MORAL ACCOUNTABILITY AND SOCIAL NORMS*

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Abstract: This essay argues that moral accountability depends upon having a shared system of social norms. In particular, it argues that the Strawsonian reactive attitude of resentment is only fitting when people can reasonably expect a mutual recognition of the justified demands to which they are being held. Though such recognition should not typically be expected of moral demands that are thought to be independent of any social practice, social norms can ground such mutual recognition. On this account, a significant part of a society's social norms are also properly seen as moral norms. The essay defends this overlap of social and moral norms in contrast to views on which moral norms and social norms are sharply distinguished. Lastly, the essay concludes by addressing challenges for accountability in circumstances of norm change.

KEY WORDS: social norms, moral norms, social morality, moral accountability, responsibility, reactive attitudes

Morality is, in important ways, social. Instead of morality being an individual venture, with obedience to morality being merely a matter of personal conscience, people hold each other to moral requirements through practices of accountability. Furthermore, much of the content of morality is socially determined in that many of our expectations of each other, as well as of ourselves, are grounded in the rules of our society. We internalize these rules, understand our interactions through associated social scripts, and apply them even if we cannot precisely articulate them. In stark contrast to the abstract moral principles common to philosophic moral discourse, people apply rather specific norms in narrowly specified circumstances. 2

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¹ I will not emphasize in this essay the fact that norms may not be precisely articulated, and in some cases may in fact be unarticulated or even not practically articulable. The non-articulation may, however, have important implications for our general understanding of social order and for any efforts to change a society's norms. For some discussion of non-articulated norms, see F. A. Hayek, *Law, Legislation and Liberty, Volume 1: Rules and Order* (Chicago: University of Chicago Press, 1978), 74–78, 87.

² For instance, Cristina Bicchieri writes that "[i]n all cultures, norms of fairness are *local*, in the sense that different situations, objects, and people will produce different interpretations of what counts as fair: In present-day America, for example, it is generally agreed that a kidney to be transplanted should not be allocated by auction, merit, or by a 'first come, first serve' principle, whereas merit or 'first come, first serve' are acceptable grounds for allocating college slots" (Cristina Bicchieri, *The Grammar of Society: The Nature and Dynamics of Social Norms* [New York: Cambridge University Press, 2006], 83).

As this essay will bring out, the aspects of accountability and the social content of morality are not wholly independent features, for the form of accountability tends to require a socially grounded source of expectations.

This essay argues that our typical relations of mutual moral accountability depend upon shared systems of social norms. To this end, Section I clarifies the form of accountability at issue, specifically in terms of accountability through emotions like resentment. Central to that discussion is outlining the way that resentment, like other emotions, has intrinsic appropriateness conditions. Section II discusses two such appropriateness conditions, a known demand condition and a justification condition. Though these conditions are difficult to satisfy for a certain kind of abstract, socially independent morality, this section argues that social norms can help ground a presumption of their satisfaction. A system of social norms that have been moralized, or, put another way, a system of socially grounded moral norms, is central to the practice of moral accountability. The view defended will strike many as inappropriately conflating moral and social norms, since on accounts like that of Cristina Bicchieri moral norms are separate from, and exclusive of, social norms. Section III clarifies and defends an understanding of moral norms that overlaps with social norms with particular contrast to Bicchieri's account. Lastly, Section IV concludes by noting the difficulties for accountability in conditions of social change and pointing the way for further research on conditions that support accountability through social change.

I. ACCOUNTABILITY

A central way that we relate to each other is through relations of mutual accountability. There are many activities that may be forms of accountability, such as the registering of complaints and criticisms, formal systems of penalties in legal systems or games, changing our relationships with people, or the like. A very important form of accountability, as brought into focus by P. F. Strawson, is realized through certain emotions or "reactive attitudes." Of particular concern to me, as with many in the responsibility literature, are resentment and its correlates, indignation, and guilt. These emotions, on the Strawsonian view, are all responses

³ P. F. Strawson, "Freedom and Resentment," in *Free Will and Reactive Attitudes: Perspectives on P. F. Strawson's Freedom and Resentment*, ed. Michael McKenna and Paul Russell (Aldershot, UK: Ashgate, 2008), 19–37.

