and influential. There is both different types of property and property regimes involved at the same time. Berge (1996) notes that conventional definitions like "The property rights regime called commons is owned by an identified group of people, which has the right to exclude non-owners and the duty to maintain the property through constraints placed on use" are insufficient to differentiate among various types of commons.

The most part of the conceptual analysis of the commons (also described as common property resources, common pool resources and CPRs) has concentrated on the universal principles, conditions or rules that characterize successful regimes and institutions (Ostrom 1990, Bromley 1992, Wade 1988, McGinnis and Ostrom 1993). In the process the analysis has largely avoided the implications of internal differentiation or asymmetry including the plurality of beliefs, norms and implications of internal differentiations between resource-users, the effects of complex variations in culture and society, as well as wider aspects of social political and economic conflict relating the commons.

But a problem is that abstraction from the complexity of field settings in order to consider theoretical variables in schematic models can lead to a reification of concepts, models and strategies. These models will be an element of the discourse() of the commons, of the management of the outfields and the legitimate claims of the local community. Critiques emphasize the tendency to universalize across political contexts, cultural spaces and institutional modes evident in the contemporary discourse on the commons originates within a notion of development that is uncontexted, unlocalized and value free. (Prakash)

(Prakash 1998,) (Goldmann 1998.)

The "Mixed" character of both institutions induced by modern policies of comanagement as of many "traditional" institutional arrangements should be evident; while neither resembles markets or state they are not entirely self governing or autonomous either. (As Oran Young citing recent work by Jodha(1993) argues, the analysis of universal "design principles" seems most suited to traditional, self contained societies, while most contemporary situations are marked by "complex mixes of traditional common - property arrangements and recent interventions stemming from the policy initiatives of modern states" (Oran Young 1995:40) Thus the formulation of such principles, he suggests, is applicable to a continually shrinking set of cases. He point that most existing commons are not isolated, self-contained entities but are increasingly affected by exogenous factors and policies.(Young 1995:40) Even isolated commons in the mountains have for a long time experienced state interventions which both were behind both the failure and sources of regimes administrated by local, informal institutions. Prakash emphasize that the dynamic transactions and relations embedded in contextualised notions of fairness result in a coinsolidation of information about positions, beliefs and interests of others. The accumulation of trust and social capital within complex bonds of solidarity geberates continual entitlements and expectations of reciprocity, networks of interactions and institutional instruments for collective endeavour. He find that even in the case of percieved unfairness a "balance of fairness" continues to operate by generating obligations and entitlements to future reciprocity."He emphasize the importance of understanding the interepretations of fairness and unfairness between agents and groups in the common. His startegy is trough empirical work on fairness identified in the commons institution is sparce and uneven, we may draw on some of the studies describing allocative decision-making in the broadly similar context of quasi-autonomus local institutions. (Prakash 1998 p. 18.) While most current understanding of prosedural fairness is dominated by an ethnocentric principle derived from Anglo-Saxon law, that is similar cases are to be treated similarly, other cultures possess entirely different notion of procedural fairness. Prakash and others argue that perceptions about fairness to contextual, socially-embedded responses. Individual reactions like guild and satisfaction occur within complex constraints imposed by social associations and relationships, the influence og social norms and intereactive networks of obligation and entitlement.

Ostom (1990) wants to avoid the trap of the concervative norm-ruled homo sociologicus, Her perspective is like Marx that people are able to create their own conditions but both the capacities of the individuals to extricate themselves varies from situation to situation. Keohane (1993) argue that these issues are inherently intractable because they involve interdependant utility functions. Social interactions within the commons as Elster argues for the social science in general(Elster 1989b, 1989a) is an area more suited to tje specification of plausible, frquently-occurring patterns or mechanisms instead of universal, strongly predictive theories. In such areas which involve the wide range of normative variation in human functioning. Common institutions in many parts of the world adopt a contextualist approach in addressing evertday problems, one which may be only remotly nested in formal laws and official authority. These problems can include deciding when equity is a more appropriate principle than equality in the division of goods of joint consumption, or the relative claims of need. For instance, what level of punishment will act as fair and effective deterrent for specific members who habitually shirk contribution yet utilise benifit. Should windows without grown male children get a higher share of forest products, and how is such a

share to be apportioned and regulated? While we have some knowledge about principle of fairness, we know little about the patterns and mechanisms through which separate perceptions of fairness emerge in different contexts and still less about how plural perceptions interact and effect decision-making in particular institutions. Given the importance of the subject it is quite surprising that work in these areas remains so meagre, and any comprehensive analysis relatively rare. But are the framework and the model of human action delivered by Ostrom and the rational Choice tradition able to grasp the human action, and the institutional processes, the institutional logics within complex institutions like commons? And the problems can be that a narrow conception of rationality from this tradition can disturb or avoid the development of concepts or frameworks for the understanding of institutional action. This perspective emphasis on interest articulation and the creating of the political agenda by economic interests groups that act strategically to get influence for their own economic interests. This is central point in the resource-mobilization tradition in sociology and political science. (Oberschall 1973, Tilly 1978). The decisionmaking process are strongly influenced by the economic actors political resources and political strategy. The tradition of the institutions are not of decisive importance because the mobilization-process are more important. Organized interests of different types in alliance with groups of politicians can get influence.

II. The classic and neoinstitutional perspective in sociology and political science.

An institutional⁽⁵⁾ perspective will focus on how processes within and between formal affect on which themes that will be defined as problems and brought to the political agenda, what kind of solutions that are been chosen and if this solutions leads to goal-attainment. The political cases in communes will be influenced by the administrative and political treatment in the municipality and by organized interests taking part in the case.

In Institutional theory the actors preferences and interests are interpreted not as something exogenous but something that are produced and reproduced within the political process. Institutions are dominated by actors that have opinions, intentions, and act on the base in accordance with what the rules for the institution tells us what is appropriate to act in different situations. The newcomers interpretations of appropriate action are formed to shape with the other members interpretation in discussions within the institution.

This socialization process will be formed by another logic than the strictly calculating. It is a base for the construction of meaning and identity. These socially constructed typologies of action will create life-world structures in the institutions and its environment.

March & Olsen (1984), March & Olsen (1989), Meyer & Rowan(1977), Berger & Luckmann(1967), Selznick (1949). Structural elements that are relative stabile in institutions are;

a) moral structures, b) cognitive structures, c) resource structures and d) behavior rule structures. March & Olsen (1989) Institutions give rule and resources and codes for action to roles. March & Simon (1957) use balance as a model for the institutions. Stability have

⁵ This direction are heterogent. In "The new institutionalism"; Walter Powell and Paul DiMaggio devellops a perspektiv in close connection to older theories about politics and democracy.

priority to change. The stability can be reproduced because the institutions have action- and interpretation-programs. They have a capacity to act, interpret and create difficulties for other type of action and interpretation. In this way political institutions are buffers against coincidences and violation of public norms.(corruptions) Different institutions have different set of rules. One important implication of this approach is the hypothesis that an attempt to reorganize the institution will succeed if the attempt is accordance with the tradition, logic and dynamic of the institution.

III. Discourses as social construction of reality.

From the platform of social constructivism political problems and explanations are interpreted as socially constructed. Whether or not a situation is perceived as a political problem depends on the narrative in which it is discussed. This linguistic turn potentially provides the policy analyst with useful new tools to analyze how certain relations of dominance are structured and reproduced. Discourse analysis have been linked to social constructivism and to a linguistic turn in the analyze of society and politics. In the positivist tradition the social sciences, language was seen as a mean, as a neutral system of signs that described the world with the coming of the postpositivist social sciences, however, language lost its neutral status and itself became problematized. Language is recognized as a medium, a system of signification through which actors not simply describe but create the world. (Berger & Luckman)

Hajer(1993 p.45) define discourse as an ensemble of ideas, concepts, and categories **through which meaning is given to phenomena**. Discourses frame certain problems; that is to say, they distinguish some aspects of a situation rather than others. The ideas, concepts, and categories that have constitute a discourse can vary in character: they can be normative or analytic convictions; they can be based on historical reference; they can reflect myths about nature. Discourse **provides the tools** with which **problems are constructed**. Discourse at the same time forms the context in which phenomena are understood and thus prederminates the definition of the problem. **Discourse structuration** occurs when a discourse starts to dominate the way a society conceptualizes the world.

For other definitions see Eder (1993), Rein and Schön(1993) and Blekesaune and Stræte (1997)

Hajer (1993 p 45) argue that the analysis of discursive constructions such as narratives is especially powerful in the context of the study of social-historical conditions in which the statements were produced and received. Social construct can be seen as a way to give meaning to ambiguous social circumstances. This process of constructing, or framing, political problems is a highly significant element of the political process. Actors try to impose their views of reality on others, sometimes through debate and persuasion, but also through manipulation and exercise of power. Social constructs emerge in the context of historical discourses which contain knowledge of how similar phenomena were dealt with in the past. Blekesaune and Stræte (97) state that the discourse analysis refuse the ahistorical or universal knowledge. Knowledge have valid in a historical period or for a social group. When new elements are articulated into the discourse on a meaningful way it became moments in the discourse. (Blekastad and Stræte p 14) The special with such articulation is that the element is given a precise meaning dependent of whos interpret the element, The text or element are

been interpreted to a moment within a framework. New moments have no consequences for the dispute, discourse before the new element are reinterpreted within the group's own framework (understanding of reality).

Dominance, hegemony and discourse.

Laclau and Mouffe (1985) use the concept social antagonism to describe how the political frontlines are constructed in a discourse. Through such constructions of social antagonisms the diversity or plurality on the political arena are reduced. Construction of social antagonisms are conscious or unconscious attempts to define out the opponents' arguments and in this way to bring him or her into passivity. The actors that by the help of social antagonism are able to present the opposition as representatives of particular interests, and at the same time get accepted for this presentation will achieve a hegemony versus the opposition. (Laclau and Mouffe 1985; 127-130) The framing device is used by social actors to construct moral meaning for themselves or to promote their rational interests. (Eder 1993) To identify the frames it is necessary to include the social context of framing devices which is empirical social situations with real actors. Eder refers to this phenomenon as "symbolic packaging". "The frames in action-context cannot be understood outside the specific symbolic package that gives them consistency, coherence and validity.

The next step of the discursive analysis is an analysis from the level of cognitive structures to the level of narrative structures. Narrative consistency and coherence which are determined by symbolic packages; are the key to an explanation of the framing and communication of specific issues. Further: Accumulating frame capital in order to control the use of frames is the basic mechanism that constitutes public discourse. An understanding of frame competition leads us from the analysis of collective actors to an analysis of the way in which frames mediate between collective actors. (p. 169)

Symbolic packages is means for framing strategies of collective actors.

In ecological communication is this collective actors, movements, industrial actors, political actors, experts or media actors. Collective actors does not only want to communicate frames but also construct "alternative" package to environmental problems. This make them able to distinguish themselves from other collective actors.

Movement actors thus package their framing devices in an oppositional symbolism. That this opposition is intentional may be made public by using words such as "alternative", "counter" and "critical". Movement-based discourses are "counterdiscourses" to dominant discourse.

