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SOCIAL NORMS AND THE EXPLANATION OF BEHAVIOR

by

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Abstract

Social norms are non-outcome-oriented injunctions to act or to abstain from acting, sustained by the sanctions that others apply to norm violators. These sanctions, which range from direct punishment to ostracism, are in turn sustained by contempt in the observer of the norm violation and of shame in the target of the sanctions.

I. Introduction

There is no general agreement among scholars about how to define social norms. I shall stipulate a definition, which will be justified, I hope, by its rough correspondence with ordinary as well as scholarly usage and by its usefulness in generating questions and suggesting answers.

Consider two statements:

Always wear black clothes in strong sunshine

Always wear black clothes at a funeral

The first injunction is a matter of instrumental rationality, since the air between the body and the clothes circulates more rapidly when the garments are black. The second expresses a social norm, which has no obvious instrumental significance. The existence and importance of social norms cannot be doubted. The proximate causes involved in their operation, which will be the focus of this chapter, are reasonably well understood. Yet their ultimate origin and function (if any) remain controversial.

There is a pervasive tendency in much of the literature to view social norms as socially useful. Norms are supposed to be society's way of coping with market failures (Arrow 1971), a mechanism for internalizing externalities (Coleman 1990) or a welfare-maximizing device (Ellickson 1991). There are no doubt cases in which norms have these effects, and probably some cases in which they owe their existence to these effects. Yet against this Panglossean view I believe that many norms are sources of pointless suffering. When a small girl comes home crying because her friends ridicule her purchase of the wrong sort of pram for her doll, no useful function is served. Codes of honor and norms of revenge may cause more murders than they prevent. Moreover, many social norms that would be socially useful are in fact not observed, an example being the absence in overpopulated societies of a social norm to have few children. The fact that social norms seem to exist everywhere suggests that an evolutionary explanation might be forthcoming, but so far none has been proposed that goes beyond the just-so story level.

Social norms are social both because they are maintained by the sanctions that others impose on norm violators and because they are shared – and known to be

shared – with others. Their social character does not, however, violate methodological individualism. A social norm is simply a shared expectation that others will react to a given behavior in a way that is painful for oneself.

I distinguish social norms from moral norms in terms of the emotions sustaining them and the causal structures that link emotions to norm violations. I represent this distinction in Fig.1, which also includes the action tendencies of the emotions generated by norm-violations.

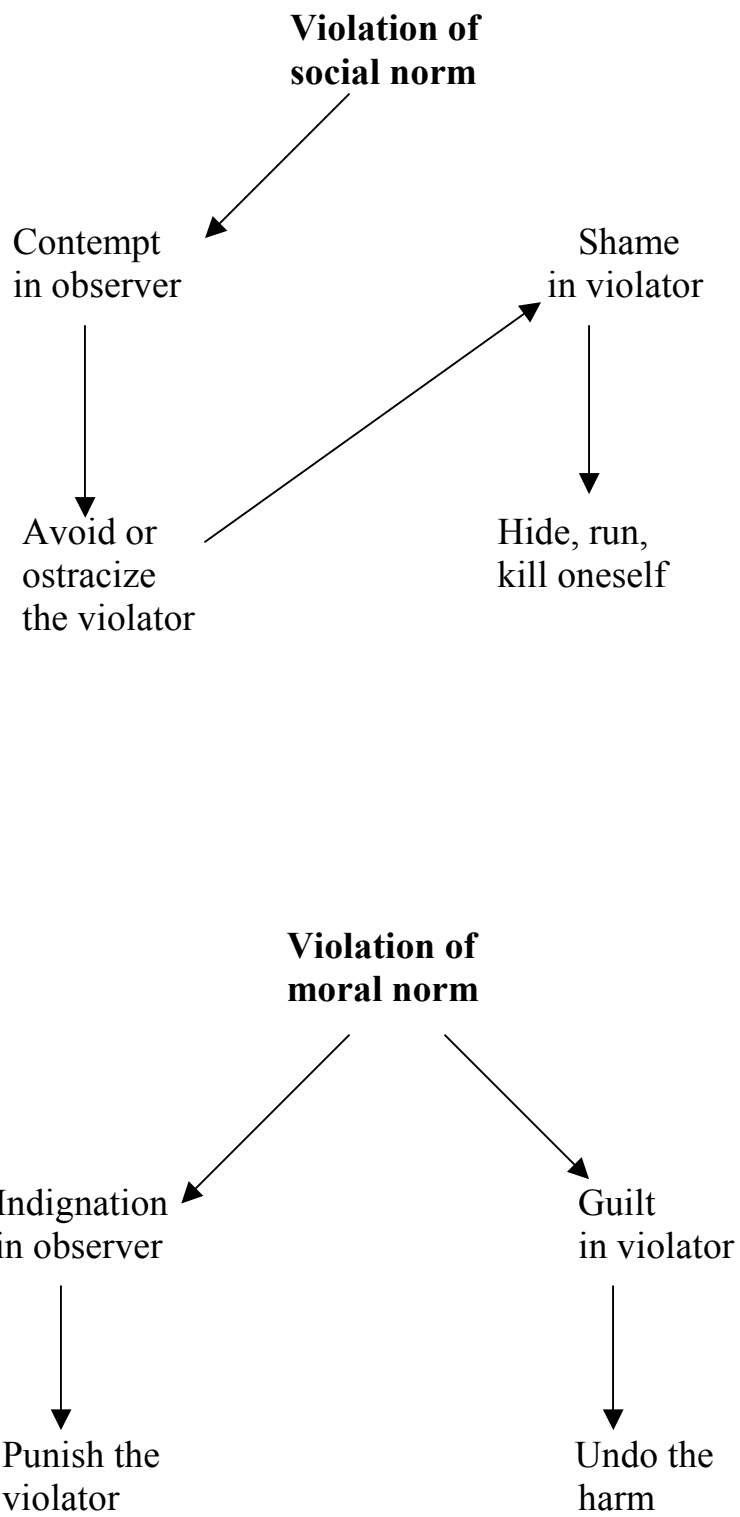


Fig.1

As shown in Fig.1, the operation of social norms depends crucially on the agent being observed by others. The anticipation of being observed may cause her to abstain from the norm-violating behavior or to hide it carefully. Actually being observed may trigger one of the action tendencies of shame: hide, run away, or kill oneself (see my article on emotions, this volume). Thus in 1997 six people killed themselves in France after being exposed as consumers of pedophilic material: presumably the shame was too much to bear. Prior to the exposure, however, these people may have led more or less normal lives. The same comment applies to the American admiral who killed himself in 1996 when he was exposed as not entitled to the combat decorations he was wearing (Boyer 1996). In experiments, the mere display of two stylized eye-like shapes on the desktop background induces significantly more generous offers in a Dictator Game (Haley and Fessler 2005).