⁴ I follow most in the literature in discussing resentment, although for the purposes of argument we may do better to focus on a broader form of anger; see David Shoemaker, *Responsibility from the Margins* (New York: Oxford University Press, 2015), chap. 3. Cf. Aristotle, *Rhetoric*, trans. W. Rhys Roberts (Mineola, NY: Dover Publications, 2004), bk. II.2. I thank Dave Shoemaker and Ronna Burger for helpful discussion of this point.

219

to ill will, differing specifically in terms of the target of the emotion.⁵ We resent someone who wrongs us, are indignant at those who wrong others, and feel guilty for our own wrongdoing. Through these emotions, we hold each other accountable for meeting demands of due regard and concern.

Important to this view is that the emotions themselves fix the appropriateness conditions for holding someone accountable. That is, we do not first look for an independent metaphysical fact about a person to discern whether or not she is accountable, and then from that fact derive that it would be appropriate to resent her. Instead, we first look to the emotions themselves, or to our practices of holding people accountable, and discern the conditions of accountability within them. Strawson, for instance, argues that an investigation of our practice uncovers that resentment presupposes a kind of freedom, but not one incompatible with determinism. Such an investigation provides us with an understanding of when the emotion is fitting or appropriate relative to the standards internal to the emotion itself.

One central way to understand the appropriateness conditions for resentment, as with other emotions, is by considering the cognitive or belief-like components of the emotion.⁷ Each emotion brings with it a way of seeing the world or that part of the world to which the emotion

⁵ Although resentment is the most discussed Strawsonian reactive attitude, a number of other emotions may be considered part of our broad moral practice, such as shame and regret. As Shoemaker extensively argues, these other emotions seem to have significantly different fittingness conditions than resentment, perhaps best conceived of as reactive to different kinds of quality of will. See Shoemaker, *Responsibility from the Margins*; "Qualities of Will," *Social Philosophy and Policy* 30, nos. 1–2 (2013): 95–120; "Attributability, Answerability, and Accountability: Toward a Wider Theory of Moral Responsibility," *Ethics* 121, no. 3 (2011): 602–32. I will not here try to discern how these other emotions depend upon, or are independent of, social norms.

⁶ Strawson, "Freedom and Resentment," sec. IV.

⁷ See Gerald Gaus, Value and Justification: The Foundations of Liberal Theory (New York: Cambridge University Press, 1990), chap. 2; Elisa A. Hurley and Coleen Macnamara, "Beyond Belief: Toward a Theory of the Reactive Attitudes," Philosophical Papers 39, no. 3 (2011): 373-99; Martha C. Nussbaum, Upheavals of Thought: The Intelligence of Emotions (New York: Cambridge University Press, 2001), chap. 1; John Rawls, A Theory of Justice, rev. ed. (Cambridge, MA: Belknap Press, 1999), 73; John Rawls, "The Sense of Justice," in Collected Papers, ed. Samuel Freeman (Cambridge, MA: Harvard University Press, 1999), 107; Gideon Rosen, "The Alethic Conception of Moral Responsibility," in The Nature of Moral Responsibility: New Essays, ed. Randolph Clarke, Michael McKenna, and Angela M. Smith (New York: Oxford University Press, 2015), 70-72; Adam Smith, The Theory of Moral Sentiments, The Glasgow Edition of the Works and Correspondence of Adam Smith (Indianapolis, IN: Liberty Fund Inc., 2009), sec. I.i.3.5-10; Robert C. Solomon, "Emotions and Choice," The Review of Metaphysics 27, no. 1 (1973): 20-41; R. Jay Wallace, Responsibility and the Moral Sentiments, reprint edition (Cambridge, MA: Harvard University Press, 1998), chap. 2. The cognitive content of emotions may be a non-belief-based way of "seeing as," as when in the grip of a phobia you do not believe that the bunny is dangerous, but you see it as dangerous nonetheless. See, Cheshire Calhoun, "Cognitive Emotions?" in What Is an Emotion?: Classic and Contemporary Readings, ed. Robert C Solomon (New York: Oxford University Press, 2003), 236-47.

is directed. When we uncover this aspect of an emotion, we find when the emotion would be fitting and in that sense rational. Fear, for instance, involves seeing the feared thing as dangerous. Insofar as the thing really is dangerous and the individual has evidence that it is so, the fear is fitting. When people fear that which they know to not be dangerous, we see this as irrational. In the same way, when we understand how resentment presents the resented person, we will see the conditions for resentment to be fitting or unfitting.