Hajer use the term discourse coalition, which is basically group of actors who share a social construct. (The concept of discourse coalition was introduced by Peter Wagner and Bjørn Wittrock in their study of the influence of social science discourse on politics. Hajer use the concept in a different sense. (Hajer 1993 p. 45)

IV. Tradition and modernity: Differentiation, Rationalisation and Individualisation

Modernisation has often been identified as the belief that the masterful transformation of the world is possible, indeed that it is likely. (Alexander 1990a:16) Giddens suggests that 'modernity' refers to modes of social life or organisation which emerged in Europe from about the seventeenth century onwards and which subsequently became more or less world-wide in their influence' (Giddens 1990:1). Modernisation means de-traditionalisation but there have been a tendency to emphasise the complexity, contingency and ambivalence inherent to modernity. (Offe 1996). The basic distinction between the traditional society - and the new is an idea that traditional societies of the past could be seen as whole, well integrated units with a specific determinant dynamic between general cultural patterns and the daily life of individuals. The process of modernisation involves a form of dissolution and re-institutionalisation through:

a) The emergence of different functional arenas of social interaction. Sociologists have often discussed the transition from the traditional to the modern world in terms of the concepts of "differentiation" or "functional specialisation." The movement from small-scale systems to agrarian civilisations and then to modern societies, can be seen as a process of progressive inner diversification. Various objections can be made to this position. It tends to be linked to an evolutionary outlook, gives no attention to the "boundary problem" in the analysis of societal systems, and quite often depends on functionalist notions. There are actually various norms, frames, codes and rules which guide and sanction social interactions within different social arenas. According to Therborn (1995) and Tilly (1997), the point of conceptualising society and history as modernity/modernising is the fruitfulness of holistic approaches, and as part of that, the necessity for analysing the (lack of) relationships between social institutions. It is also possible to take the study of modernisation in a different and less macro-oriented direction. Modernisation does not only mean functional differentiation on the macro level: the different social systems are themselves further differentiated.

b) An increasing prevalence of various forms of rationality. Traditional worldviews (religion, myths) supplied authoritative interpretations of the world, modernity is characterised by questioning such hereditary worldviews. The result is that different forms of rationality dominate within distinct social arenas and rationality might be classified according to validity criteria corresponding to ontological premises as in the Kantian distinction between the objective, normative and subjective. The process of functional differentiation and rationalisation represents a loss of authority for traditional worldviews - "the past loses the power to determine the present." (Beck 1992:34)

Modernity, time, space and disembedding.

Giddens (1990 p.16) argue that we have to break away from existing sociological perspectives and to account for the extreme dynamism and globalising scope of modern institutions and explain the nature of their discontinuities from traditional cultures. The discussion of modernity as functional differentiation does not satisfactorily address the issue of time-space distanciation. The notion of differentiation or functional specialisation are

not well suited to handling the phenomenon of the bracketing of time and space by social systems. The image evoked by disembedding is better able to capture the shifting alignments of time and space which are of elementary importance for social change in general and for the nature of modernity in particular. He finds the sources of the dynamic nature of modernity derives from the a) separation of time and space and their recombination in forms which permit the precise time-space "zooming" of social life, b) the disembedding of social systems (a phenomenon which connects with the factors involved in time space separation) and c) the reflexive ordering and reordering of social relations in the light of continual inputs of knowledge affecting the actions of individuals and groups. (Giddens 1990 p. 17.)

Giddens means by disembedding the "lifting out" of social relations from local context of interaction and their restructuring across indefinite spans of time-space. ⁽⁶⁾

Giddens distinguish two types of disembedding mechanisms intrinsically involved in the development of modern social institutions. 1) The creation of symbolic tokens. By symbolic tokens means media of interchange which can be "passed around" without regard to the specific characteristics of individuals or groups that handle them at any particular juncture. Various kinds of symbolic tokens can be distinguished, such as media of political legitimacy. (Giddens 1990 P.22) 2) The establishment of expert systems. Expert systems mean systems of technical accomplishment or professional expertise that organize large areas of the material and social environments which we live today. Expert systems are disembedding mechanisms because, in common with symbolic tokens, they remove social relations from the immediacies of context. Both types of disembedding mechanism presume, yet also foster, the separation of time from space as the condition of the time-space distancing which they promote. An expert system disembeds in the same way as symbolic token, by providing "guarantees" of expectations across distanced time-space. This "stretching" of social systems is achieved via the impersonal nature of tests applied to evaluate technical knowledge and by public critique (upon which the production of technical knowledge is based), used to control its form. Trust is inevitably in part an article of "faith". Giddens argue that all disembedding mechanisms, both symbolic tokens and expert systems, depend upon trust. Trust is therefore involved in a fundamental way with the institutions of modernity. Trust here is vested, not in individuals, but in abstract capacities. Anyone who use monetary tokens do so on the presumption that others, whom she or he meets, honour their value. But it is money as such which is trusted. (Giddens 1990 P. 26) Trust in short is a form of "faith" in which the confidence vested in probable outcomes expresses a commitment to something rather than just a cognitive understanding. Indeed, the trust involved in modern institutions in the nature of the case rest upon vague and partial understanding of their "knowledge base".

In this paper we now will concentrate on the character of tradition in the context of modernity.

Tradition, memory, biography and identity.

What is tradition actually and what are the generic characteristics of a "traditional society". Traditions are always changing, but there are something which presume endurance; if it is

⁶ (p. 21)

traditional, a belief or practice has an integrity and continuity which resists the buffering of change. The integrity or authenticity of a tradition, therefore is more important in defining it as tradition than how long it lasts. Giddens (1994 p 63:) understand "tradition" bound up with memory, specifically what Maurice Halbwachs term "collective memory"; involves ritual; is connected with what he shall call a formulaic notion of truth has "guardians" and unlike custom, has binding force which has a combined moral and motivational content."

Memory, like tradition in some sense or another-is about organizing of the past in relation to the present. Halbwachs; the past is not preserved but continuously reconstructed on the basis of the present. Such reconstruction is partially individual, but more fundamentally it is social or collective. (Halbwachs argument) Memory is an active social process.

Tradition is an organizing medium of collective memory. There can be no more a private tradition than there could be a private language. The "integrity" of tradition derives not from fact of persistence over time but from the continuous "work" of interpretation that is carried out to identify the standards which bind present to past.⁽⁷⁾ Like other aspects of tradition, ritual has to be interpreted; but such interpretation is not normally in the hands of the lay individual.

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All traditions have a normative or moral content, which gives them a binding character. Their moral nature is closely bound up with the interpretative processes by means of which past and present are aligned. Tradition represents not only what "is" done in a society but what " should be" done. In premodern societies, tradition provided a relatively fixed horizon of action. Tradition, as been emphasized, involves active processes of reconstruction, particularly as filtered by its guardians. Tradition is contextual because it is guaranteed by a combination of ritual and formulaic truth.() Separated from these, tradition lapses into custom or habit. (Giddens p. 79) Traditions are unthinkable without guardians, because the guardians have privileged access to truth, truth cannot be demonstrated save in so far it is manifest in the interpretations and practices of guardians.⁽⁹⁾ The connection between ritual and formulaic

⁷ Tradition usually involves ritual. Tradition is necessarily active and interpretative. Ritual one can propose, is integral to the social frameworks which confer integrity upon traditions, ritual is practical means of ensuring preservation. Collective memory, as Halbwachs insists, is geared to social practices.

⁸ Traditions involves "formulaic truth", to which only certain persons have full access. Formulaic truth depends not upon referential properties of language but rather on their opposite ritual language is performative, and may sometimes contain words or practices that the speakers or listener can barely understand. Ritual idiom is a mechanism of truth because, not in spite, of its formulaic nature. Ritual speech is speech which it makes no sense to disagree with or contradict - and hence contains a powerful means of reducing the possibility of dissent. Formulaic truth is an attribution of causal efficiency to ritual; truth criteria are applied to events caused, not to the propositional content of statements. Guardians, be the elders, healers, magicians or religious functionaries, have the importance they do in tradition because they are believed to be the agents, or the essential mediators of its powers.

⁹ The shaman or priests actions defacto define what the traditions actually are.

truth is also what gives traditions their qualities of exclusion. Tradition always discriminates between "insider" and "other", because participation in ritual and acceptance of formulaic truth is the condition for its existence. The "other" is anonymous and everyone who is outside. Traditions one could say, almost demand to be set off from others, since being an insider is crucial to their character.

Tradition and identity.

Tradition hence is a medium of identity. Whether personal or collective, identity presumes meaning; but it also presumes the constant process of recapitulation and reinterpretation. Identity is the creation of constancy over time, that very bringing of the past into conjunction with an anticipated future. In all societies the maintenance of personal identity, and its connection to wider social identities, is a prime requisite of ontological security. Tradition thus provides an anchorage for "basic trust" so central to continuity of identity, and it was the guiding mechanisms of other trust relations. The stranger depends upon the territorial segmentation of premodern social systems, in fact it results more from the privileged and separatist character of traditionally conferred identities. The unknown is that culturally defined space which separates off the outside from the world of the "familiar" structured by the traditions with which the collectivity identifies.

Tradition in pre-modern and modern society.

In premodern civilisations, the activities of the political centre never fully penetrated the day to day life of the local community. Traditional civilisations were segmental and dualistic. The vast majority of the populations lived in local, agrarian communities making up. A very large part of the content of tradition, therefore, continued to be at the level of the local community. Such "little traditions" were often influenced by the guardians of rationalized religions (priests, officials) but also responded to a variety of local conditions. Often were linguistic differences as well as other cultural scisms between local communities and central elites. (Giddens 1994 p. 91) But a collaboration between modernity and tradition was crucial to the earlier phases of modern social development. Even the most advanced of premodern civilisations remained resolutely traditional. The power system of the early modern state continued to presume segmentation of the local community. Only with the consolidation of the nation state, and the generalization of democracy in the nineteenth and twentieth centuries, did the local community effectively begin to break up. Early modern institutions did not only depend upon pre-existing traditions but also created new ones. Formulaic truth, and associated rituals, were pressed into service in new arenas—the most important being the symbolic domain of the "nation". Erich Hobsbawm, among others, has drawn attention to the phenomenon. He notes that nineteenth-twentieth-century "traditions" which appear or claim to be old are quite often recent in origin and sometimes invented. (Hobsbawm, Eric 1983.)⁽¹⁰⁾

Secular traditions have their guardians just as those concerned with the sacred: political leaders speak the language of tradition when they claim the same sort of access to formulaic truth.

¹⁰ Giddens (p. 93) For all traditions one could say, are invented traditions. What gives traditions their genuineness, their authenticity, is not that they have been established for aeons, nor is it anything to

Reflexive modernity, detraditionalisation and construction of new tradition.

The phase of "reflexive modernisation" marked as it is by the twin process of globalization and the excavation of most traditional contexts of action, alters the balance between traditions and modernity. (Giddens p. 95) High modernity or what Beck calls reflexive modernization. Henceforth, tradition assumes a different character. Institutional reflexivity become the main enemy of tradition; the evacuation of local contexts of action went hand in hand with growing time-space distanciations. (disembedding) Globalization is an "in here" matter which effects, or rather is dialectically related to even the most intimate aspects of our lives. Indeed what we now call intimacy, and its importance in personal relations has been largely created by globalizing influence. What ties the globalization to the excavations of traditional contexts of action... Tradition is about the organization of time and therefor also space: so is globalization, save that the one runs counter the other. Globalization is essentially "action at distance; absence predominates over presentè.

Traditions in the modern society.

