

Disobedient Institutional Behavior: How We Break, Evade, or Violate Rules

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Abstract: The paper aims to explain different cases of disobedient institutional behavior using the attitude-based model. The issue of how to analyze and capture the faces of disobedience in a simple model is approached in three steps: first, misbehavior is defined as a certain lack in normative attitudes; second, these attitudes are distinguished in terms of normative acceptance and normative guidance; and third, combinations of these attitudes represent basic types of disobedience: *opposing*, *transgressing* and *conforming*. These three categories constitute an analytical typology of disobedient agents compatible with the theory of social institutions.

Keywords: disobedience, normative acceptance, normative guidance, rule, social institutions

1. INTRODUCTION

Social institutions and social rules structure our behavior in many everyday situations, even in cases where we might not be aware of them. Imagine being

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in a restaurant; a person typically relies on many rules here: when making a reservation for dinner, shaking hands to greet a friend, sharing a cake with their partner, and paying for the meal by credit card. Such rules conduct our social behavior in a complex multiple-agent situation with a diverse set of expectations and preferences. Furthermore, thanks to these rules, our actions are relatively stable and predictable, making this type of situation remarkably easy to process. They even help us, to a considerable extent, in novel contexts by setting a standard of what to expect from other people. These findings are nothing new, and there has been a long tradition in the philosophy of social science of studying this topic under the label of social institutions (North 1990; Hodgson 2006; Hindriks and Guala 2015; Guala 2016). However, it is surprising, considering the vast amount of literature on this topic, that little has been said about cases of *disobedient institutional behavior*. Can we explain situations in which someone breaks a rule, violates a norm, or deviates from an institution? Is it possible to encapsulate various cases of disobedient behavior with a simple classification that complements contemporary theories of social institutions?

Unfortunately, there has been little interest in addressing these issues systematically (with the exception being certain issues concerning violations of social norms; see Bicchieri and Chaves 2013; Bicchieri 2017). I believe there are two reasons for this lack of interest. First, the focus of research in the last two decades of the 20th century was predominantly on the emergence of cooperative behavior in a world of self-interested agents (Axelrod 1984; Ullmann-Margalit 2016[1977]; Skyrms 1996; Sudgen 1986). Social interactions, most frequently modelled as the Prisoners' Dilemma game, were analyzed in terms of anonymous peers randomly selected from the group, with no place for normative attitudes among them (Fehr and Gächter 2002; Fehr and Fischbacher 2004; Tomasello 2009). The issue of disobedience received little attention in these analyses as the prevailing theories focused rather on the transition from non-cooperative to cooperative behavior rather than vice versa. Second, the omission of disobedience from recent theoretical models (Aoki 2011; Guala 2016; Searle 2010) can be explained by the fact that these theories provide a broad and general framework for social institutions. They do so by reinforcing the model's consistency and robustness rather than analyzing its anomalies. To establish an explanation of institutions and social rules, they cover all the well-known and congruous cases of norms, laws, rules, and conventions (Zachník, 2020).

The inquiry into pathologies of institutional behavior remains an important issue not only for its theoretical but also its practical value. We want

to know how people break and violate the established institutional rules in addition to why they follow them. This paper focuses on the issues mentioned above to provide an explanation of the phenomenon of disobedience. There seem to be many names for violations of institutional behavior without any theory or clear idea of how to classify the different instances of such behavior. To provide a classificatory scheme, I need to offer a provisional specification of the notion of disobedience (§2), and then introduce essential elements of my framework, inspired by the work of Wilfried Sellars (§3). These steps will help me clarify fundamental components of disobedience, whose combination offers a unique way to describe variations of behavioral patterns (§4). Finally, based on this, I propose a typology of disobedience (§5). My main argument rests on the assumption that misbehavior happens as a result of an agent's weakened normative attitudes either towards a state of affairs (*normative acceptance*) or an action (*normative guidance*). However, such an outcome may arise from several different variables (authority, sanction, monitoring), which need to be considered carefully, since it is their involvement that influences the resulting behavior.

2. DISOBEDIENCE UNRAVELED

Intuitively, people feel that they know very well what it means to be considered a disobedient person. Parents teach their offspring during childhood how to obey rules and what happens when they do not. For instance, they may have issued a direct order to a child to brush her teeth, which she violated by pretending she had already done so, showing them a wettened toothbrush to prove it. Similarly, they may have instructed her to leave a piece of cake for her other sibling next time since it is fairer to do so than eating it all herself. In addition to such anecdotal experiences, there is also experimental evidence to indicate that pre-school children, to some degree, recognize rules and normativity (Kalish 2005; Schmidt, Rakoczy and Tomasello 2019) and that they already understand certain institutional violations by around the age of three (Rossano et al., 2011). All of which demonstrates that people grasp quite early on how to obey or disobey rules under many different circumstances. Just as there are many reasons for following such rules—including prudential (health), social (fairness), or authoritative (orders)—there are also numerous ways of misbehaving. Therefore, it seems reasonable to suggest that a general description of disobedience is needed to formulate the set of problems I intend to address.