Let me here note two qualifications for the purposes of my argument. The first is that I am here only concerned with the sort of rationality internal to the emotion and its conditions of fittingness. Adam Smith distinguishes the way experiencing an emotion may be rational because of its causes or its consequences.8 It may be that experiencing an emotion brings good consequences even if it is not fitting in the circumstances. Perhaps one's bouts of unfitting resentment make people treat one more nicely and so are in a sense rational (in that one is best served by continuing to have these bouts), but they remain unfitting nonetheless. 9 Such behavior would involve treating someone as accountable in ways that they are not. Though there may be many reasons that such behavior may be rational and valuable, I am here concerned only with our holding people accountable in fitting ways. As I proceed, I will be discussing only this sort of rationality in terms of fittingness, leaving aside the complex issues that may lead us to endorse experiencing unfitting resentment.

The second qualification is that I will focus specifically on what we may call subjective, rather than objective, fittingness. An emotion is objectively fitting when its conditions are in fact satisfied; whether or not the agent's (perhaps false) beliefs or (perhaps incomplete or misleading) evidence indicate that those conditions are satisfied. In contrast, an emotion is subjectively appropriate when the beliefs and evidence of the agent indicate that the appropriateness conditions are met. So, throughout I am interested in the way social norms contribute to agents having good reason to think that certain conditions of resentment are met, though social norms will not guarantee that those conditions objectively are met (and a lack of social norms will not guarantee that they objectively are not).

⁸ Smith, *The Theory of Moral Sentiments*, para. I.i.3.6-7.

⁹ For arguments that emotions may be fitting even when wrong in other senses, see Justin D'Arms and Daniel Jacobson, "The Moralistic Fallacy: On the 'Appropriateness' of Emotions," *Philosophy and Phenomenological Research* 61, no. 1 (2000): 65–90; and Rosen, "The Alethic Conception of Moral Responsibility," 69.

¹⁰ Cf. Rosen, "The Alethic Conception of Moral Responsibility," 69.

¹¹ Of course, we would not expect the evidence to rise to the level of perfect certainty, but we do not need to settle here just how likely the emotion needs to be fitting for it to be rational.

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II. RESENTMENT AND SOCIAL NORMS

A. Conditions of resentment

With that basic framework in place, I will now describe what I take to be two important conditions for fitting resentment, and thus conditions of this sort of accountability. Though much of the literature is concerned with the freedom or control conditions for accountability, I will be concerned with the way that an agent must be able to reasonably know and endorse the demands to which we hold her accountable. Call these the known demand condition and the justification condition respectively. As I will indicate, it is often difficult for these conditions to be satisfied and reasonably known to be satisfied, but stable social norms meliorate these difficulties. This will bring out some important ways that social norms can facilitate relations of mutual accountability.

The conditions of resentment come from the way that the emotion presents its object. When we resent someone, we see her as having had ill will toward us. Our resentment seems misplaced if directed at things we know to not have any will at all, such as a wasp or the weather. Similarly, our resentment is not fitting if directed toward those who cause us harm by pure accident or without relevant control, as when they had no reason to think that the action would cause us harm. Though the accidental harmer has a will, and her action was an expression of her will, she did not show any ill will toward us. It is not that she failed to give our interests due regard, but rather that she failed to see how our interests were at risk. Furthermore, even someone who knowingly and intentionally causes you some harm is not necessarily displaying ill will, for she may have been justified. It would not be fitting to resent someone, say, for pushing you if you know that she only did that because it was necessary in her attempt to quickly get to and save a drowning child. In that case, action does not show insufficient regard for your interests insofar as there were sufficient reasons to act despite the minor harm to you; pushing you was the morally right thing to do. I raise these fairly simple examples merely to bring out the most basic conditions of resentment in which we can see the nature of the quality of will at stake.

