

Review of Laura Valentini's *Morality and Socially Constructed Norms*. Oxford: Oxford University Press, 2023, ix + 236 pp.

VITTORIO CATALANO
University of Vienna

Laura Valentini's book puts forward a novel account of the moral normativity of socially constructed norms. In particular, she argues for a criterion that tells us when and why *the fact* that a socially constructed norm exists generates a *moral obligation* to obey it.

Valentini's framework is focused on two general kinds of norms. On the one hand, there are *socially constructed norms* (henceforth, SCNs), whose existence depends on people's "*actual* attitudes, thoughts, beliefs and behaviour" (21). On the other, there are *valid moral norms* (or principles) which are, instead, independent of what individuals actually do or think. This distinction allows Valentini to operate with a conception of SCNs that includes both formal (e.g. laws) and informal (e.g. customs) rules. But most importantly, it allows Valentini to make an original contribution to recent discussions at the intersection of social ontology and moral philosophy in raising the *general* question: what is the relation between *all* socially constructed norms and morality?

The answer to this question is to be found in a moral principle (P) that picks out the existence of an SCN as morally significant. Following Cohen (2003), Valentini argues that an *empirical* fact (the existence of an SCN) can ground a *moral* fact (the obligation to abide by the SCN) only when there is a "further moral fact (e.g., a moral principle) that explains why the empirical fact counts as the relevant ground" (61). Such "further moral fact" is the moral principle (P) Valentini is after. Combined with the empirical fact that an SCN prescribing ϕ exists, P should ground a moral obligation to ϕ . Note that the only empirical fact P must be sensitive to is the *existence* of an SCN, not its content. Valentini is after a principle that grounds "content-independent" obligations to obey SCNs. Namely, obligations to ϕ that only depend on the fact that an SCN prescribing ϕ exists, regardless of the substantive merits of ϕ -ing (54).

Valentini identifies two desiderata for an account of the moral significance of SCNs. First, she argues that it should provide us with an explanation of the moral obligation to obey SCNs that is less surprising

than the phenomenon to be explained (*explanatory power*). Second, it should match our considered judgments concerning whether and why we ought to obey SCNs in a variety of cases (*fit with the available evidence*).

The inquiry proceeds in two steps. The first one is an account of the *ontology* of SCNs (Chapter 1). Valentini calls it the “Agential-investment Account” (22). Accordingly, a socially constructed norm exists “when a general action-guiding rule is widely and publicly accepted in a given context” (22).

Such acceptance involves both a belief in the existence of the rule and, most importantly, a “commitment” to that rule as a general standard of behaviour (23). Commitments are defined as intentions to guide our conduct in certain directions, and which are “robust” (25). Unlike ordinary intentions, commitments withstand a certain degree of temptation to give them up (25). For example, we could commit to undergo a degree programme or to take on a gardening hobby. Commitments are seen as “exercises of will” through which “we direct our agency in a certain way” (89). They involve a certain “agential investment” (25) in that “those who are committed often make active efforts to see to it that their intentions not dissipate too quickly” (26).

For this reason, Valentini takes commitments to play a central role in our agency and identity as particular individuals.

However, the commitments that underlie SCNs are peculiar in the sense that they are other-regarding. They are commitments for a certain action-guiding rule *to function as a general standard of behaviour*. So, to accept a queuing norm would amount to possessing the belief that one has to queue and to robustly intend for the rule of queuing to function as a general standard of behaviour (26).

Commitments are precisely the features of SCNs that are picked out as morally significant by the principle Valentini puts forward.

After an exploration and critique of some moral principles that have been proposed in the literature for similar aims (Chapter 2), Valentini sets out to propose her candidate moral principle (Chapter 3). Namely, “Agency-Respect” (89). This is presented as a widely endorsed norm in liberal theorizing, which prescribes respect for other people’s individual selves in the form of respect for their autonomy and agency.

Given that commitments play a central role in our agency, Agency-Respect prescribes respect for them as well. In combination with the Agential-Investment account, which sees SCNs as constituted by people’s commitments, Agency-Respect generates an obligation to respect the

commitments underlying SCNs. These are commitments for an action-guiding rule to function as a general standard of behaviour and respecting them means conforming to the behaviour in question. The general idea is, thus, that we ought to obey SCNs because doing so amounts to respecting the commitments that constitute SCNs, and we ought to respect these commitments as we ought to respect people's agency.

Valentini immediately adds some qualifications to this point. People are committed to all sorts of things, and not all of them call for agency respect. For an SCN to generate a moral obligation on grounds of agency-respect, three conditions must obtain. The commitments underlying the SCN must be: (i) authentic, (ii) morally permissible, and (iii) not too costly on other people's agency to respect. Norms of slavery, for example, do not obligate us as they are constituted by morally impermissible commitments.

The three requirements are intended to be compatible with different substantial accounts of what is a genuine, morally permissible and not too costly commitment in certain controversial cases. Moreover, Valentini claims that the obligations generated by SCNs through Agency-Respect are only *pro tanto* obligations. This means they can be overridden by other reasons, be them moral or not. The resulting account is very flexible, capable of matching many of our intuitions in particular cases and avoiding many counterexamples (thus meeting *fit*). Moreover, by relying on a widely endorsed and familiar moral principle, the account is also claimed to meet *explanatory power*.