Here, I propose a definition of disobedient behavior that is deliberately broad to capture the diversity of the phenomenon, yet which leaves many issues open for further examination.

Disobedient behavior =_{df} behavior of an individual such that he or she lacks normative attitudes towards a particular state of affairs or relevant action.

A couple of things might strike us immediately. First, disobedience is described as a normatively loaded phenomenon. If someone judges another person's behavior as disobedient, then a certain standard of correctness must be established, and corrective attitudes or emotional reactions along with it. The normative force over the disobedient agent is most vividly expressed by utterances through which corrective pressure is put explicitly on an assumed wrongdoer, for instance: "You ought to keep your dog on a leash," or "It is forbidden to drive faster than 40 km/h around schools." These and many other cases involve the type of attitude that philosophers traditionally call normative (Crawford and Ostrom 1995; Pettit 1990; Searle 1995). It generally expresses the idea that something is restricted or prescribed, and thus, disobedience amounts to an anomaly or deficiency in these attitudes.

This might spark controversy among political philosophers familiar with the concept of *civil disobedience* (Brownlee, 2017). They may find it difficult to see a connection between our definition and the political concept. In this regard, the definition looks somewhat detached from the peculiarities of the political domain, and intentionally so. It is characteristic of civil disobedience that a breach of the law is motivated by a rejection of the rule, with the aim of causing it to be replaced with an alternative one. Civil disobedience is a specific example of a more general phenomenon, and, of course, it has its own unique criteria absent from our general definition (e.g., non-violence and publicity-seeking). However, there is a common idea, in the absence of a particular aspect of normativity, which characterizes both. Therefore, disobedience is the parent category of civil disobedience and all other kinds of disobedience, as will become clear later.

On the other hand, it should be noted that disobedient behavior is different from the sociological notion of *deviance* understood as a behavioral disposition to go against a set of rules, and, as such, is usually regarded negatively (cf. Heckert and Hackert 2002). Thus, deviance applies to cases of systematic departure from norms or institutions, and it describes individual members of society less sensitive to sanctions, norms, or laws, such as gamblers,

criminals, or drug addicts. Deviant behavior of a specific type is a stable feature of an individual that may result in social tension or conflict. In this respect, the sociological perspective focuses on aggregate problems within a given society (e.g., suicide, crime, sexual deviation), often without defining the general domain of issues (Downes et al., 2016).¹ In contrast, disobedience involves token behavior—i.e., instances of *norm-specific* evasion, violation, and transgression; and it comprises various strategies by which individuals may misbehave. Undoubtedly, these two different kinds of behavioral patterns overlap in situations of deviant disobedience, such as when a thief rejects the institution of property rights (Antweiler 2019, 91). Nevertheless, it does not necessarily imply any connection or co-occurrence in other circumstances. For instance, someone avoiding contributing money to a colleague's birthday present may be regarded as disobedient but hardly as deviant.

Lastly, this paper studies disobedience primarily in relation to social institutions, which accounts for the limited scope of the research. Predominantly, I want to uncover a spectrum of institutional misbehavior strategies and suggest a classification of possible variants of the behavior. In doing so, I will use the term disobedience to refer specifically to institutional disobedience. The difference between these two concepts might be easily overlooked, nuanced as it is. Disobedience can apply to very straightforward cases such as the violation of a personal resolution (for instance, to lose weight or quit smoking) or non-compliance with a command in a parent-child situation. In both examples, normative pressure comes unconditionally from the authoritative person in a monadic (self-governance) or dyadic (parent-child) relationship, whereas institutional disobedience covers the domain of social interactions among group members in an agent-neutral way (Biccheiri 2006; Guala 2016; Tomasello 2014). Alternatively, to disobey in an institutional setting is for someone lacking normative attitudes to perform an action that substantially affects other unspecified members of society, their preferences, beliefs, and resulting outcomes.

3. NORMATIVE ACCEPTANCE AND NORMATIVE GUIDANCE

The question of how to classify different instances of disobedient behavior is not an entirely new one (see Bicchieri and Chavez 2013; Brennan et al. 2013; Hlobil 2016; Turri and Blouw 2015), but the idea of a typology requires a more systematic approach. In my attempt, I need, first, to introduce a scaffold

¹ The same theoretical inconsistency is examined in the entry “Deviance” of the *Encyclopaedia Britannica*, see Abrams (2018).

that will help me set out some implicit distinctions in the current literature and, consequently, draw a line between two rudimentary kinds of normative attitudes. Next, I will use these attitudes to explain variants of disobedient behavior. The idea is to account for the diversity of seemingly identical human social behaviors which manifest themselves as disobedience. Fortunately, it is not necessary to address the issue from scratch. It is helpful to exploit the older ideas of Wilfrid Sellars, which allow us to set out the elements of normative attitudes that constitute rule-following and institutional behavior.