I also distinguish social norms from what I call the quasi-moral norms that are triggered by the agent observing the behavior of others. To see how these differ from social and moral norms, take the case of littering in the park. An agent following a moral norm will abstain from littering even when alone in the park. If she follows a quasi-moral norm and observes that others are carefully putting their ice cream wrappers in their pockets or in a wastebasket, she will do so too even if she could drop it on the ground unnoticed. An agent who is subject only to a social norm will litter unless observed by others. The important research project of Ernst Fehr and his collaborators largely centers on the role of quasi-moral norms in generating cooperation, either by the mechanism of conditional cooperation or by that of punishment of non-cooperators (see Elster 2005 for a survey).

I further distinguish social norms from legal norms by the fact that the latter depend on the existence of specialized enforcers rather than on the more diffuse sanctions that sustain social norms. To see how legal norms differ from social,

quasi-moral and moral norms, consider reactions to water scarcity in a community. As a legal measure, the municipal council may enact an ordinance forbidding watering lawns or filling up swimming pools, and send out inspectors to verify compliance. When there is a water shortage in California, social norms operate to make people limit their consumption. Indoors consumption, in particular, is monitored by visitors, who may and do express their disapproval if the toilet bowl is clean. In Bogotá, under the imaginative mayorship of Antanas Mockus, people followed a quasi-moral norm when reducing their consumption of water. Although individual monitoring was not feasible, the aggregate water consumption in the city was shown on TV. People complied when they observed that others were for the most part complying. A (weak) moral norm is presumed to operate when toilets have two push buttons dispensing different amounts of water for different uses.

I also distinguish social norms from conventions, in the sense explored by Schelling (1960) and Lewis (1969). An example is the convention regulating interrupted phone calls, according to which it is the person who made the call in the first place who is to call up again. Unlike legal and social norms, conventions do not, for their efficacy, require any kind of sanctioning of violators. Given the convention, it is in the self-interest of each agent to follow it.

Finally, I distinguish norms from equilibria in repeated games. Hume (1978, p. 520-21) spells out the following dilemma.

“Your corn is ripe to-day; mine will be so tomorrow. It is profitable for us both, that I should labour with you to-day, and that you should aid me tomorrow. I have no kindness for you, and know you have as little for me. I will not, therefore, take any pains upon your account; and should I labour with you upon my own account, in expectation of a return, I know I should be disappointed, and that I should in vain depend upon your gratitude. Here then I leave you to labour alone: You treat me in the same manner. The seasons change; and both of us lose our harvests for want of mutual confidence and security.”

This dilemma can be resolved if the farmers know they will need each other's help over the indefinite future. Suppose farmer A's corn will be ripe in September and farmer B's in August. Then farmer A will help farmer B in August 2008 without being afraid that B will not help him in September 2008, since A knows that if B does not help him in September 2008 A will not help B in August 2009, and so on. This equilibrium is similar to a social norm in that it is sustained by sanctions. The conditionality of the equilibrium behavior – help your neighbor with his harvest if and only if he helped you with yours – is also found in some social norms, such as “Send a Christmas card to your friend if and only if he sent one to you last Christmas”. The difference between an equilibrium strategy in repeated interactions and a social norm is that the former is outcome-oriented, while the latter is not. In an experimental study, Falk, Fehr and Fischbacher (2005) found that non-strategic sanctioning is more important than the strategic variety. Also, of course, many social norms are unconditional. Analytically, these six categories are clearly distinguishable. In practice, they may converge on the same behavior. The rule of driving at (say) the right side of the road could, in theory, subsist as a mere convention. It is of course also a legal norm, a social norm (violators may be harassed by other drivers), a moral norm (a truck driver may be concerned about the welfare of those he might injure if he moved into the opposite lane to overtake another vehicle) and, possibly, a quasi-moral norm. A farmer who does not reciprocate with help in harvest time, may be ostracized by the local community.

Also, in some cases it may be impossible to tell whether a given norm is a social or a moral norm. If addressed to oneself, the question “What if everybody did that?” expresses the moral norm of “everyday Kantianism”. If addressed to others, it conveys a social norm. The line between indignation and contempt may, in a given case, be hard to draw. In principle, the first emotion targets an action and the second the character of the agent, but in the observer's mind the

two may well go together. I shall mostly stay away from these complications, by focusing on relatively clear-cut cases of social norms, but they cannot be eluded altogether.

A final conceptual issue concerns the relation between social norms and identity. In my opinion, the explanatory value of the idea of identity remains to be established. Bracketing this question, and assuming that identity is somehow related to an agent's idea about what she ought to be and ought to do, it should be sharply distinguished from her idea about what others ought to do. Akerlof (2007, p.8) and Akerlof and Kranton (2005, p. 12) systematically conflate these ideas.

II. The operation of social norms

On my account of social norms, they are maintained by the interaction of contempt in the observer of a norm violation and shame in the norm violator. It remains to spell out how this idea is related to that of sanctions. There are two main possibilities: either the expression of contempt constitutes a (non-material) sanction, or the contempt causes the observer to impose material sanctions on the violator. Although I mainly subscribe to the first idea, I begin with the second and more commonly held one.

The action tendency of contempt is avoidance (see my article on emotions, this volume). Anticipated contempt generates what one might call avoidance-avoidance, that is, abstaining from behavior that might trigger avoidance in the observer. Actual contempt, as explained above, generates shame and its associated action tendencies. One may also use the sharper term ostracism, which, however, is perhaps too close to punishment to capture the core reaction to violations of a social norm.

Avoidance behavior has the important potential for causing losses for both parties, if the observer refrains from undertaking mutually profitable interactions with the violator. In a traditional society, a father might let his daughter remain unmarried rather than consent to her marrying a man who has violated an important social norm. In a modern society, an employer might refrain from hiring a member of a minority group, not because he is racist but because he fears that other businessmen might think him a “Jew-lover” or “nigger-lower” and, as a consequence, refuse to deal with him.

