

Drafting Order Versus Authority Order

Drafting order and authority order are separate concepts within Malone Doctrine. Drafting order describes the sequence in which provisions are discovered and written. Authority order describes the hierarchy that determines which provisions govern when interpretation, application, or conflict occurs.

Confusing these two orders creates unnecessary rigidity during development and instability after adoption.

The authority order of Malone Doctrine is fixed:

1. axioms;
2. principles;
3. maxims;
4. rules;
5. procedures;
6. authorized commentary and interpretations;
7. articles and applications;
8. implementation documents.

Higher-ranking provisions govern lower-ranking provisions. Lower-ranking provisions derive their legitimacy from the authority above them. A procedure cannot lawfully contradict a rule. A rule cannot override a principle. Commentary cannot alter an axiom. Where provisions cannot be harmonized, the higher authority controls.

Drafting order is different. It is flexible, investigative, and problem-driven.

A doctrinal issue may first become visible through:

- a personal experience;
- an institutional failure;
- a recurring complaint;
- a historical case;
- a proposed solution;
- an operational procedure;
- a practical maxim;
- a conflict among existing rules;
- an article explaining a community problem.

The drafter does not need to begin with the axiom merely because the axiom will ultimately occupy the highest position.

A concrete case may reveal a needed rule. The rule may expose a broader principle. The principle may reveal the foundational axiom beneath it. Testing the axiom may then require the original rule to be narrowed, strengthened, or rewritten.

Development may therefore move upward and downward:

Experience moves upward toward authority; authority moves downward toward conduct.

This flexibility is necessary because broad moral truths are often discovered through examination of specific problems. Beginning with an abstract axiom before understanding the problem may produce language that sounds universal but proves vague, impractical, overbroad, or disconnected from actual needs.

The opposite error is also possible. Beginning with a specific solution may produce a narrow rule that works for one case but lacks a defensible foundation or creates injustice when applied elsewhere.

Drafting must therefore remain iterative.

A typical development sequence may be:

Problem → Article → Proposed Response → Procedure → Rule → Principle → Axiom

Another issue may develop as:

Observed Practice → Maxim → Principle → Rule → Procedure

A third may begin with an existing axiom and move downward:

Axiom → Principle → Rule → Procedure → Implementation

All three are valid drafting paths if the completed hierarchy is coherent.

The decisive question is not which provision was written first. The decisive question is whether the final provision occupies the correct level of authority and remains consistent with the complete doctrinal system.

Discovery Does Not Establish Rank

The first language written about a problem does not automatically become its highest authority.

A powerful sentence discovered during an essay may be a principle rather than an axiom. A memorable phrase may be a maxim rather than a rule. A proposed response may belong in an implementation manual rather than the normative code.

Each provision must be classified according to function.

An **axiom** states foundational authority or an enduring truth.

A **principle** establishes a normative standard.

A **maxim** provides memorable practical wisdom.

A **rule** commands, prohibits, or authorizes conduct.

A **procedure** directs execution.

A **commentary** establishes approved interpretation.

An **article** organizes analysis and application.

An **implementation document** guides institutional performance.

The eloquence, length, age, or drafting sequence of a provision does not determine its rank.

Drafts Do Not Govern

Drafting order also must not be confused with legal or institutional effect.

A proposed axiom does not govern merely because it has been written. A draft rule does not bind institutions merely because it appears in a working article. A preliminary procedure does not authorize action merely because it is operationally useful.

Authority begins through adoption, not composition.

A provision should therefore be marked according to status, such as:

- concept;
- working note;
- proposed;
- under review;
- tested;
- adopted;
- superseded;
- historical.

This protects institutions from treating unfinished thought as final command.

Higher Authority May Be Written Later

A lower-level provision may be drafted and even provisionally tested before its higher foundation is fully expressed. This does not mean the lower provision outranks the language later derived above it.

For example, the maxim **Confirm and verify** may be recognized before the full principle governing trust is written. The maxim helps identify practical wisdom. The later principle explains its normative scope and controls how the maxim should be interpreted.

The higher authority may be written later in time but still govern the earlier text after adoption.

Chronology does not control rank.

Upward Derivation

When drafting begins with a concrete problem, the drafter should move upward by asking increasingly general questions:

- What response corrects the problem?
- What rule requires that response?
- What enduring principle justifies the rule?
- What foundational truth makes the principle valid?
- Would that truth remain sound beyond the original case?

This upward movement prevents a special case from being mistaken for a universal rule.

The axiom must govern more than the event that inspired it. It must survive changes in identity, institution, leadership, location, and circumstance.

Downward Specification

Once higher authority becomes clear, the drafter moves downward:

- What does the axiom require in this domain?
- What principle expresses that requirement?
- What maxim helps people remember it?
- What rule governs conduct?
- What procedure executes the rule?
- What commentary resolves ambiguity?
- What institution implements the response?
- What records and measurements are required?

This downward movement prevents abstract authority from remaining ornamental.

A doctrine is incomplete when it declares values without explaining how they affect decisions and conduct.

Reconciliation Controls the Final Structure

Because drafting can begin anywhere, all provisions must eventually be reconciled.

Reconciliation determines:

- whether the proposed axiom is truly foundational;
- whether the principle is narrower than the axiom;
- whether the rule remains within the principle;
- whether the procedure faithfully executes the rule;
- whether commentary interprets rather than rewrites;
- whether the new provision conflicts with existing Doctrine;
- whether several provisions should be merged, separated, elevated, or demoted.

This is where drafting freedom becomes doctrinal discipline.

During composition, the drafter may explore broadly. Before adoption, every provision must be placed correctly.

The Engineering Analogy

Drafting order resembles the discovery and design process. Authority order resembles the final architecture of the system.

An engineer may discover a design requirement while testing a component. The component may be built before the governing specification is finalized. Once the system is approved, however, each component must operate according to the controlling design standard.

The history of discovery does not replace the finished architecture.

Malone Doctrine follows the same logic. Practical experience may reveal the rule before the principle is known. The completed Doctrine must nevertheless state which authority controls and how each layer relates to the others.

Governing Principle

The governing principle is:

Doctrinal provisions may be drafted in any sequence necessary for accurate discovery, but they shall be classified, reconciled, adopted, and applied according to the fixed hierarchy of authority.

The corresponding rule is:

No provision shall acquire superior authority merely because it was drafted earlier, appears in a longer document, or served as the original source of an idea.

Drafting order preserves intellectual flexibility. Authority order preserves institutional stability. The first allows Malone Doctrine to be discovered through real problems. The second ensures that the completed system remains coherent, interpretable, and governable.