Sellars (1969; 1974) introduced a useful distinction between *ought-to-be* (OTB) and *ought-to-do* (OTD) to explain the existence of different types of rules. He suggested that there are two types of ought-statements, whereby *ought-to-be* is a rule of criticism and *ought-to-do* a rule of action. As such, the first category specifies the desirability of a particular state of affairs, and the second identifies an action someone is prescribed to carry out (similarly Ateinsa and Manero 1998, chap. 4). Perhaps a simple comparison will be illustrative:

(OTB) It ought to be that people greet their neighbors on the streets.

(OTD) I ought to say “hello” to my neighbors when I meet them on the streets.

The first sentence expresses the desirability of a greeting pattern for a given community, whereas the second prescribes an agent to perform an action in a particular context. It is not very difficult to comprehend the social norm that stands behind each of these ought-statements. However, more importantly, at a general level, these two kinds of rules, although introduced separately, can have an essential connection between them so that the OTB implies the OTD (Sellars 1969, 508; similarly Roughley and Bayertz 2019, 325). If a person considers a certain state of affairs to be desirable, then she might consider the action that will produce it to be obligatory. Furthermore, changing our perspective of the issue can provide a useful insight into disobedience.

The fascinating thing about the distinction is that it allows us to scrutinize the fundamental aspects of disobedience by showing that there are two types of normative attitudes (rather than rules) involved. I suggest reinterpreting Sellars’ original idea so that following a rule consists of two types of normative attitudes based on the OTB and OTD distinction. The first attitude specifies the desirability of a state of affairs and the other, analogically, prescribes or gives instructions to respective agents. Think about the traffic lights rule that solves the problem of right of way at a crossroads (Lewis, 1969).

It seems reasonable to suggest that a driver who complies with the rule needs to have the following attitudes:

1. It ought to be the case that drivers stop when the lights are red and go when the lights are green.
2. I ought to stop when the lights are red and go when the lights are green.

At first sight, it may look relatively trivial, but if we look more closely at these two sentences, they reveal nonidentical factors involved in social norms and institutions. The first sentence articulates that the state of affairs *A* is desirable, and that it ought to be the case that *A* holds. Sellars (1969) calls it a rule of criticism because it creates a certain standard against which one can criticize the conduct of others. People accept rules and norms internally, and they do so by adopting normative attitudes which justify their criticism of rule-breakers. In this regard, Sellars emphasizes an essential feature of institutional behavior, and I believe that it plays a vital role in explaining the various faces of disobedience.

To indicate my departure from Sellars' original idea, I will call this attitude *normative acceptance*, and it has the following form:

(OA) It ought to be the case that *A* holds.

It is an attitude held by a person who is a member of a community, and, by its acceptance, acknowledges the legitimacy of corrective attitudes towards desirable state *A*. For instance, a young lady travelling by bus will justifiably yell at the bus driver: "You should have stopped!—The lights were red!", as a result of her normative acceptance (OA). Normative acceptance, in this case, legitimizes criticism of the driver's conduct although the young lady is not an acting agent in the specified situation but only an external observer enforcing the required standard. One can, therefore, reasonably expect that this attitude shared among members of society will provide normative backing for state *A* in the form of third-party monitoring and sanctioning (Fehr and Gächter 2002; Horn 2014; Ostrom 2000). The key assumption here is that the role of enforcement with its behavioral implications is closely interconnected with the attitude of normative acceptance.

What is the exact form of this attitude and how is it manifested in rules and norms? Obviously, a person can be in a doxastic state regarding OA in the form of 'I believe OA' (Bloor 1997, chap. 4), and there is evidence of this ability occurring in children as young as 7 years old (Kalish and Cornelius, 2007). Such a belief can arise out of agreement, rules of law, or a direct order. Nevertheless, a doxastic position is not the only possibility.

One can exhibit merely certain behavioral reactions (affirmative or negative) towards the state *A* and others' relevant behavior (Rossano et al., 2011). This *manifested* normative acceptance seems to play a vital role in implicit rules (Bicchieri and McNally 2018; Roughley and Bayertz 2019; Svoboda 2018) and may depend on very rudimental processes such as imitation or heuristics. It implies that one can obey a rule even in the absence of any explication or representation of the rule. Some researchers have even suggested that a reliable way to operationalize and test this attitude experimentally is through sanctioning and corrective behavior (Schmidt and Rakoczy, 2019). Perhaps, a better picture of normative acceptance is presented if we take it as a scalar phenomenon, ranging from corrective reactions to more explicit forms of belief, as there are many possible ways an OA attitude can occur—for instance, via internalization, argumentation, or education.

Overall, normative acceptance is a distinctive attitude tied to two important processes (whether an agent accepts a specific state as desirable, and whether she exhibits respective behavioral reactions) i.e., monitoring and sanctioning. The role of normative acceptance is now well-defined: if a person embraces *A* as a result of her inner conviction, heuristic shortcuts, argumentation with others etc., she is willing to make efforts to ensure that *A* is achieved and maintained in the community. It also involves situations in which she is not directly involved as an agent, but she exposes the participating agents to normative pressure and expectations, or even third-party punishment.