Avoidance may go unnoticed by the norm violator, in which case it would not be capable of producing shame or of shaping behavior. This statement needs to be qualified, however, since it seems likely that some reactions to norm violations shape behavior by psychological reinforcement rather than by conscious perception. I have in mind, for instance, the culture-specific norms that define the appropriate “interpersonal distance” in social interactions. If I come closer than (say) 50 cm to a person at a cocktail party, he or she may view my behavior as inappropriately aggressive or amorous and, as a consequence, take a step back. Although my conscious mind may fail to register the cause-effect relationship, repeated experience may induce a tacit knowledge of the norm.

Often, however, the victim of avoidance cannot fail to register the fact that others are avoiding him. “Why didn’t he accept my invitation or at least tell me he couldn’t make it?” “Why does nobody join me for lunch in the office cafeteria?” Moreover, very frequently the avoidance is accompanied by some verbal or non-verbal action signifying contempt. When the observer’s contempt is observable, the target knows that he may incur material losses, as a result of being denied interaction opportunities. The anticipation of this eventuality may then deter him from violating the norm. When indignation and contempt blend or fuse together, the observer may impose a direct punishment on the violator

(see my article on emotions, this volume). Anticipation of this possibility may also act as a deterrent.

The motivation behind this view of social norms is usually to turn norm-governed behavior into a species of rational behavior (e.g. Coleman 1990, Ch.11). Norms, it is argued, shape behavior if and only if the material costs incurred by a norm violation exceeds the material gains. Employers will hire members of minority groups if and only if their greater productivity or lower salaries more than offset the loss of contracts with firms that refuse to deal with such employers. In that case, however, we are immediately led to ask why these other firms would behave in this way. The first answer that comes to mind is that they punish because if they didn't, they would be punished in turn. Among school children, a child might be more willing to interact with a "nerd" when not observed by her class mates. In a society with strong norms of revenge one might expect that a person who fails to shun someone who fails to take revenge would himself be shunned.

In his discussion of the tyranny of the majority, Tocqueville (2004, p.294) offered an eloquent analysis of such second-order avoidance behavior:

The master no longer says: You will think as I do or die. He says: You are free not to think as I do. You may keep your life, your property, and everything else. But from this day forth you shall be a stranger among us. You will retain your civic privileges, but they will be of no use to you. For if you seek the votes of your fellow citizens, they will withhold them, and if you seek only their esteem, they will feign to refuse even that. You will remain among men, but you will forfeit your rights to humanity. When you approach your fellow creatures, they will shun you as one who is impure. And even those who believe in your innocence will abandon you, lest they, too, be shunned in turn.

Yet if we go on to ask whether the non-shunners of the non-shunners would themselves be shunned, it is evident that the argument soon runs out of steam. Social life simply does not have this relentless transitivity. A child who abstains from joining the mob in harassing a child who is friendly towards the nerd is

unlikely to be harassed.. Experimentally, the question might be examined by seeing whether third-parties would punish Responders who, by accepting very low offers in an Ultimatum Game, fail to punish ungenerous Proposers. I would be surprised if they did, and even more surprised if fourth-party observers punished non-punishing third parties.

The signaling theory of social norms offers an alternative account of why people are willing to incur the costs of ostracizing others. To signal that they belong to a “good” type, people have to engage in costly behavior, including not only costly gift-giving, but also “the costly action of shunning people who act in an unusual way” (Posner 2000, p.25-26). This argument seems inconsistent, however. The theory assumes that people who behave in unusual ways, by violating social norms, signal that they belong to a bad type. Since dealing with bad types is likely to be costly (they cheat, break promises, sell products of substandard quality etc.), shunning them is likely to be beneficial rather than costly. That fact does indeed provide a reason for shunning them, but not the reason the theory claims to identify.

I believe that these instrumental considerations are misguided. When people shun first-order violators, most of the time they act emotionally and spontaneously, not to avoid punishment or to signal their type. Moreover, it is precisely by virtue of its spontaneity that such avoidance or punishment behavior is capable of inducing the strong feeling of shame in its targets. If the latter knew that their punishers were motivated merely by instrumental concerns, they might feel anger but surely not shame. Among writers not blinded by rational-choice theory there is a strong consensus that being the object of contempt causes an almost intolerable feeling of shame. Thus Lovejoy (1961, pp. 181, 191, 199) quotes Voltaire as saying that “To be an object of contempt to those with whom one lives is a thing that none has ever been, or ever will be, able to endure. It is perhaps the greatest check which

nature has placed upon men's injustice", Adam Smith that "Compared with the contempt of mankind, all other evils are easily supported", and John Adams that "The desire of esteem is as real a want of nature as hunger; and the neglect and contempt of the world as severe a pain as gout and stone."

The emotional meaning of sanctions was recognized by Aristotle, who wrote that "Shame is the imagination of disgrace, in which we shrink from the disgrace itself and not from its consequences" (*Rhetoric* 1384a; italics added). In the seventeenth century, the English naturalist John Ray expressed the same ideas as follows:

I cannot but admire the Wisdom and Goodness of God, in implanting such a Passion in the Nature of Man, as Shame, to no other Use or Purpose, that I can imagine, than to restrain him from vicious and shameful actions. [...] Now Dishonour is nothing else but men's ill opinion of me, or Dislike and condemnation of my Actions, in some way declared and manifested to me; which, why I should have such an Abhorrence of, and why it should be so grievous and tormenting to me, there seems to be not a sufficient Ground and Foundation in the Nature of Things, supposing such as have this Opinion have neither Power nor Will to hurt my body (cited after Lovejoy 1961, p. 165).

In his discussion of this issue, Nico Frijda (1986, p. 274) initially hesitates when he writes that "Being rejected from the group and other forms of social isolation are potent sources of distress; they may lead to suicide or woodoo death. [...] However, they are perhaps to be understood as exemplars of loss of satisfying, or merely of familiar, conditions." But the last suggestion can't be right: the emotional reactions of outcasts and of emigrants are not the same. The latter are affected only by their state of isolation from others, the former also and mainly by the way it is brought about. Later, Frijda (1986, p. 351) recognizes as much, when he writes that in Western cultures "social rejection constitutes severe punishment, and most likely not merely because of its more remote adverse consequences".