In the post-traditional order, even in the most modernized societies today, traditions do not wholly disappear, indeed, in some respects, and in some contexts, they flourish. In what sence Giddens find like Habermas that old or new, traditions exist in the modern world exist one of two frameworks.

a) Traditions may be discursively articulated and defended- in other words, justified as having in a universe of plural competing values. Traditions may be defended in their own terms, or against a more dialogical background: here reflexivity points to the difficulties of living in world of radical doubt. A discursive defence of tradition does not necessarily compromise formulaic truth, for what is most consequential is a preparedness to enter into dialog while suspending the threat of violence. b) Tradition becomes fundamentalism. Fundamentalism may be understood as an assertion of formulaic truth without regard to consequences.

The division between great and little traditions, which in some premodern civilizations survived for a thousands of years, has today almost disappeared. Distinctions between "high and low culture" of course have only marginal connections with traditions as Giddens have defines it. The dissolution of the local community, such as it used to be is not the same as disappearance of local life or local practices. Place, however, becomes increasingly reshaped in terms of distant influences drawn upon the local areana. Thus local customs that continue to exist tends to develop altered meanings. They became either relics or habits. (Giddens p. 101) Habits may be purely personal forms of routinizations. They are individual routines of one kind of another, which have a certain degree of binding force simply by virtue of regular repetition. In a post-traditional order habits are regularly infused with information drawn from abstract systems, with which also they often clash. Many personal habits effectively become

do with how far it accurately encapsulates past events. In those most "traditional" of all societies, oral cultures, after all, the "real past", if those words have any meaning, is effectively unknown. Tradition is the very medium of the "reality" of the past.

collective as they are shaped by commodification, or as a result of generalizable influences of institutional reflexivity. Local customs are more genuinely collective habits when they are created by influences within an area or community, but those that are remnants of more traditional practices are likely to devolve into items in what some have called the living museum. Whether they are personal traits or more closely connected with social customs, habits have lost all tie with formulaic truth of tradition. Artefacts one associated with both great and little traditions in the post-traditional order tend to become relics, although "relic" should be extended to cover more than only physical objects. A relic, as I use the word here, covers any item in a living museum. Relics are not just objects or practices which happen to live on as a residue of traditions that become weakened or lost; they are invested with meanings as exemplars of a transcended past.

Relics are signifiers of a past which has no development, or at least whose causal connections to the present are not part of what gives them their identity.

A relic has no effective connection with the area which it exists, but is produced as a visible observation by whosoever happens to wish to visit. A living museum is any collage of such "memory traces" presented for the public display. In so far as they do not become habits, customs may fall into this category.

Tradition is effectively a way of settling clashes between different values and ways of life. The world of "traditional society" is one of traditional societies, in which cultural pluralism takes the form of an extraordinary diversity of mores and customs—each of which exists in privileged space. (Giddens p. 104) With the emergence of modernity and particularly with the intensifying of globalizing processes, these circumstances become more or less completely undermined. Traditions are called upon to "explain" and justify themselves in a manner already ruled to. In general, traditions only persist in so far as they are made available to discursive justification and are prepared to enter into open dialogue not only with other traditions but with alternative modes of doing things.

Analysis of commons or management of mountain areas within modern society often (implicitly) builds upon these perspectives. Either a functionally differentiated system (for example the economy) is blamed for operating according to its own code to the exclusion of environmental problems, the critical point being that there is no overarching system which could impose environmentally sound constraints on the many 'autonomous' systems, or, one form of rationality (often instrumental rationality) is accused of being too narrow to allow more environmentally friendly norms or feelings to influence social interaction. The picture that emerges then is one of modern society as extremely manifold and complex: numerous social systems, different forms of rationality and an increasing responsibility for individuals taking 'sound' decisions. Consequently, a fruitful analysis of modern society should, somehow, reflect this complexity, and not reduce it to, say, politics or instrumentalism.

V. Local institutions and the community.

New-institutionalism have picked up important elements from ethnomethodology and Cultural theory. Ethnomethodology focus on how the actor **interpret** the situation, interpret the others actions and the actor use a reservoir of lifeworld- based knowledge. The focus is important to come to "the actor's point of view". The problem of this approach is the difficulty to explain stable pattern of action.

The local culture are often constitute as resistant norms or a resistant collective against the central government(Douglas and Wildawsky 1984). The culture often have a typical interpretation of reality in dichotomies like "we and the others", "the community and the state". Members of local institutions recruited from economical interest-groups can be regarded as purposive rational actor, as agents for their economic interests. But this interpretation are not able to interpret value-rational action which are characterized by a belief in the value of the action in itself independent of the result of the action. Value-rational action either related to lifestyle, ethical conviction can be related to the peoples socialization during their ground up period in the society.

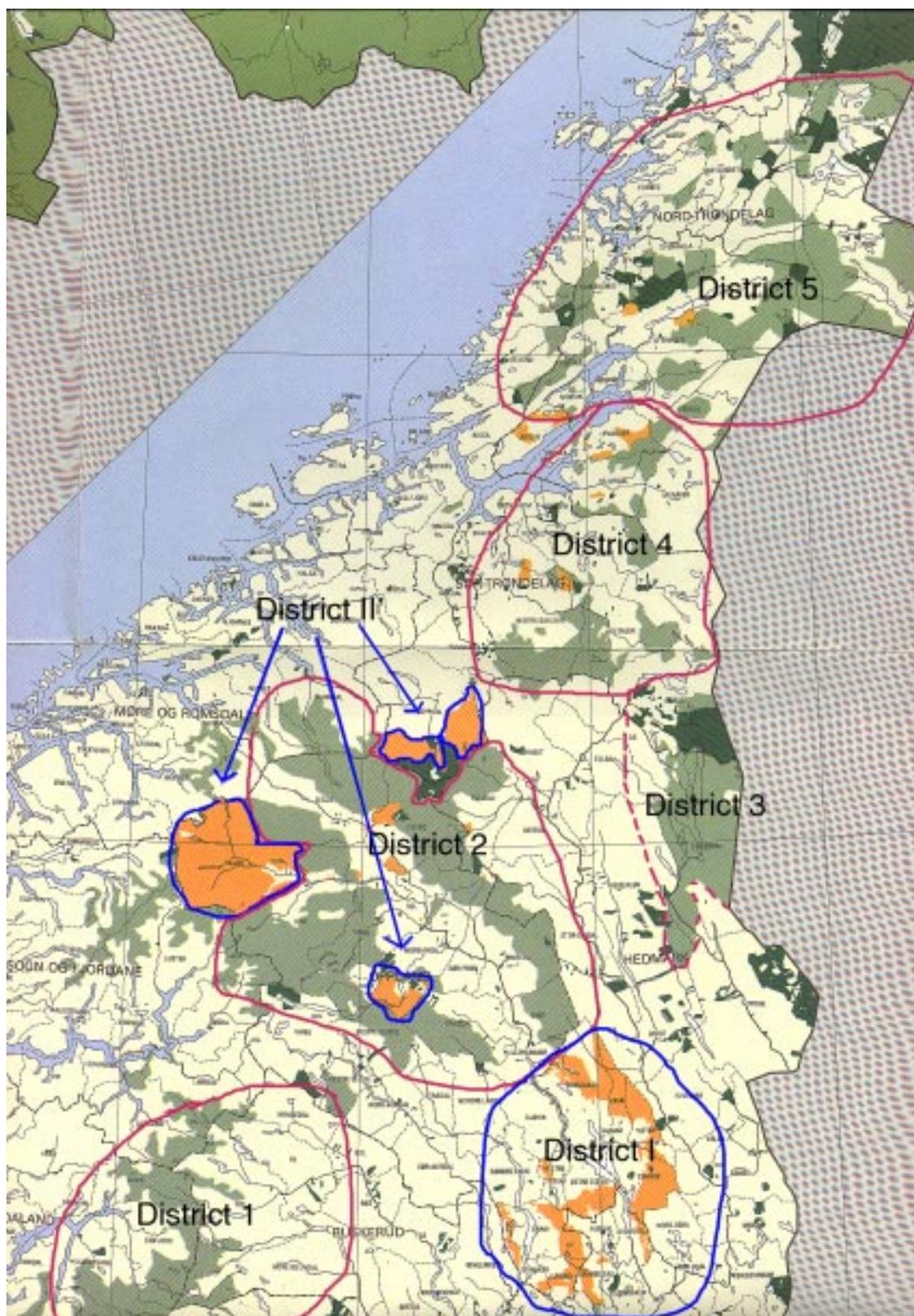
Such a socialization to values, routines of actions and practical skills are important to analyze as distinctive feature for a local representant in institutions that have the responsibility for game management. Hunters may have a lifestyle where the outfield have status as " the area where I always have hunted" and the practical management of the game is for the hunter both a mean and goal in it self. The social actors are producing its identity in an ongoing process.(Giddens 1991)

One important political feature is the "non - decision processes" which for example means that decisions about the use of outfield-areas in the municipality are made after a limited public process without any discussion.

One important concequence of modern sociological critique of utilitarism and the morm sociology a la Parsons an approach that institutions are the pure causes of systems of actions. This view is consistent with Giddens teoy of structuration(Giddens 1984) According to this teory acting can be viewed as bothe structured and structuring. This is tha basic idea of duality of structure. Institutions are no inventions they form the base of societies and institutions have always existed in one or another way. Giddens has suggested a solution to the problem tha human beeings are not gouverned by rules and not a pure Homo Economicus. People are constantly entangled by institutional arrangements. Insitutions facilitate their daily activities the same way as well-defined institutions ease the lives of industrial enterprises etc. When persons act within these arrangements however, they are at the same time participating in the creating and recreating of these institutional arrangements.The complex dynamics and relationships that support real-life commons, including the interplay og divergent notions of fairness and the accumulation of networks of trust and reciprocity within the execution of everyday tasks of management, allocation and decision-making which have relatively litle attention from conceptual analysts.

V. State commons and parish commons in Norway.

To day The state commons and the parish commons in Norway consist of large forrest and mountain areas in the Southern Norway. (South of Nordland County. The parish commons have an area of ca 6.817.000 dekar, which includes ca. 4.107.000 dekar productive forest these area represent ca. 2.6% of the Norwegian productive forest There are 51 parish commons and the most of them are in the southern part of Oppland and Hedmark and it it these commons that have the most of the productive forest. There are 17.000 farms with rigts in the parish commons. (Fig nr 1)



The state commons and the parish commons (and state property) are the remaining areas of earlier much bigger areas of forests and mountain areas, outfields, that was not under private property. The Norwegian word for this type of land is "utmark", which literally means "fields outside the core farm area." Commons can be traced right back to a period when huge tracts of forests and mountains were not objects of ownership, but remained areas for joint usage for the farms in the neighbouring parish.⁽¹¹⁾ The State (King) wanted also to use the outfields. The state recognized that the inhabitants in certain parishes , "bygder" had rights to use the resources in the outfield around the parish called the common and the state got a kind of owner right to the commons.⁽¹²⁾ Several things have strengthened the power of the state versus the local interests:

1) There was a significant sale of the commons to private interest, especially in the 1700-century when the Danish-Norwegian state had financial problems. In some parts of the South East of Norway the state commons became parish commons. The parish commons was owned by a group of men with rights in the state common. If those buying the ground represented more than 50% of those with rights of common the unit has come to be known as "bygd commons". If they were fewer than 50% they were called "private commons". These "new" types of commons were first defined in acts from 1857 and 1863. The rest of the King's commons are today known as state commons.

The King could sell only what was his: the ground and the remainder. He could not sell the rights of common. According to the law the rights of common remained undisturbed. In reality the new owners often treated the areas as their private property. From 1821 sales have been prohibited by law (with an exception for the period from 1848 to 1857). This prohibition also includes subdivision of Parish commons, these could otherwise have been subdivided among owners, if the group by consent had decided to do so.