Alongside normative acceptance, there is another aspect of normative behavior involved in rules and norms, representing the complementary side of institutional reality. It is a feature that relates to active involvement and provides guidance for an agent towards a certain outcome. This normative attitude tells the agent what to do in a specific context. Therefore, it directly involves an agent, an action, and contextual determination. It can be described as follows:

(O_{*i*}X) Agent *i* ought to do *X* in *C*.

This type of normative attitude characterizes an agent *i* in normative relation to the action *X*. It is termed *normative guidance* because it guides him to perform an action or prescribes him to act in a certain way. It might be prudential guidance deriving from the agent's needs and desires figuring in a practical syllogism, or moral guidance derived from a recognized moral principle. I have intentionally kept the level of abstraction high to consider various sources of normative guidance (and its absence) in disobedient behavior.

However, some doubts might enter the mind of a critical reader here. If an agent is normatively guided to “ought to do *x*” then this *ought* must

have a specific scope relating to the normatively accepted state A (Brennan et al. 2013; Roughley and Bayertz 2019). Is it not natural, then, to suppose that normative guidance and acceptance essentially relate to each other? My point here is that we can, in fact, dissociate the two normative attitudes (since they have different implications), which could be instrumental to the classification of disobedience. Therefore, normative guidance should be understood as a separate kind of normative attitude, which does not have to be fundamentally norm-related. It means that normative guidance (what I ought to do) may be independent of normative acceptance of the given norm (what ought to be the case). For instance, some norm-independent reasons may influence a person's decision to act in a certain way no matter what she thinks is desirable in her community overall Raz (1990).

Another important aspect of distinguishing these attitudes lies in the fact that normative acceptance and normative guidance could be separate attitudes that appear in different people, so that those who accept the desirability of a state A do not have to be actively striving to achieve it (Legros and Cislighi, 2020). One category of these agents could be classified as *enforcers*. The importance of third-party observers who enforce social norms is well documented (Bicchieri 2006; Fehr and Fishbacher 2004; Gintis 2009): the enforcer is an agent who expresses normative acceptance in relevant corrective attitudes directed towards a set of agents affected by the rule. The role of enforcer may come in two different forms: pure enforcer and observing enforcer. The first type covers the situation of an agent who is completely detached from the action-prescription part of the rule, yet he monitors the behavior and corrects it. He, thereby, reinforces and maintains its existence. For example, in societies where women are expected to cover their heads for cultural or religious reasons, men act as pure enforcers of this social norm. As for the second type, other women in the community may be observing enforcers (similarly, the woman yelling at the bus driver in the previous example). They are normatively guided by the norm and accept it, but in some situations, they simply observe and monitor the behavior of others (e.g., their daughters). Broadly speaking, the enforcer is a person who accepts "it ought to be that A " and meets the behavioral demands of normative acceptance (monitoring and sanctioning), although he/she is not directly involved in the respective action.²

2 Disobedience in sanctioning behavior has some relevance here, and it could be modelled in the same way as I will be proposing in the following sections. In fact, it is a higher-level behavior occurring when the enforcer is acting to correct a (lower level) violation of a rule. This has a significant importance in cases of law-enforcing agents whose corrective behavior may also show signs of disobedience. However, for lack of space, I do not directly address

3.1. Social Norms

Our main argument is the following: disobedience rests upon some degree of discrepancy in normative attitudes of acceptance and guidance (together with their underlying mechanisms). This way of modelling normative attitudes helps us to examine and describe human institutional behavior. More importantly, these attitudes allow us to take special care when identifying different instances of disobedience, while possible combinations of these attitudes reveal a typology of misbehavior. Before I demonstrate this, it will be useful to look first at more typical and ideal types of agents in one specific institution—the social norm. As shown below, there seems to be a consensus (cf. Paternotte and Grose 2013) that those who oppose a norm disagree with its content and do not act in a required manner; whereas followers accept it and act accordingly. For instance:

Someone who is indifferent to or even disagrees with the norm's content will avoid conformity if no sanction is present, whereas someone who supports the norm will tend to conform even if no punishment looms. (Bicchieri 2017, 38)

Once norms are internalized, one abides by them not out of fear of the pending sanctions associated with them, but out of some inner conviction. And when this is so, one is likely to conform to the norms even in one's thoughts, intentions, and in what one does in private. (Ullmann-Margalit 2016[1977], 172-3)

Following a norm, then, involves a special kind of norm-responsive way of acting in accordance with the norm. When one follows a norm, one acts in accordance with the norm *because of the norm*. (Brennan et al. 2013, 195)

All these citations show remarkable agreement on the concept of norm-following in general. Of course, these and other authors differ in their descriptions of specific mechanisms involved in certain parts of the process, but they all share this idea: a *norm follower* is a person who accepts a norm and acts accordingly. Therefore, an important lesson is that the framework of normative attitudes can be abstracted from different accounts and used to describe the general notion of *a follower*. It applies only when both normative acceptance

(OA) and normative guidance (O_iX) are upheld by a particular individual. In contrast, *an opposer* is someone who lacks both attitudes. For future purposes, it is useful to represent these types of agents by a simple schema:

(Norm) Follower: OA and O_iX

(Norm) Opposer: \neg OA and $\neg O_iX$

Although this does not reveal anything innovative in the literature, it helps us understand the basic structure of attitudes in institutional behavior. And by considering other combinations of these attitudes, it provides a way to uncover new findings about disobedient agents.