Situations triggering social norms can involve three distinct costs: the material cost incurred by the ostracizer, the material cost incurred by the person who is ostracized, and the emotional suffering of the latter. Almost by definition, the intensity of the suffering caused by shame increases with the intensity of contempt. Plausibly, the best measure of the intensity of contempt is how much the ostracizer is willing to give up of material benefits. It follows that the ostracized is worse off emotionally the more the ostracizer makes himself worse off materially. If we accept the views of the authorities cited by Lovejoy, it also follows that from the point of view of the ostracized, the material loss he might suffer from the avoidance behavior matters less than the loss incurred by the ostracizer. What can be more humiliating than seeing that another person is willing to incur considerable expenses in order not to have to deal with me? All these effects are of course intensified if one is the target of many acts of ostracism, because then it is impossible to persuade oneself that the ostracizer simply acted out of irrational dislike.

To pursue the last observation, let me distinguish between high-stake dyadic interactions and low-stake triadic interactions, using the vendetta as an example. If B does something that can be interpreted as an insult to A or to A's family, the code of honor requires A to take revenge, often at considerable risk to himself. If A violates this norm, an observer C may react by avoiding or ostracizing A. Although C's reaction to A's perceived cowardice may not in itself amount to much, neither in emotional nor in material terms, the presence of other third parties D, E, F... that have the same reaction creates a multiplier effect. The sum-total of many small "acts of snubbing" may be devastating (Coleman 1990, p. 284). The person who fails to carry out a mandated revenge may suffer "a thousand small insults" that amount to a kind of civic death (Busquet 1920, p. 357-58).

Obviously, the physical presence of D, E, F...etc. on the scene is not necessary; what matters is that they somehow gain knowledge about A's failure to abide by the norm. Often, such knowledge is spread by gossip. In much of the literature on norms there is a tendency to explain the phenomenon of gossip by the benefits it brings to the collectivity, on the assumption that gossip is costly for the gossiper (Coleman 1990, p.285, Ellickson 1991, p.173, Fehr and Fischbacher 2002, p. 18). This appears to be a needless piece of functionalist reasoning. Casual observation suggests that people gossip because of the direct benefits it provides - it's fun. Or, as the French moralists would have it, gossip is due to the malignity and weakness of human nature. According to La Rochefoucauld, "If we had no faults we should not find so much enjoyment in seeing faults in others" (Maxim 31).

III. Some important social norms

Some of the statements and analyses proposed so far may seem excessively stark. While space does not allow for a full-scale treatment (for a wider range of examples see Elster 1989a;1989b; 2007 Ch.22), a selective survey of some important or representative social norms will permit more nuanced views. These are

- Work norms
- Norms of tipping
- Norms of queuing
- Norms of fairness
- Political norms

Work norms. I shall consider two well-studied instances of norms related to work: involuntary unemployment and rate-busting. Concerning the first, I shall discuss two separate arguments. In one, Clark (2003) tries –paradoxically but

plausibly - to explain the persistence of unemployment by the “norm of employment”. Although Clark does not define the term, it is clear from the context that he has in mind the stigma associated with unemployment. The more strongly felt the stigma, the more eager the individual will be to seek employment. In addition – and this is the central piece of causal machinery in the argument – the higher the rate of unemployment in the individual’s reference group, the lower the stigma. (An experimental confirmation of this tendency is found in Gächter and Fehr 1999.) Thus if an external shock throws large number of individuals out of work, the very fact that there are so many of them might reduce their incentive to get back to work, so that unemployment might persist even when economic conditions improve (hysteresis).

Another argument addresses the question of why the unemployed do not seek employment by underbidding the employed workers. In a complex model Akerlof (1980) argued that behavior is guided by three forces: ordinary economic utility, “custom” (social norms), and a concern for reputation that may be damaged by disobeying the custom. One such custom may be a norm prohibiting employers from hiring workers at lower wages because each of his current workers would refuse to train them, as “by doing so he would suffer a loss of reputation according to the norms of his society”. The model also incorporates changes in the custom over time as a result of the interaction between those who believe in the norm and those who obey it without believing it.

Subsequently, Lindbeck and Snower (1988) argued that involuntary employment can occur by virtue of “insiders” issuing rational threats to harass “outsiders” hired at lower wages. In response, several authors (Elster 1989b, Fehr 1990, Naylor 1994) claimed that since harassment is costly and thus generates a free-rider problem, this threat would not be credible unless sustained by a social norm. In response, Lindbeck and Snower (2001, p. 179)

claim that “These assertions do not hold water when insiders also threaten to harass colleagues who cooperate with, or do not harass underbidding outsiders”, thus neglecting the issue whether that threat would be any more credible.

Although Akerlof (2003, p. 28) asserts that he accepts the insider-outsider theory, his acceptance is contradicted by his assimilation of harassing underpaid outsiders to harassing overperforming rate-busters. Summarizing a classic study by Roy (1952) of an Illinois machine shop where “insiders established group norms concerning effort and colluded to prevent the hiring of rate-busting outside workers”, Akerlof claims that “workers who produced more than the level of output considered ‘fair’ were ostracized by others”. Although Akerlof’s rendering of Roy’s study is inaccurate in several respects, the norm against rate-busting is indeed a central idea in the original work. The argument the workers in Roy’s shop used to justify the norm was that rate-busting would induce management to lower piece rates, so that everybody would have to run faster and faster to stay in the same place. Management, it seems, has no credible way of precommitting itself to maintaining piece rates if workers put in a greater effort.

This example may provide a case of an externality-induced norm. Each worker who exceeds the standard increases by some small amount the probability that management will reduce piece rates, to the detriment of everybody. Although her effort may be individually rational, it is collectively undesirable. In any given case, however, one would have to consider whether the ostracism might not be due to envy felt towards hard-working workers. The envious norm “Don’t stick your neck out” known from small towns everywhere (Sandemose 1936; Thomas 1971, p.43) might also operate in the workplace, and the alleged ratchet effect (Carmichael and MacLeod 2000) might be no more than a rationalization of this response.