Valentini then proceeds in showing the implications of such a proposal for many different debates in moral, legal and political philosophy. She shows how her account can be useful to take a stance in debates concerning: the grounds of moral rights (Chapter 4), the grounds of political obligation (Chapter 5) and the wrongs involved in harmless cases of sovereignty violations (Chapter 6). These illustrations are presented as only a "sketch" (15), but they are useful to fully grasp the potential and the wide applicability of the proposed framework.

Overall, Valentini's work is a much-needed contribution to the multi-faceted notion of normativity. In a time of growing interdisciplinary interest in social norms, Valentini's tidy and systematic reflections bring conceptual order to the topic, isolating some specific features of socially constructed norms, and setting up a clearly oriented investigation into their ties with morality. The elegance of the argument she proposes, however, may be both its main strength and its main flaw.

On the one hand, the ambition to explain a familiar phenomenon with an even more familiar principle, such as Agency-Respect, is admirable. The aim of giving philosophical structure to some natural intuitions we retain, while trying to minimize the theoretical costs, is a beautiful philosophical enterprise. This is mirrored in the style of argumentation, which perfectly balances abstract reflections with ordinary and familiar examples.

On the other hand, Valentini's premises may be more controversial than they initially appear, and the theoretical price of her account could be higher than the one displayed.

In particular, I take the notion of "commitments", on which her whole account hinges, to be not as intuitive as it purports to be. Valentini defines commitments as "*robust intention[s]*" that we form and use to "direct our agency in a certain way: e.g., in pursuit of a goal, a practice, a course of action, a value" (89). This makes it easy to see why they are so important for our autonomy and why the agency-respect principle generates moral obligation to respect them. However, as mentioned, the commitments that constitute SCNs are other-regarding. They are commitments to other people's actions. Being committed to a norm of queueing means robustly intending *for* others *to* queue. This may strike some as counterintuitive. Can we really have an individual intention *for* others to do something? Or an intention *that* others do something? Aren't our individual intentions only intentions *to* do something?

Valentini acknowledges the issue. But she claims that it is possible, and not at all unnatural, to expand the notion of intention to cover other people's actions as well. She provides some examples in which we intend things that require other people's actions to be accomplished: "I may intend that my friend help me out with some errands and consequently act in ways aimed at making him do so" (40). This is not entirely convincing. The most natural explanations for cases like this is that when we speak of intending for J to do X, we mean that we intend to do something *in our power* to make J do X (e.g. asking, convincing or forcing). According to the most intuitive understanding of intentions, "intending is always intending to *do* something" (Thompson 2008; Setiya 2022). The objects of our intentions are always *our actions*. Claims in which we treat intentions as propositional attitudes about other people's actions (e.g. I intend *that* J does X) only make sense insofar as they can be rephrased as claims in which intentions are directed at our actions (e.g. I intend *to* bring about that J does X).

Valentini rejects this (p. 40). She works with commitments that truly have other people's actions as object. But this seems a minority view that is not widely accepted.

Moreover, even granting that there can be truly other-regarding commitments, the further claim that they constitute a crucial chunk of our individual agency and identity becomes more controversial. It is one thing to say that we can, in principle, be committed to other people's actions. It is quite another to say that these other-regarding commitments are crucial for our individual agency in the same way that commitments about our own actions are. If what makes my commitments relevant for my agency is the way they robustly guide my actions, it is not immediately clear that commitments which do not guide *my* actions are as important for *my* agency.

Thus, it is not so clear that the Agency-Respect principle, in its simplest and widely endorsed form, can prescribe respect for our commitments about *other people's actions* in the same way as it prescribes respect for the commitments we use to direct *our own* agency. Valentini does not consider this point. She only relies on an example.

This involves a hypothetical friend of hers who knows well about her commitments to recycle, but nevertheless throws leftovers in the wrong bin. Valentini would feel warranted in finding this behaviour disrespectful towards her commitments, licensing a response like: "Why are you doing this? You know I *care* about recycling!" (90). I believe this example further shows why the notion of "commitments" is not so intuitive in these cases. It suggests that the notion at work in our intuitions is precisely that of "caring about something". So why not use that instead? Unlike the notion of "intention", "caring about something" can easily range over other people's actions. But most importantly, even when what we care about is other people's behaviour, we would still intuitively claim that it is part of who we are. Thus, this can warrant certain obligations based on a minimal principle of respect for each other's individual selves.

These observations are not aimed at undermining Valentini's argument. I believe her claims can still be supported. My point is only that they come at a higher theoretical price than suggested. But modelling the social world always involves some costs and, despite the point made here, Valentini's proposal remains very transparent in this regard. The kind of investigation she so clearly sets up remains a significant contribution to the worthwhile enterprise of better understanding the relations between the social world and morality.

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Vittorio Catalano is a Philosophy PhD Student at the University of Vienna, member of the "Knowledge in Crisis" research cluster. His main research interests lie in the philosophy of the social sciences and in the philosophy of language. He is particularly interested in the socio-political applications of speech act theory and in various questions surrounding the phenomenon of social normativity.
Contact e-mail: <Vittorio.Catalano@univie.ac.at>

ACKNOWLEDGEMENTS

This research was funded in whole or in part by the Austrian Science Fund (FWF) [COE 03]. For open access purposes, the author has applied a CC BY public copyright license to any author-accepted manuscript version arising from this submission.