Before I move on to explore other combinations, it is important to say a little about the link between normative acceptance and guidance, especially when considering the follower type of agent. It seems somewhat controversial to defend the idea that merely the presence of OA and O_iX can suffice as an exhaustive description of a follower. As mentioned before, philosophers argue for the claim that acting in accordance with a social norm (what one *ought* to do) must be interlinked with what she accepts as a norm (what *ought* to be the case); otherwise, it is not truly a case of following or obeying a norm (for a similar debate on guidance resonates in ethics, see Kitcher 2011; Sterelny 2012). This would imply that in an ideal case, a follower must manifest *norm-related* normative guidance. Nonetheless, the notion of normative guidance itself is not interchangeable with its norm-related version, since the layers of normative guidance can be far more complex than just horizontal acceptance-guidance correspondence.³ It means that a follower may accept a norm and act according to it, although the guiding ‘ought’ is related to other circumstances. For instance, imagine a case in which a person follows a norm for the way in which it was produced rather than its content (“I ought to comply with a democratically agreed rule”). The point is that, for the purpose of the paper, it is better to postulate that normative guidance stands independently of normative acceptance. Making this assumption frees our hands for what follows. Once it is possible to isolate these two attitudes, it is a natural step forward to examine various possible combinations of them.

3 One suggestion could be to distinguish a *strict follower* who acts and is normatively guided solely by the norm itself from a *loose follower* whose reasons to do x are not a result of the norm exclusively (i.e., norm-unrelated normative guidance). Moreover, legal norms show that this connection is not necessary, as an agent might be motivated concurrently by norm-unrelated reasons, such as a high-order rule (Hart, 1961), content-independent reasons Raz (1990), or legal sanctions (I am grateful to one of the reviewers for this reminder).

4. FACES OF DISOBEDIENCE

In §2, I have defined disobedient behavior as a certain lack of normative attitudes, which implies that an opposer is also disobedient, since he exhibits defects in both his normative acceptance and guidance. It means that such an agent will not accept the desirability of state A and will demonstrate an absence of monitoring and sanctioning ($\neg OA$). Furthermore, he will disregard any reason for compliance, and his behavior will depart from the required standard and the part prescribed to him ($\neg O_i X$). There are several possible variations of such behavior: some with more negative connotations—such as a rebellious opposer, who intends to bring down a prevailing norm regardless of the social harm, and others with a more creative and acceptable impact—such as painters exploring new possibilities by ignoring perspective and the principles of figural painting. The list of different flavors of opposing could go on, but no matter how colorful the story and details are, the structure of normative attitudes remains the same for this type of agent. Hence, the value of the typology suggested here lies mainly in its ability to capture and classify seemingly different instances of disobedient behavior that have similar structural properties.

Now, it must be clear that the opposer-type does not represent the whole spectrum of disobedience, since there are other interesting combinations of the two attitudes that may occur. The first occurs when an agent does not accept a certain state or principle A , yet acts in accordance with A despite her rejection of it. In this scenario, the agent has another (non-norm-related) reason or motivation to be normatively guided towards the prescribed behavior ($O_i X$), although she disagrees with, rejects, or despises the fact that it ought to be the case that A holds ($\neg OA$). I will call this agent a *conformist*, as researchers regularly distinguish cases of following and conforming in a similar fashion (Brennan et al. 2013; Bicchieri 2006; 2017). However, what is new in the framework of normative attitudes is that it allows us to consider what exactly constitutes this type of disobedient agent and how it differs from others. In the case of a conformist, one can reliably say that from the purely behavioral perspective, we observe compliance as we do in the behavior of followers ($O_i X$); however, something is notably missing. This effect might be even more striking if considered at a population level (see Raz 1990, 124-125). It is conceivable to observe widespread compliance in a group and still have several disobedient conformists who disagree with the institution but obey for other reasons (e.g., sanctions, authority, social expectations).

This issue may look counterintuitive at first: how can anyone even begin to think that someone who conforms with a rule can be disobedient? Conformists do not violate the action-prescription component of the norm, which makes it hard to classify their behavior as disobeying, but it will perhaps be more acceptable to think about this type of behavior as *opportunistic* disobedience. It is true that conformists do not depart from the required behavior—they have O_iX -attitude and follow its guidance by doing x —but such action is motivated by an external factor. It could be purely accidental that x is carried out. Such behavior has nothing to do with the institution itself, and thus, hardly counts as following a norm or acceptance of a given rule (as advocated in passages from the authors cited in §3). Essentially, a conformist exhibits disobedient behavior only if both normative attitudes are considered and then compared with a follower-type. Undoubtedly, it may be difficult to directly observe instances of conforming if we consider only the action-prescription component (which is behaviorally indistinguishable from following); however, a conformist manifests himself differently.