Norms of tipping. Tipping for service is not a negligible phenomenon (Azar 2007). Estimates of tips in US restaurants range from \$5 billion to \$27 billion a year; adding tips to taxi drivers, hairdressers and the other thirty or so professions in which tipping occurs would yield a larger figure. Estimates of the fraction of income that waiters derive from tips range from 8% (the IRS assumption) to 58% for waiters serving full-course meals. In some contexts tipping may seem puzzling, in others less so. If you go to the same hairdresser each time you need a haircut, you tip to ensure good service; the same applies for meals in your favorite restaurant. These behaviors are plausibly seen as equilibria in iterated interactions. Tipping in one-shot encounters, such as a taxi ride or a meal in a restaurant you do not expect to visit again, is more paradoxical. These behaviors are in fact doubly puzzling: they cannot be sustained by two-party interaction over time, nor by third-party sanctions at the time of the encounter. If you are the only passenger in the taxi, other people are rarely in a position to know whether you tip the taxi driver adequately, nor are other customers in the restaurant likely to notice how much you tip your waiter. In the following I limit myself to such cases.

As in other cases (harassing rate busters or outsiders, voting in national election), rational choice and social norms have been offered as alternative explanations of tipping. Tipping, it has been argued, is an efficient way of remunerating waiters (Jacob and Page 1980). It is obviously easier for the client to monitor the quality of service than it is for the restaurant owner. Hence decentralizing the monitoring function and linking reward to observed performance is a way of overcoming the “principal-agent problem” (how to prevent workers from shirking) that besets many contractual relationships. Tipping, therefore, might be part of an “implicit contract” for the purpose of enhancing efficiency. This explanation of management behavior leaves customer behavior unexplained, however. Given that customers tip as a function

of the quality of service, delegating the monitoring of the service to the customer makes sense, but why would customers tip at all? Moreover, the argument fails to explain the common norm in many restaurants that waiters should pool their tips. Finally, it cannot explain why we tip an independent taxi driver who has no boss to report to.

A social-norm explanation obviously cannot rely on avoidance and ostracism in these one-shot interactions. Instead, it can cite the fact that people simply do not like the idea that others, e.g. a disappointed taxi driver, might disapprove of them, even if they do not expect to meet them again. Being the object of the contemptuous stare of the other is not necessary. It may be enough simply to know or have to reason to believe that the other feels contempt. In the words of Conlin, Lynn and O'Donoghue (2003, p.311), perhaps a tipping restaurant customer simply "dislikes having someone disapprove of her, even someone with whom she will never interact again".

Norms of queuing. Like the work-place, the queue is a norm-ridden social system. At the same time, the queue is a transient phenomenon, unlike the workplace, which, as an ongoing entity, would seem to have much greater potential for sanctioning. Before I proceed to discuss norms of queuing, let me pursue this contrast for a moment.

It is probably a common intuition that norms have less impact on behavior in communities with high turnover. "Men who live in democracies are too mobile to allow some group of them to establish and enforce a code of etiquette. Each individual therefore behaves more or less as he pleases, and manners are always to some extent incoherent because they are shaped by each individual's feelings and ideas rather than conforming to an ideal model held up in advance for everyone to imitate" (Tocqueville 2004 p.711-12; see also p., 736). Earlier, I referred to the small-town norm of "Don't stick your neck out", with the implication that in more anonymous interactions deviant behavior would be less

severely sanctioned. In light of this intuition, it is interesting that as communities grow larger and more mobile, we observe the emergence of norms regulating the behavior among strangers. This remark strengthens the interpretation of norms in terms of emotion rather than material sanctions. Under most circumstances, it is difficult to impose material sanctions on a person who violates a queue norm. People can give full rein, however, to expressions of contempt or indignation.

There is a norm, I believe, against walking up to the person at head of a bus queue and offering him or her money in exchange for the place. This norm is obviously inefficient: if the person who is asked accepts to move to the back of the line in exchange for the money, both agents benefit and nobody is hurt. According to Tocqueville (2004, p. 204), such norms against open display of wealth in public are specific to democratic societies: “Do you see this opulent citizen? [...] His dress is simple, his demeanor modest. Within the four walls of his home, luxury is adored.” There may also be an underlying idea that the use of queuing is a valuable counterweight to the pervasive use of money in allocating scarce goods. To prevent the rich from getting everything, let some goods be allocated by a mechanism that puts them at a disadvantage, because of their greater opportunity costs of queuing.

In Communist Poland, where queuing was endemic, there was no norm against purchasing a place in a queue (Hrada 1985), probably because this practice was seen as one of many necessary forms of jockeying for position. Other forms included hiring people to stand in line for oneself or moving back and forth between several queues while asking people in each of them to “hold the place”. (We may note in passing the Pareto inefficiency of the latter practice.) There were norms regulating these activities, and deviations were sanctioned. A surprising norm was the rule against reading while queuing. “[W]omen do not want to be told, even by implication, that they are actually wasting time in

queues. If one reads or works in the queue, this implicitly reminds others that they are wasting time. The response is to scold the deviant, putting the reminder out of sight and mind” (Hrada 1985, p. 396). In addition, people reading or working would shirk their duty of monitoring violations of queue norms.

A different kind of violation occurs when someone intrudes in a queue, whether at the head of the line or somewhere in the middle. In this case, negative reactions of other people in the queue (behind the intruder) might be due to considerations of cost, be it in the form of time costs or (if they are queuing for a scarce good) material costs. Alternatively, they might be due to outrage or indignation. Milgram et al. (1986) and Schmidt, Leclerc and Dubé (1992) find that although both factors may be at work, subjects usually have a stronger reaction to illegitimate intrusions than to legitimate ones that impose equal costs. (A very telling fact in both these studies is that the confederates of the experimenter who were asked to intrude in the queue felt the task to be highly aversive.) There is often a norm to the effect that responsibility for rejecting intruders lies with the person immediately behind him or her (Mann 1969, p. 348; Milgram et al. (1986, p.688). In Australian football queues, more people jump the queue during the hours of darkness “the knowledge that one cannot be seen easily undermines social pressure and shaming as a technique” (Mann 1969, p. 347).

There are also norms regulating place-holding in queues. In my supermarket, the norm seems to be that it is acceptable to leave the shopping cart in the line to go to pick up one item from the shelves, but not several. In Australian football queues, “the norm in leaving position markers is that one must not be absent for periods longer than two to three hours” (Mann 1969, p. 346).