2) New technology for cutting timber was introduced in the 1600 century caused struggling for the right to cut and export timber and an expansion in the timber cutting that was disastrous for the forests. The reaction from the Danish King was an article in Kristian V. Norwegian Law from 1687;

This stated that the people from the parish only could log timber to what was needed to fuel and to repair the houses of the farm. This is still the rule and was a significant restriction of the Right of common for the people from the parish compared to earlier practice. The Act

¹¹ Because of the arable land is very small relative to the population 0.2 pr ha. pr. person , and even smaller centuries ago when the most of the population lived in the countryside- the marine resources and the outfields (woodland and mountains) were of great importance for grazing, gathering of fodder (grass, moss, leaves etc.) to keep the livestock during the winter, wood and timber for various usage, and hunting and fishing.

¹² We see a kind of balance between the central power and the local interests. This picture corresponds to an interpretation of the Norwegian King as both "Drottin"(emperor) and "Tjodan" the man that had been elected by the men at the "Ting", the local parliament.

have been interpreted as both an instrument to prevent over cutting of timber⁽¹³⁾ and to reserve for the state what have to be of timber on top of the need for the population in the parish.

3. The state became the legal owner of the state commons in a decision from the supreme court about the state common Fron in Oppland County in 1963. The decision stated that the state had real right of the property not only right to dispose the use of the territory.

The different Rights in the Norwegian commons.

The Right of common is supposed to have been basically a right for everybody (Norwegian "allemannsrett"), leaving each individual free to any use he might chose; cut trees, send cattle for grazing, hunt and fish etc. Naturally the use of the area were dominated by the people in the adjacent parish, and gradually the notion developed that the resources belonged, with exclusively right, to the local people. (Ot. prp.37 p. 16 1991-1992. Revisjon av almenningslovgivningen.) The farms was small.

The legislation concerning the commons are probably the the oldest of all Norwegian legal institutions that still have significant practical value. The principles, rules and regulations originated in an age before remote wasteland, mountains and outfields at large where objects for exclusive ownership, and before there where organized state institutions that had power of legislation and enforcement of laws. The principles and rules governing the use in the commons are older than the Norwegian state itself i.e. from before the 11th centry. ⁽¹⁴⁾ Berge and Sevatdal have with inspiration from studies of English law studies (1994, 1995, Berge 1996) elaborated the modell of the common property right regime in to important dimensions: Types of Rights vest in land or person versus Rights vest are inalienable or alienable. Two different variables and define three kinds of profits.⁽¹⁵⁾

One is a distinctinon between a person holding a right and a farm unit holdning a right. The second is between the rights beeing alienable or inalienable. The point of these legal technicalities is obviously to let the right of common run with the farm as part of the total resources available. For many farms the viability would depend on these rights of common. This attachment of the rights of common to some kind of recognised farming unit is

¹³Both in the early 18th centry and later in the middle of the 19th, the badly regulated access to timber in the commons and good timber markets evidently led to overuse.

¹⁴ The legislation on the commons, right from the district or provincial laws prior to 1274, via the first general lawbook for all Norway of 1274. The legislations on the commons are now codified in three different laws; one on Parish commons, one on the use of the forrests in State commons, both dated June 19. 1992, and a third on all other uses an management in State commons, dated June 6. 1975

¹⁵ Berge and Sevatdal (1994, 1995) and Berge (1996) make a comparision with the base in english studies (Lawson and Rudden 1982, Simpson 1986)

important because it allows to understand the actual way of limiting the use of the resource.

The commons(in Norwegian "almenning") is a kind of collective or "group" ownership. It is property but not individualized. The main point is that the commons are not subject to open access, but on the other hand they are more open than individualized property, and more open than land owned jointly by some individuals. The Norwegian commons are not direct "owned" by "a group of people" not even primarily "enjoyed" by a group of people. However there is a group of people of people exercising rights and performing duties.

In State commons the company Statsskog SF hold the title to ground and remainder in trust for the state. (The most important of the remainder is today hydroelectric power, leasing of grounds for cabins, and landscape and nature conservation.)

To day there is a relatively strict definition of who have the right of the parish common in the bygd. The condition for having these rights is today that one owns at least 0.5 ha land and that the property are de facto an agricultural production unit. Berge 1996 describe a bygd commons as a forest where the rights to the ground(and the remainder) is alienably "quasi-owned" in common by a majority of the farms with rights of common.

The traditional rights of common.

The traditional rights of common like pasture and wood are held inalienably in joint quasi-ownership by all farms located in the "bygd". This means that the resources is an inalienable profit to the farm or a profit related to the need of the farm in the "bygd" not the need of the farmer. The local community "bygd" and "grend", is rural settlements with more distances between the houses than a willage. "Bygd" is defined as a geographical unit comprised of those farms which traditionally have used the area burdened with rights of common. A municipality is normally composed of more than one "bygd", and a bygd contains of many "grender". Even if it is the farmer who exercises the rights, it is the farm which "enjoys" it. Berge and Sevatdal use the expressions "quasi-ownership" and "quasi-owners" to distinguish this situation from a situation with legal persons. (Berge 1996 p.85, Berge and Sevatdal 1995 pp 266-268. The rules governing the rights of common in the state commons are rather similar to those for bygd commons for timber and fuel wood, The use of timber and fuel wood in state commons is regulated in a separate act (act of 19. juni 1992 nr. 60) If rights of common to timber and fuel exist in a state commons, the state government can decide that it shall be managed according to the law on bygde-commons for timber and fuel wood. The rest of the state commons are regulated by the act on mountains.¹⁶) The right of pasture include rights to put up necessary houses for utilising the pasture, secondary farm (in Norwegian seter). For both the rights to pasture and to wood the need of the farm will define the extent of use. If the commons cannot supply all the farms according to their needs there will be a proportional reduction in what they are entitled to.

Hunting and fishing.

There are different rules regulating hunting of big game and small game as well as access to

¹⁶ Act of 6 June 1975 no 31.

fishing. In the bygd common the rights of common to hunt small game and fish are held inalienably in joint ownership. This means that the right is attached to the person owning the family unit and his immediate family and household and will follow this person if e.g. the farm is leased to some tenant. The right to fishing and hunting of small game is an inalienable personal profit for all persons who are members of the households on the farms. It is also a "quasi-owning" rights.

In the state commons all persons who for the past year have been living permanently in Norway and who continue to do so hold inalienable the right to fish(except fishing sea-trout and salmon) and hunting of small game without dog. The MC managing the use of the commons can allow hunting with dogs for all or reserve this for people from the bygd within certain rules. These rights vest inalienably in persons as long they are citizens of Norway, or are registered as living in a certain area or are members of a certain household. There are rules about how many hunters are coming from the different types of game in the common from the municipality and how many from outside the municipality.

The right to reindeer herding is regulated in a separate act. The rights entailed are held alienably in common with equal fractional interest by all registered reindeer herders within a reindeer herder district. The rights of common to timber and fuel wood and put up constructions can be described as being held in joint quasi-ownership by the reindeer herd. The extent of their use is limited by the needs of the herding. Hunting and inland fishery is regulated by the Ministry of Environment. The authorities have developed regulations and regional institutions that regulate the hunting and that the owners inclusive the owners of the commons must follow. The MC and CB are allowed to make decisions about the how many local hunters, the price difference between local and non-local hunters and fishers which is important questions.

The commons board, CB, Norwegian: allmenningsstyret, in the parish common.

The central administration for forestry got a strong position related to both the state commons and the parish commons. The Agency for state forestry (Direktoratet for Statens Skoger) was established in 1957 and took over this role. In the parish commons the forestry authorities have the role to monitor the cutting of timber and to control the plans and the rules used in the forestry. These tasks were delegated to the Agency for state forests until 1992 when the agency became a company. The Ministry of Agriculture after that had the responsibility for these tasks. The development of institutions for the commons at the state level and local level happened in connection with the development of the institutions with responsibility for the forestry. The Act for the forest commons from 1857 (Lov om Almindingssskove av 1857) established the local institution the common council. (Almenningsstyret) This was a local board for the owners and the local people with right in the common in the parish commons. In the state commons the council was only for the local people with the right in the common.

The State had already organized a control institution for forestry there were not established a new institution like the common council. (Almenningsstyret) The council was linked to the executive committee of the municipalities because the members of the councils were members of the executive committee with rights in the common. The domain for the authority of the common council was to distribute the timber to the farmer with rights of common . The aim

of this activity was that the forest resources should be managed in a long time perspective. During the 1800 century the government established rules for the use of the commons (rules for pasture in the State commons in 1882 and a the Act for forestry in 1863. The common council (Almenningsstyret) got specific tasks related to the management of the forest but where institutions that should represent the people from the parish' collective rights. Bygdealmenningsstyret, the common board, CB,represents both owner interests and the rights of use in the common, and has as its primar task to manage and administrate the common according to laws, rights of use and forestry planning. The managment shold have as general purpose to maintain the common as a collective resource for those who have their common righths as property owners and for those who have rights of use, and thereby to benefit the goals for settlement, nature environment and outdoor activities in general in the districts within the common belongs. CB has authority to make descisions in all questions that concern the administration and managment of the common, as far as nothing else is specially decided, and in questions that affect rights of use.

The mountain council, MC, Norwegian Fjellstyret in the state commons.

In 1920 a new Act, The Mountain Law, (Fjell-loven) stated that every municipality with state commons should establish a local institution for the state common in the municipality. This institution was called the Moutain Council. There were a struggle about both about if these institutions should be established and the representation to the counsil before the Act passed the parlament in 1920. One group wanted the municipalities to have the right to govern the state commons. The opposite position wanted that the farmers with the right to the common should have the authority. We can se this as a an struggle between the owner of farms with the right of the common in the municipality and the other with not this rights in the municipality. The Act was a compromise: The municipality should elect the mountain council, but two of the three of representatives in the council had to be farmers with the rights in the state common.(Sevatdal 1985, 1996, Dragsten 1995 og Rygg 1995). The MCs became de facto decision-making institution in tasks like pasture, fishing and hunting. A new Mountain Act passed parlament in 1975. The new act gave the mountain councils new tasks related to the Act from 1920. The MCs manage the outfields according to the rules in the Mountain Act of 1975 article nr.3:

"In each municipality where there is a state common there has to be a *mountain council* (fjellstyre). The *mountain council* should manage the use and development of rights and areas in the commons as far as nothing else is decided in or according to the law. *Fjellstyret* will also work to secure that the common is managed in a way that advance local business and taking care of natural resources and the interests of outdoor activities.."

The presentation of the proposition stated that the council should have the all the authority what not positivly was given to other autoritatives. The MCs should have a duty to promote local economic interests and the interests of the environment and recreation even if other institution have the authority to make the decision. This is the case concerning the land use. Decision of the land use are taken by the land owner, the company statskog SF on behalf of the state. The decision must be confirmed by the municipaliiti according to the planning Act.

The commitee wanted the MCs to have an active role in the development of the local

economy and local environmental politics. and that the councils must be active in the cases of disposition of areas in the common. According to the Act of 1975 the MC was given responsibility for new things and got a different role than before. According to this act the MC have different roles related to different rights and different groups. It should manage the common rights for the people in the bygd that have such right(the established role of the MC)but now the MC also had to promote economic development and to be a guard of the environment and secure the public all people in Norways right to use the common in recreation. But the traditionally role of the MC as a guard for the rights of commons to the farmers in the bygd was strenghtend by article 12; "Execution of groundventures - including ventures that concerns regulation of watercourse- in state commons can only happen if it does not bring along major damage for those who have common rights, and regarding to the principles of nature conservation." This have been interpreted that the MC have a kind of veto. But the council had according to the same article half the income from ground lease from cabins and hotels.