The way conformist behavior may be manifested, or even tested is also the reason why we need to classify this type of behavior as disobedient. First, a conformist has an unquestionable feature that is possible to identify—she abstains from enforcing. She will manifest the absence of monitoring and sanctioning due to a lack of normative acceptance.⁴ Therefore, the disobedience of a conformist will be exposed by the nonexistence of corrective attitudes and reactions towards opposers and transgressors, and the lack of third-party punishment can have potentially harmful effects on the persistence of institutional norms (Fehr and Gächter 2002; Fehr and Fishbacher 2004; Tomasello 2009). This idiosyncrasy could be one way of observing this type of disobedience. Second, since the conformist's motivation is opportunistic, his conformity to a rule is enforced by some other external factor. When this external motive disappears, his reluctance to follow institutional behavior strikes with full force. This latent aspect of opportunistic conformism is especially important in the context of institutional change, when some processes might be omitted or reduced (e.g., lowering penalties or non-inclusion of past transgressions). Overall, we need to be aware of such opportunistic conformism, which can covertly appear in existing community practices and undermine them under some conditions.

⁴ Further problems concerning enforcing and sanctioning are well documented in debates about Punisher's dilemma and Weak vs Strong reciprocity (Baumard 2010; Guala 2012).

Although conforming seems to be a self-evident phenomenon, it might be surprising how many different processes it involves in various settings. Let me briefly mention just a few of them which have been studied separately in the literature. All these examples represent selected sub-categories of the conformist type. The first category shows why any person might conform despite her rejection of a norm, and it lies in *the acknowledgement of the legitimacy of a higher-level rule or procedure* (Hart, 1961). An agent might strongly disagree with a specific institutional rule, but he conforms to it because he recognizes the legitimacy of a higher authority. The authority could be a status holder (Searle, 2010) who has acquired some normative power over our actions (e.g., the captain of a football club issuing a prescription that each player should arrive an hour before the training session starts), or a specific procedural condition a conformist profoundly relies upon (such as a democratic referendum). In this category, the acknowledgement leads to the required action even though it bypasses normative acceptance. It results in the absence of corrective behavior towards other misbehaving agents (teammates coming late, referendum deniers) since even if an agent conforms to x , he is not supporting and reinforcing the state A .⁵

The second category of conforming concerns epistemic circumstances and is known as *pluralistic ignorance* (Bicchieri and Mercier 2014; Perkins 2014; Bicchieri 2017). It describes a situation in which a conformist complies with a social norm because she believes that others conform and expect her to obey as well. However, as a matter of fact, she does not accept this norm and most of her colleagues are also against it (as in the notorious college drinking norm). Normative guidance is, thus, a consequence of an agent's false beliefs about others' (dis)approval that strengthen her motivation to act even in the absence of normative acceptance. Other possible parameters could potentially alter such epistemic influence—such as social proximity (Bicchieri and Dimant, 2019) or new information (Janssen and Ostrom, 2014)—but these cases still belong in the category of conforming disobedient behavior. The third category is commonly associated with the notion of conformity, since when people consider compliance without acceptance, they typically imagine *conformity induced by sanction* (Brennan et al. 2013, chap. 10). Action-prescription (O_iX), in this case, is directly under the influence of the fear of sanctions and,

5 The corresponding norm-related corrective attitudes are absent; however, there might be a more complex scenario in which another norm or motivation to sanction misbehavior and to enforce compliance are involved, for instance as a function of a certain script or schema (see Bicchieri and McNally 2018), or as a function of the other (sanctioning) norm, or legal rule in a complex normative system (Raz 1990, chap. 4).

thus, what one “ought to do” is established by the possibility of negative consequences (the probability of detection, the severity of punishment).

These examples share the structure of normative attitudes characteristic of the conformist type of disobedience but differ in the associated instrumental mechanism. Further examination in this direction could prove fruitful in identifying more analogous processes, which would be more than welcome for the future development of this classification into a full model. However, for now, it is vital to adhere to the main idea—i.e., to introduce the typology and indicate the basic categories falling under each type (although with some blank spots). A conforming agent, therefore, shows stability across normative dimensions, but subtler categories appear when details that reinforce norm-unrelated normative guidance are analyzed. They fall into three non-exhaustive groups: epistemic, sanctioning, and broadly normative (procedural, authoritative).

On the other hand, the second type of agent—known as a *transgressor*—implies a different discrepancy. It involves a kind of manifested disobedience, since it is observable or detectable in an agent’s behavior. In this type, a person accepts a certain institution (OA), although she is not guided and does not act accordingly ($\neg O_i X$). What makes her different from a follower type is that she agrees with A , but her behavior is not in line with the required action x . As such, it might be rare in its occurrence but dangerous because it undermines an established practice unexpectedly. Usually, there are external factors or independent lateral motives that trigger transgression despite the agent’s normative acceptance of the established institution. For certain reasons, her motivation based on her normative acceptance is overruled. Many mechanisms could cause normative guidance to be weakened, but what is not affected by them is the transgressor’s role as an enforcer, which results from her acceptance of the desirability of state A . For that reason, she will still persecute other agents’ wrongdoing and will evaluate such conduct negatively. The difficulty with transgression is, thus, that it gives the impression that an agent follows a rule because she normatively accepts it and supports it publicly, while she opportunistically utilizes or even actively seeks a chance to evade the required action.