As a transition to the next set of norms, let me note the tradeoff between efficiency and perceived justice in queues. Although it would often be more efficient if most people placed a marker in the queue and then went home for a

while, this practice would violate equality since the people who remained in the queue to maintain it would be disfavored (Mann 1969, p.345). The basic principle of fairness in queuing, “First in, first out”, can be violated when there are multiple and independent queues. Thus reported customer satisfaction is higher in the single-queue Wendy’s restaurants than in the multi-queue Burger-King and McDonalds restaurants, although the latter average half the waiting time of Wendy’s (Larson 1987, p. 896). At Houston airport, customers with checked luggage complained about the baggage delay (a 1-minute walk to the carousel and a 7-minute wait at the carousel), compared to passengers with hand luggage who could proceed directly to the taxi stand. When the airport authorities changed the disembarking location so that all customers had to walk six minutes, complaints dropped to nearly zero (*ibid.*, p. 897).

Norms of fairness. Many fairness norms are quasi-moral rather than social norms. The person who watches TV in Bogotá and tells herself that “since most people are consuming less water, it is only fair that I should do so too” is abiding by a quasi-moral norm. Other forms of such conditional compliance include voting in national elections and reporting one’s income correctly to the tax authorities. In the following I shall be concerned with some of the social norms of fairness observed in the labor market.

Kahneman, Knetsch and Thaler (1986) recorded perceived fairness by asking subjects over the telephone to assess the fairness of various economic transactions. One pair of vignettes was the following:

Question 2A: A small photocopying shop has one employee who has worked in the shop for six months and earns \$9 per hour. Business continues to be satisfactory, but a factory in the area has closed and unemployment has increased. Other small shops have now hired reliable workers at \$7 an hour to perform jobs similar to those done by the photocopy’s shop employee. The owner of the photocopying shop reduces the employee’s wage to \$7.

(N = 98) Acceptable 17%. Unfair 83%.

Question 2B. A small photocopying shop has one employee... [as in Question 2A]...The current employee leaves, and the owner decides to pay a replacement \$7 an hour..

(N = 125) Acceptable 73% Unfair 27%

The responses demonstrate the importance of entitlements in perceptions of justice. What exists easily acquires a normative force merely by existing. At the first day of a conference, each participant may find his or her seat more or less randomly. On the second day, a convention has been created: people converge to their chosen seats because is the obvious (focal-point) allocative mechanism. On the third day, the convention has hardened into an entitlement-norm: I get angry if another participant has taken “my” seat.

Similar norms exist in employment relations, as shown by the responses to these vignettes:

Question 9A. A small company employs several workers and has been paying them average wages. There is severe unemployment in the areas and the company could easily replace its current employees with good workers at a lower wage. The company has been making money. The owners reduce the current workers’ wages by 5 per cent.

(N = 195) Acceptable 23% Unfair 77%

Question 9B. ...The company has been losing money. The owners reduce the current workers’ wages by 5 per cent.

(N = 195) Acceptable 68% Unfair 32%

These and other findings show that there is a reference norm of wages, a reference norm of profits, but that in the case of conflicts the latter takes precedence over the former. The last intuition is probably shaped by the (apparent) fact that if the firm is not allowed to lower wages in bad economic times, it may go bankrupt and thus not be able to pay any wages at all. Yet the norm creates a problem of moral hazard, if management knows that in the case of a bad result they can always make the workers pay for the losses. This fact may explain why Sweden adopted the Rehn-Meidner system of “equal pay for

equal work” across firms in an industry, combined with generous retraining programs for workers if their firm goes bankrupt.

At the same time, the reference norm for wages has been put in question. In classical capitalism, firms did not suffer from paying wages above the going rate, as long as they posted satisfactory – albeit not maximal - profits. In the era of hostile takeovers, however, firms that do not maximize are at risk. There is nevertheless a widely shared social norm that profitable firms should not dismiss workers or reduce their wages. In France, the announcement by Michelin in 1999 that the firm was laying off 451 workers in one factory while making record profits created a huge outcry. In 2005 France adopted “satisficing” legislation that prevented firms from laying off workers unless it is necessary to “safeguard” profits (Cahuc et Carcillo 2007).

In a field study of wage negotiations between school boards and teachers’ unions in Pennsylvania, Babcock, Wand and Loewenstein (1996) demonstrated that real-life negotiators make a strategic use of the norm of fairness. They asked negotiators on both sides in 500 school districts to name districts comparable to their own for the purpose of determining a fair wage. In their analysis of the 75 districts in which they obtained a response from each side, they found that school boards tended to choose districts with lower wages for teachers than the wages in districts chosen by the unions. They found a similar self-serving bias in the responses to a question whether the teachers in neighboring districts or non-teachers in the same district were the most relevant group. Moreover, the greater the discrepancy between the choices of the school board and those of the unions, the greater the likelihood of a strike in that district, confirming the experimental results of Babcock et al. (1995).

Political norms. Usually the study of social norms does not include political behavior. I shall look at a subset of political norms, (unwritten) constitutional conventions (Jaconelli 1999, 2005; Avril 1997) to argue that some of them fall

under the heading of social norms as defined here. At the same time, I argue that other constitutional conventions are more plausibly seen as conventions in the Schelling-Lewis sense or as equilibria in repeated games. (In the following I use “convention” to refer to constitutional conventions and “Schelling-Lewis convention” to refer to that particular idea). Although the space allocated to this topic may seem surprising, I believe it is warranted precisely by the fact that it is almost completely ignored in the literature.

Almost all modern countries have a written constitution. Great Britain is the main exception. In that country, conventions form the tacit yet robust framework of political life (Turpin 2002). The following conventions are representative. The monarch cannot refuse to sign a bill that has been passed by both Houses of Parliament. Assent has not been withheld since 1708. Parliament should meet at least once a year. The House of Lords does not originate any money bills. When the House of Lords acts as an appellate court, only Law Lords take part. Conversely, Law Lords stay away from politically contentious matters. The House of Lords does not vote against the principle of a Bill that has been announced in the manifesto of the governing party. The Prime Minister must be a member of the House of Commons. The Cabinet cannot instruct the Attorney General. The rules of parliamentary procedure require some degree of fair play between the majority and the minority, e.g. in the assignment of committee seats and of speaking time.