The members of the MC.

In the Mountain Act of 1920 the MC should be elected by the municipality and have 3 members with two representatives with common rights in the common as farmers. In the 1975 Act article 3 the *mountain council* should have five members. The majority of the members should be elected among persons who within the last year has been and still are permanently seated in the area wich the common are located , or in a parish or neighborhood where the inhabitants from earlier have been practicing common rights in the common. According to interest representation:

" The Municipal Council should make provision too that the interests for hunting, fishing and outdoor activities are represented in the *mountain council* and that at least two of the members with substitutes are elected among they who have common rights in the common as farmers. The King can, for an area that is or shold be managed by this law, make descisions that provide members of the reindeer business to be represented in the *mountain council* and that the one or both of the two that have common rights as farmers in stead shold be reindeer owners.." Since 1995 this article was changed so that there have to be representation of women in the mountain council.⁽¹⁷⁾

¹⁷ **The commons commitee in state commons.**

In the state common with a productive forest there are also an other local institution - the common council. The mountain council and the common council have different role in managing the forest areas. The different role can be in conflict with each other. The mountain council have no authority and income from the forestry in the state common. The common council is an institution for the farmers with property rights in the forests. This is not a public institution like the mountain council.

The tasks for the common council to promote more rational forestry can be in conflict with other tasks for the mountain council hunting, recreation and environmental protection.

The two councils have different formal relations to the municipality and to the agricultural authorities. Both the Mountain Act and the law about forestry in the state commons have articles that states the prosedure if there is a dispute between the two institutions. The point is

For some years mountain board, the commons board, the executive official for the mountain board and the commons board have to balance between different local and national expectations and interests. This development is a part of a general development from the beginning of the century until today and are characterised by the effort to secure the general rights and equity among all the citizens at the expense of the private rights and the local traditions.

In the period before the 90s the MC and CBs had over years developed relatively stable patterns of relationships to both local actors and State governments with responsibility for the commons or with important laws regulating the managements of the outfields.

The commons board in the parish commons had had a tight connection to both forestry administration and the forestry profession, to the private forest owners and their organisations over a long time. The forestry administration constructed in fact the concept of parish common, bygdealmening, as something different from co-ownership in the Act for forestry in the commons in 1857. The commons boards have in many years had an interestorganisation, Norsk almenningsforbund, Norwegians Commons association. This association had also close connections to both the forest governments and the private forest owner organisations.

The MC had since the establishment in the 1920s been related to the executives of the state property, Owner of the ground,() which was the department of forestry in the Ministry of Agriculture. From 1957 the executive authority was delegated to the new established Agency for the state forests. Direktoratet for statens skoger.

But the MC also had close relations to the local organisations of the Norwegian associaters for hunting and angling. Norges jeger og fiskerforening. But at the same time they have quarrels with the central organisation of the Norwegian association for hunting and angling.

From the 70s the mountain boards have been connected more closer to the municipal authorities through the development of municipal planning and to the environmental governments through the establishments of protected areas.

Both the MC and the CB had for a long time had contact with the agency for Water-resource management and hydroelectric energy, (Norges vassdrags og elektrisitets vesen) because the construction of hydroelectric power plants affected would affect the practice of traditionally commons rights, fishery and partly hunting. The question was both to get economic compensation for reduced utility of the traditional commons rights and to establish a new and more modern management of the trout by the use of aquaculture.()

In sum the its clear evidence from this project that development of the relations to the

that if the mountain council is developing in the direction to be a more typical public institution or local political institution then there can be more conflicts with the common councils that represents the traditional common property interests concerning the forestry.

different interest groups and governments influenced the MC and CBs problem definitions, opinion of their role in the local society and versus the different governments and make them within certain institutional fields() more open for contact and cooperation with entrepreneurs that want to use the resources in the commons.

To sum up : there is four different roles of the mountain council and commons boards and their executive officials.

1) To handle the **traditional commons right**.

This is specified benefits for the farm that are a functioning farm() This is mainly about the right to timber wood for fuel, pasture, meadow and mountain dairy farming. The role is both the more classical or typical task for the commons, to maintain order between the stakeholders, monitor and punish defectors the other part of this role or expectation is to be a representant for the stakeholders economic interests in the commons versus other actors who want to promote competing land use like tourism, nature protection etc.

2) To be a **representant for the local community**, the members of the community, as members of the community, to proceed or to be a reformator of locally constructed appropriate management of the goods from the commons. This is mainly to act with reference to local constructed traditions, habits meaning about, hunting, fishing, travelling cabins and housebuilding. This is in fact both formal rights of favorisation of inhabitants of the community which are accepted by the governants and informal rights that they construct under the argument that they have a this right because they live in the local community.

3) To be a representant for the **general interests** like 1) **protection of land areas, habitats of species, ecosystems, culture landscape, cultural heritage** and 2) **general All Man rights** according to the Act of recreation(1957)and in the instructions from the Ministry of Environment and the Agency of Nature protection about traffic, public access for non-motorised traffic and activities. 3 to work for the right of the inhabitants in the country to get access to hunting and angling in the State commons.

4) to **take initiatives**, to **arrange** and to participate in cooperation with local businessmen and entrepreneurs who want to use the common in the development of **new economic activities**.

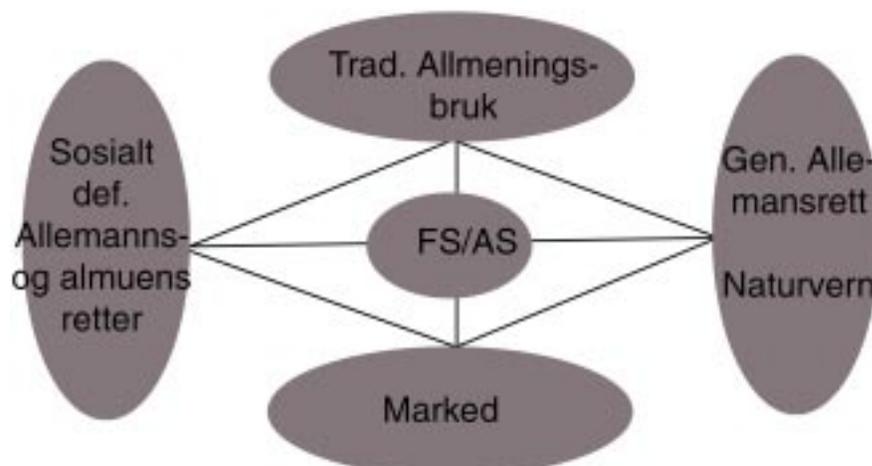


Figure nr 4 : The dimensions of the activity of the commons in a traditional/modern-perspective.

	Traditional lokal All-mans rights	Modern, general All-mans rights
Traditional commons right	Traditional	?
Market	?	Modern

VI. A study of Norwegian commons in the 1990s.

1) The project studied how MC and CBs and their leading officials in the period from 1990 to 1998 acted in relation to; a) development of new business connected to the commons (not the extensions of the traditional activities) b) introduction of new proposals to protect areas and new models of management of the areas from the environmental governments, c) decisionmaking in land-use cases which relates to 1) building of new and rebuilding of old cabins, (hytter) and boat-houses (naust) and to 2) building of new and to modernize roads in the commons.

2) The project studied how the two boards generally did profile themselves versus expectations from different interest groups in the local community, related to new rules politics from the municipal and different state governments. The question was if there have been a changing in the MC and CBs profiling, from a situation where the boards was focused to be advocates for the use rights in the commons and to be rooted in local tradition to be more concerned with development of local business and/ or modern environmental management. The last one we would characterize as more modernistic than the first.

If the MC and CB and their administration have been more modern what would be the consequences for them as local institutions that supported and/or worked actively for proposals not rooted in the local interests and traditions. Both because the different status of property, (state property, the state as the owner of the ground and parish commons with a co-ownership among the farms with a right to use the common) the and mountain and commons different relationships to municipal authorities and to the forestry sector, we formulated the hypothesis that the mountainboards would change in the direction of been a more public arena like a political committee to focus on more on the management of the areas of the common like the environmental government or the environmental official in the municipality() the commons boards would change in the direction of been more like the other ordinary forestry companies.

The research design of the study of the Norwegian commons.

The study included 1) a study of the institutional history of the the state commeons and parish commons. 2) an investigation of material from archives from two regional office of landowner of the state commons, at Statsskog SF and the commons, and interviews with municipal authorities, local intersts groups, Statsskog SF and the Ministry of Environment. 3) An extensive study of patterns in all state and country commons in Norway in the period 1990 to 1998. This revolve a study of annual reports from every state- and cuntry commons in the period 1990 to 1998. That means a study during two election periods in the commons. A study of the annual reports was supplemented with interwievs with employees in the commons and members of the board. This investigation did study continuity among the members of the council, the social background for members of the council and desciscions in the council regarding to businessmanagment and natural resource management.

4) An intensive study comparing chosen commons in mountain areas in Southern-Norway. This part of the project investigated descisions in a few chosen mountain councils and common boards in the three counties Oppland, Hedmark and Southern-Trøndelag. That included the protocolls from every meeting and arrangements held by the two local institutions. That included ordinary meeting to make decisions, public meeting with interestgroups and protocolls from meeting arranged by the municipal authorities, tourist-interests and environmental authorities concerning the common. The focus was on the development of local business and natural resource management in the period of 1990 to 1998. The point of view with this part of the study is especially to find out which elements that are most important for how the commons make descisions in cases that involves development of local business and nature resource management.

Case-studies of 12 local institutions.

These are commons in mountain areas where there is both speculated in tourism an at the same time made demands from the environment authoritys about restrictions on the managment of the areas, like proposals on establishment of new and extension of existing national parks. The three chosen regions have in common that they are all located in mountain areas, whith plans to develop tourism. Some of the mountain areas have wild reindeer and some have domestical reindeer. This is an comparative study by using case-study research. By doing it this way, we are able to make a resaerch design that; a) compare two types of commons, that in fact are four types of institutional arrangements for the local institutions. b) compare commons that in differnt degrees are involved in establishment or extension of national parks. c) compare mountain councils and commons boards in three geographical mountain regions. d) compare mountain councils in two administrative regions for the mountain boards. e) compare mountain councils and commons boards in areas with wild and domestic reindeer. Vi used case study method on the chosen commons because this methode gave us opportunities to study decisionmaking, comparision and institutional change.

Fig nr. 3. The case-studies.

STATSGRUNN FORVALTET SOM STATS- ALMENNING	STATS- ALMENNINGER	STATS- ALMENNINGER FORVALTET SOM BYGDE- ALMENNING	BYGDE- ALMENNINGER
ROROS	DOVRE LESJA RINGEBU FINDALEN FRON ENGERDAL	LANGMORKJE FRON ØYER	OPPDAL ESPERDALEN SKJÅK

1) Decisionmaking in state- and parish commons.

Case-study research has been promoted as a method to investigate complex structures in the community and situation that is the subject of the study (Yin 1981, Andersen 1990). This can be done by studying phenomons in their real context - searching vicinity towards happenings and the actors that participates in these actions. How do the delegates in the MC and CB including the leader of the administration in the commons understand their own situation? What kind of norms, rules, tradition and culture are governing in the different commons?