To get a better grasp of this phenomenon, let me illustrate some categorical examples of transgression. One such class well-studied in the literature on social norms is called *evasion* (Bicchieri and Chavez 2013; Bicchieri 2017, 83). This category of transgression is based on asymmetric information, whereby the agent’s true normative guidance and subsequent actions remain undisclosed to other group members. It can lead to the hidden

violation of a norm such as when a tribesman goes hunting secretly during the night to avoid the food-sharing norm accepted by his tribe and even by himself (similarly Bicchieri 2006, 186-196). In another case, evasion could be public yet covert, as when a pedestrian crosses a street to bypass a beggar and, thereby, avoid the norm of charity. Both cases of evasion—hidden or covert—share the normative attitudes of a transgressor. Therefore, the hunter and pedestrian both exhibit normative acceptance in a group. They will acknowledge the norm, argue for it, recognize its benefits for the group, and even sanction others' misbehavior. However, their behavior and normative guidance will deviate from the standard established by the norm (the norm of fair food distribution, norm of charity), because transgressors utilize the asymmetric information for their personal benefit without the threat of sanctions or retaliation.

A different variation of transgressor behavior is a result of opportunism based on *asymmetry* in costs rather than asymmetry in information (as in the case of evasion). When the costs of conformity may be too high for some members of a society, their transgression is simply the result of their inability to bear the excessive costs imposed by institutional behavior. The transgressor in such a case agrees with the content of the institutional rule and normatively accepts it, although he cannot act accordingly because it would significantly undermine his other actions or prospects. Imagine a person who has lost his job and is in a difficult financial situation. He may disregard the guidance of the norm of charity in the beggar scenario since his personal situation precludes him from sharing resources. Although the person agrees with the norm and is prepared to argue for it and criticize others' violations due to normative acceptance, his own inability to follow the norm results in disobedience.

The two next examples of transgression fall into the categories of *socially expressive violations* (Hlobil, 2016) and *transgressions based on conflicting information* (Bicchieri, 2017). The first category of transgression is motivated by the intention to create a debate or open a new possibility, neglected by the current practice. A person accepts a norm, but her action is intended to reveal an alternative way compatible with the predominant social conduct. This behavior usually tries to reform or modify a specific aspect of an institution (see Guala and Hindriks 2020). For instance, a transgressor's attempt to initiate a change in greeting patterns by kissing others on the cheek intends to preserve the norm that it ought to be the case that we greet our colleagues, and his action simply proposes a new form of norm implementation. The next category of transgression relies on the strength of social expectations that override the normative guidance of an agent. Therefore, a person normatively accepts state *A*, but the pressure grounded in others' expectations forces her to act contrary

to the accepted standard. The conflict in information arises between an agent's belief regarding the normative acceptance of a required standard and her expectation of what others consider desirable. In cases like this, transgression is triggered by the effort to fulfil what others expect her to do, contrary to the norm accepted by the agent.

The important lesson from this type of disobedience lies in understanding its normative background and associated processes. All categories of transgressor behavior involve the presence of a normatively accepted state of affairs but a failure in normative guidance due either to asymmetric information or costs, socially expressive motives, or expected social pressure. Again, these categories are hardly complete, and further research is needed to identify other processes, but the role of the typology of disobedience becomes even clearer now. It allows the identification of different causal mechanisms that influence the normative discrepancy characteristic for each disobedient type, while preserving a stable normative scaffold, which provides a certain amount of behavioral consistency and predictive power.

5. TYPOLOGY OF DISOBEDIENCE

So far, I have explored all four combinations of normative attitudes of acceptance and guidance. Based on these analytical distinctions, it is possible to draw a conceptual scheme of attitudes for the three types of disobedience, and, consequently, capture all the important features in a simple table:

Table 1. Types of Agents Based on Normative Attitudes

	Normative acceptance	Normative guidance	Sub-categories
Follower	OA	O_iX	—
Opposer	$\neg OA$	$\neg O_iX$	Rebellious, Inventive, Trendsetting
Conformist	$\neg OA$	O_iX	Sanctions, Legitimacy of higher rule, Pluralistic ignorance
Transgressor	OA	$\neg O_iX$	Evasion (hidden, covert), Asymmetrical costs, Social expression, Social pressure (doxastic)

This overview presents the basic structure of my argument. I have started with a broad and straightforward definition of disobedience in terms of lack of normative attitudes and with the intention of distinguishing types of disobedient behavior. The introduction of normative acceptance and normative guidance has allowed more precise ramification of normative attitudes involved in norm-following behavior, and these components have, consequently, given rise to the minimal framework of disobedience. This typology reveals three main categories of disobedience: opposing, conforming, and transgressing. All of them represent some defects in attitudes and could be studied further for detailed insights.