Conventions can stand in one of three relations to the written document: canceling it, violating it, or supplementing it. If the constitution says that an organ is allowed (but not required) to take certain actions, a convention may forbid it from doing so. In Canada and Australia, the Governor General cannot exercise his legal power to dismiss the Prime Minister and to veto legislation. In neither country is the Senate allowed to use its constitutional right to veto money bills. In the Third French Republic, a convention was established almost

from the beginning that the President could not exercise his constitutional right to dissolve parliament. In the United States, there seems to be a convention that Congress cannot use its constitutional right to limit the jurisdiction of the Supreme Court.

If the constitution requires that a certain action only be done in a certain way, a convention may violate the constitution by allowing it to be done otherwise. I only know of two clear-cut cases, both from France. After de Gaulle, contrary to the constitutional clauses regulating amendment, submitted an amendment to the constitution to popular referendum in 1962, there is now (probably) a convention allowing this to happen. In France, it has also become accepted that there may be proxy voting by members of the *Assemblée Nationale*, notwithstanding that Article 27 of the 1958 Constitution provides that the right to vote is personal.

If the constitution has a gap, it may be filled by a convention. In Norway (until recently) and in the Netherlands, the basic principle of parliamentarianism – that the government must step down if it receives a vote of no confidence – has been a matter of convention only. The right of the U.S. Supreme Court to review the constitutionality of federal laws and of the Norwegian Supreme Court to review laws passed by parliament exists only by convention. The Canadian principle that a member of the opposition chairs the parliamentary committee that oversees public accounts (Heard 1991, p.79) and the Australian principle that an incoming government does not open the archives of its predecessor (Cooray 1979, p. 71) obtain by convention. Until 1940, there was a convention in the United States that no one could be President for a third successive term. In that country, there is a convention that all members of a state delegation to the Electoral College vote for the candidate who received most votes in their state.

Before I proceed to an analysis of the mechanisms sustaining these norms, let me briefly mention the unwritten “fundamental laws of France” (Mousnier 1996, vol.I, pp.503-5) that were in effect until 1789. The most important was perhaps the Salic law: upon the death of the monarch the crown passes to the closest legitimate male relative in the male line. Arguably, this law operated as a Schelling-Lewis convention to prevent civil war, just as the convention of driving on the right side of the road serves to prevent accidents:

The most unreasonable things in the world become the most reasonable because men are so unbalanced. What could be less reasonable than to choose as ruler of a state the oldest son of a queen? We do not choose as captain of a ship the most highly born of those aboard. Such a law would be ridiculous and unjust, but because men are, and always will be, as they are, it becomes reasonable and just, for who else could be chosen? The most virtuous and able man? That sets us straight away at daggers drawn, with everyone claiming to be most virtuous and able. Let us then attach this qualification to something incontrovertible. He is the king’s eldest son: that is quite clear, there is no argument about it. Reason cannot do any better, because civil war is the greatest of evils (Pascal 1991, # 786).

Few constitutional conventions, however, are conventions in the Schelling-Lewis sense. The classical view was that constitutional conventions are upheld by the “blame or unpopularity” (Dicey 1915, p. cxlii) that will attach to anyone who violates them. More specifically, the “remedy for alleged convention-breaking is generally recognized to be, in the main, political. Either the government can be shamed by publicity and political debate into conceding error or changing its course of action, or its misdeeds can be made the subject of argument at the next General Election” (Marshall 1986, p. 27). Although many conventions are, as we shall see, enforced in this way, there is also an important set of conventions that are related to the fundamental fact of modern democracies that political parties alternate in power. They are upheld by long-term self-interest rather than by fear of blaming and shaming.

These conventions have the structure (more or less) that of a repeated Prisoner's Dilemma. Each political party would, when in power, prefer to use its power to the hilt, were it not for the fact that its successor could then be expected do the same. I have already cited two modern conventions to this effect, the practice of not opening the archives of the previous government and the fair allocation of committee seats and speaking time in parliament. The reason why Congress abstains from using its power to limit the jurisdiction of the Supreme Court may be that "once one political faction uses certain means that threaten judicial independence, other factions will be more willing to use those devices in the future" (Wilson 1992, p. 693). Similar conventions in Canada and Norway ensure that a member of the opposition chairs the parliamentary committee overseeing the government. In France, there may now be an emerging convention that a member of the opposition chairs the finance committee.

Other constitutional conventions conform more closely to the views I cited from Dicey and Marshall. They are, I believe, nothing but social norms applied to political behavior. For an example, consider the following description of what might happen to someone who violated the convention regulating members of the Electoral College:

There has been no instance within living memory of any failure to obey the party's behest, but everyone is agreed that, if such a thing happened, the culprit, however technically innocent of any violation of the law, would suffer severe penalties. According to Professor J. A. Woodburn, any Presidential Elector who voted independently for a candidate of his own choice 'would probably not find it comfortable to return home.' He 'would be ostracized and despised and would be visited with the social condemnation and contempt due to one who had been guilty of an infamous betrayal of public trust; and a Presidential candidate elected by such betrayal would probably not accept the office.' Benjamin Harrison, indeed, goes so far as to predict that 'an Elector who failed to vote for the nominee of his party would be the object of execration, and in times of very high excitement might be the subject of a lynching' (Horwill 1925, p.37-38).

The crucial question (see below) is whether such a person would be ostracized even by those who shared his preference for the candidate in question.

For another example, consider what would happen to someone who violated the convention against a third-term presidency. This rule was mainly enforced by the nominating bodies, on the assumption that a candidate who violated it was unlikely to be elected. Yet direct action was also possible. When T. Roosevelt stood for a third term after a split in the Republican Party, which had failed to nominate him, feelings ran high. On one of his speech-making tours, Mr. Roosevelt was shot at by a man of unbalanced mind, who said: "I shot Theodore Roosevelt because he was a menace to the country. He should not have a third term. I shot him as a warning that men must not try to have more than two terms as President" (Horwill 1925, p.95). Once again, this motivation is consistent with the belief that Roosevelt would have been the best person for the position.

Voting can provide a very effective sanctioning mechanism for the violation of political norms. Moreover, under conditions of the secret ballot voters cannot have an instrumental motive (the fear of being sanctioned for not sanctioning). Before the introduction of the secret ballot, that motive may sometimes have operated. General Grant declined to run for President for a third term, fearing that the voters would punish him for violating the two-term convention by turning against him. It is at least conceivable (although in my view improbable) that the voters would have voted against him because they would have been afraid of being observed (and sanctioned for) voting for him.