This approach can be used to understand standpoints, profile and strategy of the chosen MCs and CBs. In that way we will be able to face the actors in the field management in their natural context, and obtain to study our informants in an environment they belong to. This secures closenes to our research objects by studying the process in those cases we mean it is necessary for investigation of complex situations. Beside the interviews of the delegates and members of the administration in the commons, this method also demand interviews with different persons and organizations who is involved in field management, like different interest groups to governmetal managment organizations like the county governor and the Directorate for Nature Management.

Comparative research design and the use of case studies.

This study is organized in a way that it will be possible to compare even with other similar case studies as a comparative research. By **comparing similar cases** we will be able to compare different institusions and organizations under similar circumstances, so that we can study impacts of different relations of their environmant that will influence the the formulation, profilation and implementation of polititics for the common.

By a comparison of local institusions, we will be able to evaluate the importance of local context of action. (Andersen 1990). According to the law of state commons and country commons, the mountain council and common council are given complexed set of tasks. Even if these institusions are enforced through laws, there are opportunities for varying contents in

the decisions between the different mountain- and common councils, and variation among those who are administrated as state commons, state commons administrated as country commons and country commons. We presume that the reasons why are a.o. what influence the conditions of the local community has as a pressure group towards decision making in cases that involves field management. But also the composition and persons of the different councils will possess a different platform in values and knowledge that in different ways will effect on the content of the taken decisions.

Single case studies are not suitable to draw general conclusions (Yin 1981). Objections to the possibilities of drawing general conclusions by using case studies, seems to be based upon ideals from nature science, and can be overruled by reference to the distinctive quality of social science. Given the complexity in social research, there can be stated that intensive comparative research methods based on specifically chosen cases are better suited to draw theoretically conclusions rather than statistically funded analysis with several units. By involve commons that doesn't fit the rests in different ways, we will be able to get knowledge about decisionmaking in local institutions that is impossible if you only involve "similar" commons (Flyvebjerg 1991).

The time dimension: To study the respondents over a period of time to investigate the maintenance of norms and rules and changes in time.

To study changes during longer periods, and control against coincidences, we chose a relevant period for studying institutions that manage field areas. In the late eighties and during the nineties there has been a lot of evidences that effect on the decisionmaking process in the mountain councils more or less. Investigations of similar organization during a period of time would tell us in what degree what we can call local culture will effect on the outcome of the decisionmaking process. Local culture can be describes as a set of unscribed rules and norms the local institutions conduct themselves to in the decision making process, and that we assume deviate from goals in national policy.

At the same time can we by investigate these processes during time find effects of changes in rules and laws, reorganization of institutions with authority to involve and change decisions made by local institutions, like Statsskog SF and the Ministry of Agriculture, changes in the environment policy, changes in the governments instruments and use of instruments above local authorities, and changes in the municipal legislation and in general at the local sector. We can also study external factors of explanation on the decisionmaking behavior like the resolution of new country common law and state commons forestry law, the reorganization of Statsskog SF, the resolution on new municipal legislation and especially new national nature preservation plans and proporsitions to establish new national parks are all relevant tendencies that can be assumed to influate local decisionmaking processes. A study over a period of time can also be useful to investigate the process of implementatin of official public policy inside a sector. To undertake an investigation it is important that the research is planned as an historically and comparative study (Saetren 1985).

VII. Results of the empirical investigation.

1.0 New economic activities in connection with the commons in the 90s.

The case studies and analysis of the annual reports of all the other mountain- and commons boards from 1990 to 1998 showed that both the mountainboard and the commons board had little experience with new economic activity in the 1990s.

The picture was more clear for the commons boards than for the mountain boards.

According to the mountain boards, there were some extensions of economic activity linked to the performance of the commons use-rights and in connection to well established local tourism activities. The CB were as for long time focused on to develop the forestry and especially to get new products from the their sawmill.

The annual report from both the in the case studies and from the other parish commons showed a little interest to develop new types of economic activities.

The MC had discussed the development of new economic activities as a main theme on the congress for their interest organisation for the mountain boards both in 1994 and 1996. But the activity in the mountain boards was limited. Interviews with leaders of the tourism companies confirm the picture that there are little interests to develop new tourist products especially in the commons boards.

Both the case studies and the studies of the annual reports showed that the MC and the CB had little contact with tourist companies and the official in the municipality in charge to promote tourism. They did not want to give priority to develop a better contact with the tourist sector.

We did register three types of arguments from the members of the two type of boards for this attitude; a) It was not the boards task or role to run such an activity.

b) The members would not earn money on activities which could make problems for the exercise of the commons rights or hunting or fishing for the local inhabitants.

c) New economic activity in tourism would compete with the existing tourist company. One example is that the mountain boards, and many others in the local community, was negative when Statskog effort to establish new tourist products via the the undercompany Norsk Naturopplevelse, (Norwegian Nature experience) in the years 1993 and 1994.

The case studies showed that the main reason for this resistance among the members of the mountain boards was that they were negative to bring in new actors at the expense of the established local tourist companies. Some MC and CBs have been more offensive. F.eks. CB in the big parish commons in Skjåk and the mountain board in Lesja which have two big state commons have both cooperated actively with local tourist companies to develop a tourist area (Grotli in Skjåk and Bjorli in Lesja) in the two municipalities. In this two tourist areas there have been established modern alpin center with a diverse activities. There are established large cabins, houses. In connection to these two tourist areas there have been developed hunting packages from the the two boards in cooperation with local tourist companies. One important reason for the establishment of the hunt-packages in Skjåk and Lesja is that there were less hunters from the local community than the number of hunt card the inhabitants from the community have enough hunt cards for wild-reindeer.

In the 90s the part of the income to the parish commons from timber and sawmills have decreased compared to income from hiring out cabins. Because the quantum timber has been reduced and by then the income from forestry and sawmills are reduced the parish commons now works tries to finne substitutes for the incomes from the forrestery and sawmills trough more tourism. This can be an explanation that the commons board are rooted in activities linked to the forrestery sector and therefor the parish commons did not have wanted to start any new activity outside this sector. According ti the mountain board the resistance against tourism are rooted in attitudes that states that the mauntain board should not work to promote tourism.

2.0 New protected areas and new models of management of outfields in the 90s.

In Norway both the planning law from 1986, and the reform of decentralice autoriry to the municipalities in environmental matters in the beginning of the 90(The MIK-reform) The In the Norwegian context the the LA-21 have been used to formulate a strategy that incorporates public and private interests in participating in local arenaes where the aim is both to formulate and implement environmental politics. The mountain councils have been negative to both the LA-21 and to certain programs about inland fisheries and hunting. The argument from the mountain councils is that they already is this kind of local arena where differnt local groups are represented.

The new and more offensive strategies of environmental management from the Ministry of environment and the Agency for nature protection. One important case is the decision in 1996 to establish the Statens Naturoppsyn (The state nature guard). This was a project inspired by the the organization in the USA and was an important case for the political leaders in the Ministry of environment. The proposal was opposed by the representatives from rhe mountain councils but these representatives recognizes that the establishment of this new guard will make a new situation for the mountain councils and The organizations for the mountain councils have made efforts to present the mountain councils an important local institutions for environmental management. The question is whether the MCs wants this new orientation or remains the traditional defender of the rights of the common for the farming population in the local community.

The survey shows a clear picture that the MCs and the officials are more positive to proposals of protection from the environmental authorities than the commons boards and the officials in the parish commons. But this difference nus be related to the fact that the most of the parish commons are forrest commons and related to the priorities within the forrestery sector. The state commons are mainly montain-commons without active forestry but with established protected areas. But the survey shows that in both type of boards give a higher priority to the traditional commons interesets than the establishment of a national park or other protection proposals. The case-studies from 12 mountain commons shows that MC and CB in the mountain region related to proposals of protection will depend especially of three factors;

a) Opinions and experince with existing protection plans and with the cooperatin with the environmental authorities. The places where the relations between the local society and the environmental authorities over time have been characherized by dialog this influence both the local community and the mountainboard to be interested to participate in the

planning process to establish new protected areas. In areas where they did not have any dialog both the local politicians and the mountain board have been sceptical to participate in the planning process. There have been more episodes and rapidly conflicts a result of proposals from the environmental authorities

b) An active municipal administration for planning and environmental issues. This is especially the importance of the official for environmental issues in the municipal administration and the political committee for environmental political issues with responsibility for land-use plans and protection plans. The starting point for what happened in the 1990s would be the attitudes to an establishment or extensions of the national parks from the public committee from 1986 that proposed to double the protected areas in Norway, The attitudes and the participation in the program for environmental politics in the municipalities, MIK, and to the establishment of a municipal environmental authority in 1988. The making of a new plan for land use in the municipality which included the outfields from 1988 to 1991. The development of plans and projects by the environmental official in the municipalities in the period after 1991. Municipal proposals for decentralisation of environmental authority from state governments. The municipalities attitudes and positions related to the establishment of national parks and a state nature protection institution. Statlig Naturoppsyn (SNO). The municipal environmental official are able to establish his /or herself in the political administrative reality by a cooperation with the more experienced official in the mountain or commons board. A such cooperation have in several cases managed to get in projects and with the projects, projects jobs and money from the environmental government at state and county level both to the municipality and to the mountain board and the commons board.

c) the professional background, knowledge, network and relations to the environmental governments of the official of the mountain board (Fjeloppsyn) and the official of the commons board (almenningsbestyrer). Here we found clear difference between the two boards because the officials in the parish commons must have forestry education and have through the education and the practice a relation to the forestry sector. The forestry sector have had several conflicts with the environmental governments before the 1990 and during the 1990 because of the proposal of a protection plan for conifer forest and because of the conflict about plans to build roads in the forest. The forestry sector have had local officials of their own outside the municipalities. This contributed to the maintenance of their attitudes.

The officials of the mountain board, fjelloppsyn, are educated outfield managers and biologist/ nature managers. Several of them have special education within game management and inland fishery management. This have brought them in close contact with the wildlife and inland fishery authorities which are a part of the environmental administration on agency and county level. The officials expert knowledge and knowledge about the the land areas in the commons combined with knowledge about the local culture, costumes and conflict have been very important for the environmental official in the municipal administration. The case studies in the mountain commons gives a clear picture that;

- 1) The contribution by each of these three factors seems to be strengthened in the direction that the boards become more positive to protection and to the environmental governments or be the opposite.
- 2) We found the pattern of to give the priority to environmental politics, to cooperate with the municipal environmental organisation and the officials of the commons relation to the environmental governments of the state in both the bygde commons and the State commons

in the mountain region. The opposite; low priority to environmental politics, little cooperation with the municipal environmental organisation and little contact or sceptical attitudes to the environmental government on agency and county level we also find in both the state commons and in the parish commons.

One example is that the board and especially the official in the parish commons in Oppdal was more positive to protection and to both the municipal and the state governments for the environment than the mountain boards. The most important factor was the background and network of the official of the parish commons and his cooperation with the environmental official in the municipality.

3.0 The MC and CBs handling of other land-use than tourism and protection.

One purpose of the project was to get more knowledge of the processes effecting land use in the outfields. This includes both "big" issues which often is long political fights like establishment of big enterprises or national parks or at the other hand the "small" issues that in a sum can have important system effect for the ecosystem and can have the character of a "non-decision" processes. The project studied how the two type of boards related themselves to proposals for and defacto encroachment upon the area in the commons such as establishment of fields of cabins, boat-house-fields, rebuilding of cabins, boat houses and transform mountain dairy farming house to a recreation hut and the extensions of roads. In long time there have been large interests to establish both fields of cabins and fields of boat-houses in both state- and parish commons.