In a nutshell, the opposer is the most obvious type of disobedient agent. He disagrees with the institution; he is unwilling to follow it, and does not participate in its perpetuation. Such a departure could have different flavors depending on its context, ranging from violent or rebellious to inventive and innovative behavior. Disobedience of this type is evidently manifested in behavior itself (or lack of it), together with indirect consequences related to normative acceptance, such as absence of monitoring or enforcement. The two remaining categories of disobedience resemble the more clear-cut cases of following or opposing in certain ways but are subtly different. A transgressor exhibits the same behavior as an opposer towards the institution since she also departs from norm-related normative guidance, but unlike an opposer, she normatively accepts the established standard, and, thus, participates in monitoring and sanctioning as followers would do. Conversely, a conformist's behavior is indistinguishable from the follower type, and she can provide reasons why she acted in the prescribed manner. However, a conformist does not adopt the institutions, and neglects her enforcing role, similarly to an opposer, due to an absence of normative acceptance.

Taking these slight differences in disobedience into account could prevent possible confusion, and, hopefully, the analysis provides a solution for how to classify different variants. A general implication of this analytical typology is obvious: it is necessary to consider not only directly observed behavior, i.e., whether one meets the behavioral standards of institutions, but also other indirect clues and underlying processes associated with normative attitudes of acceptance and guidance. It will be even more crucial in the future analysis of other subtypes of disobedient institutional behavior, such as legal rules or organizations, which I have somewhat neglected (for the sake of simplicity, I have focused predominantly on social norms).

6. CONCLUSION

The paper began with the puzzle of how to explain different cases of disobedient institutional behavior. When one regards the behavioral variety and plurality of sources of disobedience, it may be overwhelming and puzzling at first. People have invented many viable strategies of how to misbehave in a social environment structured by social institutions. They secretly evade rules, violate them under the influence of social pressure, or misbehave to express a new possibility (Bicchieri and Chavez 2013; Bicchieri 2017; Hlobil 2016). On the other hand, others opportunistically disobey by lacking acceptance of the desirability of the outcome prescribed by the rule for many other reasons (Hart 1961; Bicchieri and Mercier 2014; Brennan et al. 2013). All these cases indeed share specific characteristics but diverge in others. The idea of analyzing and encapsulating the various faces of disobedience in a simple classificatory scheme would appear to be new, and it opens fresh research possibilities that can fill in a gap in the contemporary literature on social ontology.

At the beginning, I defined disobedience in terms of a deficiency in normative attitudes towards a particular state of affairs or relevant action. The decision to limit the focus of this paper to attitudes occurring in disobedient behavior was driven by the idea of examining the possibility of an analytical model that provides a comprehensible and precise classification of types of disobedient agents by means of normative attitudes, instead of merely behavioral consequences or outcomes (similarly to Pettit 1990). Therefore, I suggested a distinction between two separate types of normative attitudes—acceptance and guidance. The proposal was inspired by Sellars' original idea of “ought-to-be” and “ought-to-do” rules (Sellars 1969; 1974), but continued along its own path. Normative acceptance describes an attitude whereby a person accepts the desirability of a specific state of affairs, is prepared to sustain and enforce it in society, and if challenged he or she could explain why they have accepted it and even give reasons for others to do the same. In comparison, normative guidance covers a different aspect of normativity related to rule-based social behavior. An agent is normatively guided if an “ought” is related to an action he intends to carry out. It specifies the action-prescription component and guides a respective agent to a specific behavioral output. These attitudes do not simply describe two aspects of the appropriate institutional behavior, but they can also be altered to provide a solution to the puzzle of classifying disobedience, thus helping to uncover new findings about other variants of disobedient agents.

Therefore, based on the distinction of normative attitudes, I have offered three distinctive categories of disobedience, each having very specific features that can be discerned more or less easily. The proposed typology of disobedience differentiates between *opposing*, *transgressing*, and *conforming*. An opposer-type agent is characterized by the complete absence of both normative attitudes, which implies that the agent is heedless of the fact that a certain state of affairs might be desirable, and resists acting in the prescribed way. However, the two remaining types combine these elements differently. A transgressor displays normative acceptance and may even publicly express his allegiance to a norm, yet he is not motivated to act in the required manner due to his lack of normative guidance. Based on the conducted research, I have hinted at a few explanatory routes of what can cause this type of misbehavior (norm evasion, social pressure, or motivated social expression). A conformist, on the other hand, acts in a prescribed way but for reasons other than the norm itself, which she does not accept. Disobedience, in this case, is somewhat hidden as the agent cannot be accused of non-compliance with the standard, but she certainly lacks all the elements related to normative acceptance (corrective attitudes to other violators, participation in defense of the desirable state, persuasion of others).

This minimal typology of disobedience provides, on the one hand a very rough distinction based on several simple building blocks that are somewhat abstract and causally unspecified. But on the other hand, this openness allows us to connect all different sources of disobedient behavior and subordinate them to the appropriate category. Moreover, the importance of this classification is not limited solely to the systematization of previous conclusions scattered in the literature, but it may also predict, or at least anticipate, new ways of misbehaving. Overall, this typology can provide a useful analytical tool in the already established theoretical framework, thus enhancing it, and setting a new direction for fruitful development.

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