By the time T. Roosevelt stood for a third term, and was defeated, the secret ballot had been introduced for Presidential elections. The reason for his defeat may have been the violation of the two-term convention. The example is not unambiguous, however, since it was doubly unclear whether he was violating the convention: he had only been elected once before (his first term began when

he was Vice President and the President died) and he was not standing for a third term in a row. I do not know of any clear-cut cases.

Yet even if there were clear-cut cases in which a candidate who violated a convention was defeated, it does not follow that he was defeated for violating the convention. This raises an issue mentioned earlier, whether even those who shared his substantive preferences would ostracize a defector from the Electoral College. When voters confront a candidate or a policy proposal that violates a convention, they have to weigh the procedural importance they attach to the convention against their substantive preferences. A negative vote might be due mainly to the latter, in which case the norm against violating the convention would do no causal work. Some might claim that except in extreme cases, substantive preferences will always trump procedural preferences. Yet this idea is hard to square with the fact that in 1896 the two-term convention was sufficient for the Democrats to deny the nomination to their best candidate. They clearly thought, and we'd be hard put to say that they were wrong, that voters would be very attentive to a violation of the convention.

Politicians routinely claim that electoral victory in procedurally contested cases vindicates their behavior. In 1975, the Labor government in Australia had a majority in the lower House, while the Liberals and their allies from the Country Party had a majority in the Senate (Cooray 1979). The Senate had delayed voting the budget, which by convention it is required to accept without amendments. The Governor General then called new elections, which by convention he is not allowed to do. The elections resulted in a Liberal landslide. The Liberal/Country Party throughout the election campaign asked the people to focus on economic issues and not the constitutional ones, but after the election claimed that the people had spoken and justified the actions of the Senate and the Governor-General. In 1962, de Gaulle read the outcome of the referendum as (i) the adoption of the direct election of the President, (ii) an

approval of constitutional amendment by constitution and (iii) a vote of confidence in himself.

IV. Social norms versus other motivations to act

The set of human motivations is a pie that can be sliced in many ways. In other writings (Elster 1999, 2007) I have used the trichotomy interest-reason-passion to contrast the motivational bases of different behaviors. For the present purposes, I shall contrast social norms with pre-social (“raw”) emotions and with consequentialist motivations.

I have argued that social norms are ultimately sustained by the emotions of contempt (or indignation) and shame. Yet the influence of emotion on behavior is much larger than the impact mediated by social norms. Emotion-induced vengeance, for instance, is not limited to revenge induced by social norms. If I stumble over a stone and hurt my foot, I may kick it in return, thus compounding the pain. Social norms may amplify the spontaneous desire for revenge, as they do in societies guided by codes of honor, or dampen it, as in societies that profess the norm of turning the other cheek.

Each society, in fact, has a normative hierarchy of motivations that include some emotional states. In classical Athens, for instance, it seems that motivations to act were ranked in roughly the following order. First came patriotism in defense of the city: then came the desire for glory in competitive activities, from athletics to play-writing; next came vengeance; then self-interest; and at the bottom we find envy and hubris (the desire to humiliate others). Such meta-motivations can induce a strong pressure to hide one’s emotion to others or even to oneself (Elster 1999, Ch.V). Thus envy is often transmuted into the more acceptable feeling of righteous indignation, or self-interest misrepresented as a desire for revenge. According to Tocqueville

(2004, p. 611), the Americans he met were “pleased to explain nearly all their actions in terms of self-interest properly understood. They will obligingly demonstrate how enlightened love of themselves regularly leads them to help one another out and makes them ready and willing to sacrifice a portion of their time and wealth for the good of the state”. This “norm of self-interest” (Miller 1999) may still be at work in American society.

In many cases, social norms and consequentialist motives pull in opposite directions. Although acting rationally for the sake of one’s material self-interest is one consequentialist motive, it is far from the only one. Even when acting in a consequentialist mode, people may be prone to “cold” cognitive mistakes (Gilovich, Griffin and Kahneman, eds. , 2002). Also, consequentialist reasoning may be perfectly other-regarding, as when I ask myself which charitable institution will best ensure that my donations go to the needy rather than to bureaucrats or dictators. Finally, self-interest may be associated with immaterial goods such as posthumous fame or salvation. For simplicity, however, I shall limit myself to the issue of “social norms versus the rational pursuit of material self-interest” or, for short, “norms versus interest”.

I have argued against the idea that norms can be reduced to interest, in the sense that norm-followers are “nothing but” rational sanction-avoiders. This is not to deny that people often take steps to avoid sanctions, by refraining from a forbidden act, by hiding it, or by performing a mandatory one. What I resolutely deny is the idea that the sanctioners have a consistently consequentialist motivation. The infinite regress involved in individuals sanctioning each other for not sanctioning for not sanctioning for not sanctioning.... norm violators is absurd on theoretical as well as on empirical grounds, Akerlof (1976) and Abreu (1988) notwithstanding. Moreover, once an observed norm-violation has taken place, the reaction of the violator is often disproportionate, due to the “hot-cold empathy gap” (see my article on emotions, this volume). Also, even

the rational anticipation of sanctions can be very difficult. In arenas as different from one another as norms of etiquette and norms of vengeance, the agent may be unable to tell whether she is doing too much or too little, or even whether there is a standard that defines what is too much and too little. Due to the “cold-hot empathy gap” the agent may also be unable to anticipate how horribly bad it will feel when he is caught cheating on an exam or on his spouse.

In many cases, the agent will trade obedience to norms and material rewards off against one another. A person who really needs to catch the first train may be willing to suffer the contemptuous glares and remarks that others will direct to him if he intrudes in the queue. If he could persuade them that his need is truly acute, they might accept the intrusion, but such pleas are easily dismissed as “cheap talk”. (A visibly pregnant woman, by contrast, can credibly claim to have a greater need.) Up to a certain point, a customer might refuse to deal with a hardware store that once took advantage of a snow storm to raise the price of snow shovels (Kahneman, Knetsch and Thaler 1986), but an urgent need for a thermometer to measure the temperature of a sick child might override her reluctance. As these two examples illustrate, the tradeoff operates in norm violators as well in observers of norm violations.

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