

Morality and Socially Constructed Norms

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they frustrate the authentic and permissible commitments of those who sustain domestic and international sovereignty norms.

6. Ambitions and Limitations

No doubt, readers will have noticed that this book is ambitious. Readers will also have noticed, in picking it up, that it is not a big tome. With a few exceptions, it seems to me that ambition and brevity seldom go together. How, a reader might wonder, can one write a book discussing the moral normativity of socially constructed norms, and then address debates about the grounding of moral rights, the obligation to obey the law, and the nature of sovereignty in about 200 pages? Surely, each of these topics would deserve a book in and of itself, each of which should be well above 200 pages long!

While I do not disagree that some of the topics discussed in this book could be the object—in fact, have been the object—of much lengthier discussions, there is a reason for the book's relative brevity, beyond its author's exhaustion. The book's main contribution is set out in Part 1: it consists in asking a question which, so far, the literature has not devoted much attention to (i.e., what grounds the moral normativity of socially constructed norms) and in offering what I hope is a plausible answer to it.¹¹ That answer takes the form of a general *framework*—which I call the agency-respect view—some aspects of which, as will become clear in the subsequent discussion, are modular and open-ended.

In Part 2, I then *sketch* the implications of this framework, and of taking socially constructed norms seriously, for some long-standing philosophical debates. My aim is to show that, when brought to bear on these debates, the framework points us in fruitful and hitherto unexplored directions. Emphatically, I do not aspire to demonstrate that the positions I take about rights, political obligation, and sovereignty are superior to everything that has already been said about these subjects. Nor do I seek to offer a complete treatment of these topics, even as they relate to the agency-respect view. This would be a hubristic ambition destined to be frustrated. Instead, I want to illustrate how approaching these subjects from the perspective of the moral normativity of socially constructed norms yields interesting insights. This more realistic ambition can be fulfilled, I believe, in a medium-length book.

7. Methodology

This is a book in analytic moral, legal, and political philosophy, and relies upon the methodologies that are typical of these areas. What I have to say about them

¹¹ Owens (2022) focuses on the moral normativity of convention, and it is the only recent book-length treatment of this topic I am aware of.

isn't particularly original, so readers familiar with said methodologies may well prefer to go straight to [Chapter 1](#). For those not put off by the admittedly unexciting content of this section, here is a brief overview of my methodological choices and commitments. My discussions will mostly involve (a) conceptual analysis and (b) the development of general principles aimed at explaining and illuminating our “considered moral judgements”—namely those moral judgements we hold most confidently and upon consideration.

Conceptual analysis will be key to providing characterizations of contested notions, such as “rights” ([Chapter 4](#)) and “socially constructed norms” ([Chapter 1](#)). In developing definitions of these notions, I shall strive to remain faithful to our pre-theoretic, ordinary-language use of them, while at the same time making sure that the definitions I provide capture interesting and important phenomena. My view is that there is no such thing as the correct definition of a concept. Concepts are like “mental filing systems”, and definitions can therefore be more or less useful, depending on the purposes for which we wish to use a particular concept (List and Valentini 2016).

Regarding the development of general principles, I follow the widely employed Rawlsian method of “reflective equilibrium” (Rawls 1999a). According to this method, our considered moral judgements are to be treated as defeasible evidence. In searching for principles capable of explaining this evidence, we move back and forth between candidate principles and those judgements, sometimes revising the former, other times the latter, until an equilibrium is reached between the general theory and the evidence (considered judgements) which the theory is meant to explain (for discussion, see Daniels 2013). While, of course, the evidence provided by considered judgements is defeasible, it goes without saying that if a candidate principle is at odds with too many and too significant such judgements, we have reason to doubt its plausibility, unless there are compelling countervailing theoretical considerations. This test was in fact already articulated in the criterion of “fit” outlined earlier in [Section 2](#).

There is a question about whether the considered judgements we systematize via reflective equilibrium really capture some independent moral reality. For present purposes, I need not take a stand on this matter. Readers who are moral realists and trust intuitions can see the development of principles via reflective equilibrium as attempts to explain what true morality requires. By contrast, those who are sceptical about the reliability of intuitions as trackers of the moral truth can at least accept that our considered moral judgements happen to encode the morality we subscribe to from our vantage point. To that extent, the present book can be seen as offering a systematization of *that* morality, one that enables us to see the principles that underpin our moral sensitivities in a clear and coherent fashion. If I succeeded in that less ambitious task, I would already feel quite satisfied with my efforts.