3.1 Secondary farms (Seter), cabins (hytter) and boat-houses (naust).

In many communities there have been a claim from the inhabitants to have a cabin or a boat-house. Cabins gives incomes to the commons and will effect the tourism in the municipality and in the region. But the guidelines from the end of the 1980s for locating tourism and service companies and fields for cabins states that these activities must be located in the forrest belt in the maine Wally. The areas of the commons are usually above this zone. The building of tourism facilities and cabins are and will be done in the private forrest property and in areas with co-ownership (sameier) not in the commons.

But the MC will be affected by the building of roads, ski tracks and by increased traffick in the outfields. The increased traffic in the outfields can again make problems for the wild reindeer. The parish commons are most in the forrest region more closely to the cultivated area (bygda). The commons board in the regions on Hedemarken, Ringsaker and Hadeland which surrounds population the towns Hamar, Lillehammer and Gjøvik have for many years cabin fields in the commons and these CBs are positive to develop his further in cooperation with the municipalities.

But the CM in the mountains that we studied the commons board was less interested to develop new fields for cabins. The conflict will arise between the building of cabins and the interests of the wildlife and of the interests of the forestry in the commons. The commons boards in the mountain commons in our study was less interested to establish cabin fields. One reason for this was the conflict between cabin fields and forestry and the conflict

between cabin fields and game specially the wild reindeer and moose. In the state commons the over of the land, Statskog, have in a long time worked for to establish cabin fields but the mountain boards have been sceptical. The exception is the CB in Vågå which are in charge of Langmorkje state common(), where the mountain board have actively worked together with both Statskog and Vågå municipality to establish a cabin field. The mountain board worked at the same period very active to avoid to establish two other cabin fields and had success.

The case-studies shows that there are a several pressure i the most of the commons from the inhabitants of the community to build boat houses for the inhabitants of the community. In Oppdal here was established boat-houses in the purposes of being a boat-house that in reality are a cabin. The owner of this cabin are also some of the owner of the parish commons. The commons board discovered the situation but could not stop the establishment of cabins instead of the boat-houses. The MC in Lesja did solve the problem through the mountain board it self build some boat houses and did rent these out for 5 years periods. The interest decreased rapidly for boat houses. This was interpreted that the interest of boat houses by the inhabitants of the community was in fact an interest to get a cabin.

There are several small cabins in the commons established for many years ago, many of them are in no register, many was build up without any permission. Many of the small cabin are in areas that are established as a national park and even more are in the areas which are planned to be new national parks. That brought in prohibition to new cabins and to build the cabins bigger. There has been a big pressure or interest from the owners of the commons to get permission to build the old hunting cabins bigger. The case studies shows that both the MC and CBs are very restrictive concerning cabins which are an attitude that are not very popular in the municipality.

The case-studies shows that in both the MC and BCs have been restrictive to more to rebuilding of cabins even though there have been clearly expressed opinion in the community to allow the cabin owners to build the cabins more bigger. In the state commons, the owner of the ground, Statskog have established an upper limit for the cabins on 80 m² for one building and 120 m² for three buildings. This have been followed by decisions by the authorities in several municipalities as principles for cabins in the mountain areas both in commons and in other forms of property. This actions both from Statskog and the municipality have made it easier for the mountain boards and the commons boards to follow a firm policy and to refuse plans to establishing big cabins.

Another question is to rebuild and transform secondary farm houses, seter, to cabins or tourism facilities. The CB had before the the Act for the parish commons in 1992 no warrant/ authority(hjemmel) to stop such actions from the owners of the seter. But such transformations would result that the owner of the cabin must pay an ordinary tax for renting the of the cabins. In the state commons Statskog and the mountain boards have made rules more stringent about rebuilding of cabins, seter and boat-houses. Statskog have from 1995 cooperated with the association for the mountain boards to establish a modern register with detailed informations about the seters in the state commons.

The MBs have been active to establish such a register because the register could be an instrument for them to avoid themselves to make decisions in favor of certain owners of seter with influence in the local community. The mountain boards have also involved the office for

agriculture in the municipality to make an investigation of the seriousness of the proposed plans for development of seter. The the local authorities for agriculture have been more independent of the individual farmers. Some years ago this authorities wanted to help the farmers to realise their plans in the outfields. To day the officials have a more neutral attitude and use certain agricultural and economic criteria for the support of a proposal to establish a seter in the commons.

3.2 Building and modernisation of roads.

In several commons there are build roads across the mountains from one valley to the other. These roads between the two main valleys Gudbrandsdalen and Østerdalen (fig nr.) goes across important habitats for wild reindeer. The environmental government wants to reduce the traffic from cars on these roads, while both the local farmers, hunters, fishers and the tourist companies want to open up for more car traffic on the same roads.

This was most significant in the Dovre and Ringebu. In Dovre the army have a giant area for military activity which are going to be taken out of function within ten years because the army are now starting to establish a new training camp in the east part of Hedmark at the border to Sweden. The military area at Dovre have already established several roads so now the local tourist entrepreneurs wants to develop this area for tourism. But this area is a vital area for the wild reindeers. The most critical period is in the spring between march and june. The the local tourist companies, and the tourist, want to have the roads open in this periode especially at easter.

Roads made for timber transport have been an important issue in the parish commons and in statecommons with active forestry such as Langmorkje state common. Langmorkje have a special rule that the forestry are managed as in the parish commons. The state common have both a active mountain board and an active commons board. The commons board have the responsibility for the timber logging and the sawmill. In this common the CB have worked active to build more roads to transport out timber supported by the Ministry of agriculture and the local forestry authorities. Both the MC, the environmental authority in the municipality, environmental activists and the landowner Statskog have been critical to this project and decided to stop to of the planned roads. But the Ministry of agriculture made decision in favor for the CB. The CBs in a state common in the type of Langmorkje was given the authority to take decisions in this type of issues.()

Another question is modernisation of old tracks to the hoses of the secondary farm to be modern roads for cars. This is an important theme in all common we studied with many secondary farm houses. This activity for increasing the car traffic have made conflicts with the environmental authorities. In our case studies this happend in ; Skjåk, Finndalen, Lesja, Dovre, Oppdal and Ringebu. In Oppdal the official of the commons discovered that owners of some seters, and owners of the parish commons, build on their own a road for cars in an area which was proposed to be a protected area. Opening of this road could result in a new road across the mountain area from Oppdal to Folldal.

Another theme is to restrict the use of car in the mountain roads by using bars. Some places the local opinion is against bars and the mountain boards or the commons board have "no

chance" to make a decision to establish a bar because this would lead to strong protests in the local community. In other areas there have been a strong local opinion to open new roads in the mountains and the local interest groups working to modernize the roads. The MCs and CBs have in such cases decided to build the road but the road could only be used by the persons with the right to use the commons. The road was going to have a bar and the involved persons with the right to the commons, for example the owner of a seter in the area should have a key to be able to use road to the seter. But the keys have been copied to a lot of people in the community so the car traffic on the road are much more than expected.

An other case is that the use of the seter with cows in the summer which have been a claim because of the conditions for the cows to be outside during the summertime means both to modernize the seters and to modernize roads to the seters to transport the milk down to the dairy in maine valley every day. This new form for milk production would presuppose roads broad enough for modern tank lorries. When the road have that standard then it's possible that individuals or companies in the community want to use the modern road to something more than just to transport milk. There could be proposals to build new cabins and even tourist facilities in relation to the secondary farm house.

The case studies from the 12 commons shows a clear picture that both the MCs and the BCs 1) have a clear integrity in their discussion and decisionmaking when the cabins, boat hoses or seters are on the agenda. The situation is clearly not the fox in the henhouse. 2) have obviously problems to behave with independence of important local interest groups, and municipal authorities in the issues related to establishment and modernising of roads. The mountain boards and common boards are facing active local interest groups often with support from the tourist which are promoting more and more modern roads in the mountain areas.

4.0 Hunting and fishing for inhabitants of the local community and for outsiders.

Both the MCs and BCs have over years developed close cooperation with the local organisations of the Norwegian association for hunters and anglers (NJFF) about different practical attempts for better management of the fish resources in the commons. The close connection was reinforced through voluntary work by the members of NJFF and on the other hand no or very small tax, fee for the inhabitants of the community. But in the same period there have been a discussion between the association for the MCs and the central leaders of the NJFF. NJFF proposed in 1980 to increase the outsiders share of the wild reindeer hunt significantly. In the 1990s two opposite tendencies challenged the local traditions of hunting and inland fish management:

- 1) The agency for nature protection gave in 1993 directions about price for hunting and fishing that changed the principle from that the outsider could pay three times as the inhabitant of the local communities had to be changed to two times. The intention from the agency was to make less price difference between locals and outsiders, The mountain boards we studied did not reduce the price for the outsiders, which was the intention of the agency direction, but they increased the price for locals and decided at the same time to give the locals special conditions. The result was only a small increasing of the price for the inhabitants and no reduction for the outsiders. ()
- 2) Local tourist companies did want to give hunt opportunities connected with service to a

tourist product called jaktpakker, hunt-package. Hunters that would effort to pay three-fourth of the ordinary price. These hunters get their chance to practice hunting from outside the ordinary (waiting)list. The casestudies show very clearly that long established tradition or claimed tradition or culture based on local privileges are been used as argument against the standardisation of prices of hunting and fishing and against different plans to establish protected areas. At the same time the same people are promoting expensive hunting packages. The want to promote local tration and the market at the same time. But such dobbble strategy are experienced as problematic by both the members of the MCs and MBs

5.0 Rights of the common or modern management of the outfield ?

The most of the MCs are members of the Norwegian association for mountain concils, Norges fjellstyresamband, NFS. The association have during the 1990s developed from an elected board and a lawyer that gave advice in legal questions to the mountain boards. The lawyer did this job combined with his ordinary advocacy. In the 1990s the association established an officie with one and later two full time officials working actively to give service to the mounatin boards and to influence the governments and Statskog both. The two officials have been activ lobbyist versus the parlament about the state budget and related to proposals of new acts regulating the outfields. The association have an offensive line versus both the governments of environment and the governments in the municipalities. The strategy was in the 1990s to profile the mountain boards as local boards for management of the outfields or local competence centres for outfield management which could sell service to both municipal and central governments. This strategy have focused on the public aspects of the role of mountain boards and at the same time moderated their role as representants of interests of the farms with commons rights. Both the case study of the 12 commons and the study of all the annual reports give a clear impression that the members of the boards wanted to continue to be representants for the commons rights and not be representants for public interests.

6.0 Changes in the relationships between the institutions and the local community.

1) Until the 1990s the members of the MC was recruited among a small group of men specially skilled to work with issues concerning the outfield like pasture, fishing and hunting. The group was recruited by the political parties but the they behave independently of the political parties. There where som traditions and rules concerning how the board should act versus different groups in the sociaty that this group followed. There where low turn over. The leader could hold the possision for 15 years. They where well respected in the local community. Some places the leader og the mountain board was regarded as equal to the major of the municipality. In the 1990 there have been a higher turnover of the members in the mountain boards. In the same period the boards have been closer linked to the municipalities because the political parties have central politicians in the MC.()

At the end of the 1980s the rules for recruitment for mountain board was changed. The rules had stated that there should be 3 of 5 members with the right in the statecommons. From 1988 the rules was that the mountain board should have 2 of 5 from the group with the right in the statecommons. There should be a representation by one woman. The state board could decide if the board wants to have representation from the sami reindeer herders in the districts with such activities.

7.0 Changes in the institutional environments of the MCs and CMs in the 1990s.

Two central dimensions in the studies of public policy-processes concerning the management of common property resources in the outfield areas like mountains, forest and marshes is first the fact that the public administration is that it is fragmented into sectors and these sectors dominate the public policy-process. (Dahl- Jacobsen 1967, Strand 1977) The second feature is the dualistic character of the local institutions. They can be regarded both as instrument for the implementation of state policy and as local democratic institutions. (Kjellberg 1980, Strand 1985)

The public administration are characterized by a permanent and specialized division of tasks and of hierarchical organizations. The political and administrative landscape are divided into sectors. One sector can be distinguished from another by its unity in values, focus of interests, opinions about problems in the society and the causes of this problems. The sector system have a developed capacity to concentrate on a set of problems which are well-defined. It can mobilize political energy and the technical solutions. On the other hand the sector is not very fitted to discover and solve new problems not clearly can be defined within the sector. The sector have its own "clients" and the "clients" access to the political decisionmakingprocess is to stay close to the sector. In this sense organization will influence the politics because it influence which group the sector listen to. The access-structure can further make conditions for a blocking of certain types of politics to be decided. Strand (1977) emphasis three characteristic features of the sector-system:

First, the sector-definition of what is to be a problem in the society is important as a premiss for decisions also in formally superior political bodies. The sector act with more or less autonomy in the system which can be a problem for the political governance.

Second, the sector will try to protect itself against premisses and influence from other sectors. The professions in the sector play an important role in this process. But the sectors do deliver premisses to each others. Some sectors are better to both protect itself and influence the others.

Third, some sector have more or less "dominant characteristics". This means that the other sector have to calculate this sector in its own plans. A dominant sector will be relatively homogenous concerning its interests, have a profession, deliver clearly identified products, have the control over its own planning and implementation and be able present its opinion at an early stage when political problems are showing at the scene.

From Agency to state company.

The Agency for the stateforrests was reorganized to the state company Statskog SF from 1/1 1993. The agency had been both an authority for the management of the outfields and a forestry company. The intention of the reorganisation to strengthen the company by doing the organisation more independent of the political governments. In 1993/94 Statskog SF got a markedly clerly profile as a company with the intentions to make money on new products especially in tourism by establishment of a new company controlled by Statskog. The mountain boards, and the political leaders of the municipalities were sceptical to the reorganisation and were now provoked by this new activity. The new tourist activity was not

any success and the new company was closed down in 1997 because of a deficit and local resistance. From 1998 Statskog got a new direction and formulated a new policy with the ambition to achieve a closer cooperation both with the mountain boards and the municipalities.

Statskog have also changed the relations between Statskog as the landowner and the mountain boards concerning economic matters like a) the compensation for the work with inspection in the state commons. The new system from 1994 the mountain board had to make a plan for how many days the inspector, and his hired helpers would work with inspection. The system was that the inspector had just registered the days in the outfield and received 50% in compensation. The first years after 1994 the compensation to the mountain boards was decreasing and the mountain boards were afraid of the economic base for their official. The new system led to quarrelling of how much time the official did use and had to use on the inspection. Statskog had a responsibility to give compensation to 50% of the inspection work and not for other things. But the official have a lot of tasks that are closely connected to the inspection but are not inspection.

Another thing was the use of the "Landowner fund" which was established to support local activities. The fund is raised by the land rents from houses, huts, cabins and other constructions like alpine facilities. Until 1994 the fund supported projects by the mountain boards but Statskog changed the terms. The MC now had to make projects that was rentable. This was a decision of the central direction in Statskog. The decision was strongly opposed by the mountain boards and even the local employees in Statskog found the decision unreasonable. The fund was in fact changed to an "ordinary bank". The mountain boards then stopped to try to get any support from this fund. Both the changing of the repayment for the inspections and the principles for support of the Mountain fund have provoked the mountain boards and their interest organisation and increased the tensions between the central directions of Statskog SF and the mountain boards. But the communications between Statskog and the are mainly between the mountain boards and the district office of Statskog SF.

The district office for the county Oppland had a close relationship, good cooperation with the mountain boards in the district before and after the reorganisation. A typical statement from both the members of the MCs and from their officials is that; "We have not noticed any difference except from some incidents in 1993/94 when the district office was involved in new tourist activities." The district office have for a long time had responsibility and competence in the management of mountain areas, especially the management of the national parks. Another factor is that the head of the district office for several years have worked actively to develop the district office, and developed both to prioritise the management of the mountain areas and to have a good relationship with both the mountain boards and the municipalities. This was an important part of the tradition in this office.

The other big regional office is in Trondheim. This office was more involved in forestry than management of the mountains/nature protection. The relation between the office and the mountainboards both before and after the reorganisation been characterized as not very developed communication, tension and conflicts. It seems that the reorganisation and establishment of Statskog SF have strengthened the conflicts that already exists because of the lack of communication. In Oppland the good communication between the district office and the MCs maintained the good relationship in spite of scepticism from the mountain board against the establishment of Statskog. The association for the mountain boards has an office in

four regions. The districts office and the MCs in a district have close contact to the district office of Statskog SF. The studies shows that well established patterns of communication between the district offices of the agency for state forrests and the MCs in the region kept on after the establishment of Statskog SF in 1993. The conclusion in the study is that there have not been any dramatic change in the relationships between the districtsoffices of Statskog and the mountain boards but a continuation of well established patterns of cooperation and conflicts.

9.0 Changing of the constitutional rules.

The most influential change in the 1990s for the parish commons have been the the new principles of the election to the commons boards which was established from 1993.

The old principle was propositional representation and the new was majority elections. There was several protests against the new principles for election especially from the common councils in Skjåk and Oppdal which are to big mountain parish commons.

The case studies of Skjåk and Oppdal shows very clearly that the principle of majority elections have been unlucky for the minority which now have no representants in the board. In the two commons, as in most of other commons there has been a list for the big farmers and a list for the small farmers. In these two commons the big farmers are in minority position and are frustrated. In some forrest commons near the capital Oslo the big farmers are in the majority. The result have been that som of the smallest farmers have lost their rights in the common. When they lost their right of common the lost their right to wote in the election.

The majority rule can lead to a situation where the group that is in majority position can influence on whos allowed to be part of the register of electors. The majority group can in such a way protect themselves and make problems for the opposite group. If this is going to hold on the commons can change character from a social institution that belongs to the all the farmers of the community and to all the inhabitants to an organisation for the few.

The principle of majority election combined with more restrictive practice in the question about which farm have the right to the commons can increase the tensions between the groups in the local community and make it difficult for the commons to be a social institution. The commons may change the character from a being a local institution that belongs to locals with users right to a situation that som few big farms have the user rights and rules the commons boards. Then there can be stated new and more offensive goals for the management of the outfields in the commons which transform the commons in the direction of a more "normal " property by co-ownership.

10.0 The municipality institution.

The municipality institution in Norway have a dualistic character. On the one hand it function as a link in the national governing system. The most of the activity in the municipalities are implementation of the central state policy. The municipalities ha a role as administrative bodies for the state and have a lot of tasks related to implement national policy. On the other hand the municipalities are local political institutions. The decisions taken is made according to the rules made by the parliament but the decisions in the municipalities is made by local politicians (Kjellberg, 1980:9). In what degree the municipalities have autonomy or are

dominated by the central government will vary from sector to sector. This duality-perspective can also be used for studying the administration of the municipality. On the one hand the administration is a part of the public administration related to their position. Their role as administrators is to produce decisions in accordance with national directions and laws. On the other hand they are municipal officials. They shall produce decisions that is going to be discussed in political fora. The local politician take the formal decision in the case.

One purpose for the project is to get more knowledge about the impact of new economic activity and establishment of new national parks and new rules for the management of outfield areas for the social and cultural conditions in the bygds. One important thing is that if the local institutions make decisions that contradict traditions and norms in the bygd this can effect the legitimacy of the local institution both related to this case and make a general scepticism in the community against the institution. The question is if the two types of commons give different possibilities for innovation or adoption of new ideas from the local society and from external actors. In the new act concerning the parish commons from 1992 the Ministry of agriculture took over the responsibilities for such questions from the former agency which now had been a state company. The Ministry did not give priority to such questions. One official worked with such questions and communicated to the parish commons and their association. The administrative change did not have much influence on the work of the parish commons. From 1993/94 the local forestry authorities became a part of the municipal organisation. The commons boards in the typical forrest-commons have not got a more close relationship to the municipality because they just relate them selves to the forrester and not to the other part of the municipal organisation.

11.0 The impact of tradition and local culture.

Conflicts between different parish or bygdelaag about the right to use the commons have been passed from generations ago. This is the situation in the commons between the two big vallys Gudbrandsdal and Østerdal (se fig) Specially in Ringebu there have since the 1700 centry been a fight about the right to use mountain areas between the the farmers in Ringebu in Gudbrandsdal and Koppang and Atna in Østerdal. The same situation but not so dramatic up to day in Dovre and Folldal. There have for a long time been strong controversis about the use rights of the common in Finndalen () between the farmers from the municipalities Vågå, Lom and Skjåk. In 1989 the Ministry of the municipalities decided that 95 % of the territory of Finndalen should be in Lom while farmers from Skjåk have the most the user rights for the commons and the farmers from Lom have been lost the use rights in a trial in he 1960s. The old controversies have grown in the 1990s. The central governments have taken steps to make an agreement but there is still no cooperation between the three local actors. The farmers in the three municipality and the political leaders in the three municipalities are still quarrelling.

In the 1950s and 1960s tere were expension in the building of hydroelectric power plants in Norway. This expansion resulted in compensation for the owners and user of the land influenced by the construction of dams. The rights to compensation was in the from 1950s to the 170s an important economic questions in the local community. The bringing of money into the local community have resulted in a pressure from groups of farmers both to 1) expand the private property on the cost of the commons by claiming new boundaries and 2) to claim that the farmers own the land around the seter, dairy houses.

In special the two parish commons Skjåk an Oppdal the farmers that are owners of the commons have brought several cases for the courts about both the boundaries and the ownership of the seter. () The motif have been the economic compensation from the building of the hydroelectric power plant.

This is the core of the fight between the two groups in the parish commons in Skjåk. The one is "the owners" and the others " the users". "The owners " took control over the sum of money from the electricity company in 1967. But after that period "the users" have the majority in the board. This is a theme also in the other commons we made case studies; Oppdal, Røros, Espedalen, Fron and Lesja. In Oppdal there were two groups competing for the majority in the commons board. One of the group were positive to the parish commons and the other were critical to the commons and for the expansion of private property. The two groups is partly a cleavages in opinions between one main part of vally with big farms which give priority to the private property and two other areas with smaller farms hat give the priority to the parish commons.

An example with the opposite content is the handling of the disagreement between the Lesja and Dovre municipalities over the bounry betwenn the two municipalities and between the mountain board in Lesja and in Dovre. There are established a boundry between the two municipalities in 1989 but not between the two stats commons Dalsiden in Lesja and Dovrefjell in Dovre. ith the help of the districtoffice of the landowner Statskog SF, the two mountain boards made an voluntary agreement of the management of the disputed area in 1993. The agreement was that the two commons manage the area together and should inform each other mutually. This arrangement have been a success. And the two mountain boards have also calmed down groups in the two municipality who wanted to bring the disagreement of the boundary between the two commons for the court.

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