B. The known demand condition

Among other things, resentment seems to include what I call the known demand condition. When we see agents as having shown ill will, we see them as having acted against certain demands on their action, or normative expectations and requirements directed to them. It will only count as acting against the demand if the agent knew the demand, or at least reasonably should have known it. 12 The charge of ill will seems undermined if this condition is not met. Imagine, for instance, that the resented party was to sincerely ask: "How was I supposed to know not to do that?" Were we to not only lack an answer, but also to flatly admit that there is no reason for her to have known, it would seem odd to continue to hold her accountable through resentment and maintain that she had shown ill will. If, say, God told me alone of some new law, not discernable to natural reason or otherwise than through revelation, it would not be fitting for me to begin resenting violators before at least telling them of the new law. Other responses do not require such knowledge, but resentment seems to presuppose that demands are *known* rather than simply *made*.

The known demand condition will strike many as benign and unimportant, for moral requirements seem obvious to most people; we do not think we generally come to know morality only if we are lucky enough to receive God's secret dictates. Instead, moral theories tend to appeal to basic considerations that are (supposedly) widely recognized and perhaps universally recognizable. Be that as it may, it seems uncontroversial that moral values and requirements are obscure at significant margins. This obscurity comes both because there are different foundational possibilities that often produce different answers and because applying any one of them can be extremely difficult, particularly where our moral concepts are vague, the particular interests of individuals are hard to discern, values conflict, and the considerations of a particular case are complex. Insofar as morality is

¹² Issues regarding what an agent "should have known" are rather complex and controversial. For extended treatment of the issues, see George Sher, Who Knew?: Responsibility Without Awareness (New York: Oxford University Press, 2009). I assume that the appropriate standards regard what one would know at a moderate level of idealization on one's level of reasoning about the issue, as in the accounts of Gerald Gaus, The Order of Public Reason: A Theory of Freedom and Morality in a Diverse and Bounded World (New York: Cambridge University Press, 2011), sec. 13; and Kevin Vallier, Liberal Politics and Public Faith: Beyond Separation (New York: Routledge, 2014), chap. 5. For my purposes here, we do not need a particular account of how much idealization is appropriate. A considerable range of moderate idealizations will be compatible the arguments of this essay.

13 Utilitarians appeal to the uncontroversial goodness of pleasure or preference satisfaction, Kant appeals to reasoning implicit in common sense moral thinking, and so on. See, for instance, Peter Singer, *Practical Ethics*, 2nd ed. (New York: Cambridge University Press, 1999), 12–14; Immanuel Kant, "Groundwork of the Metaphysics of Morals," in *Practical Philosophy*, ed. Mary J. Gregor, new edition (New York: Cambridge University Press, 1999), vol. 4: p. 389. Virtue ethical approaches are an exception here, for virtues may require special development or training. Virtue ethical views (e.g., Neera K. Badhwar, *Well-Being: Happiness in a Worthwhile Life* (New York: Oxford University Press, 2014)), however, are not so closely tied to interpersonal accountability, and Rachana Kamtekar highlights that the virtue of justice (which might be closest to the domain of accountability) is "nonrepresentative of the virtues in general" (Rachana Kamtekar, "Ancient Virtue Ethics," in *The Cambridge Companion to Virtue Ethics*, ed. Daniel C. Russell [New York: Cambridge University Press, 2013], 30).

¹⁴ These considerations are well known from John Rawls's discussion of the "burdens of judgment" that lead reasonable people to endorse different and conflicting comprehensive conceptions (including moral views). See John Rawls, *Political Liberalism* (New York: Columbia University Press, 2005), 52–58. Cf. Samantha Besson, *The Morality of Conflict: Reasonable Disagreement and the Law* (Portland, OR: Hart Publishing, 2005), chaps. 2–4; Gerald Gaus and

obscure, even well-meaning people acting with due diligence may simply not know what they are supposed to do or what is demanded of them. These cases will tend to undermine the appropriateness of resentment and holding people accountable, for they may be unfortunate, ignorant, or misguided, rather than expressing any ill-will. 15 Moreover, knowing that a person is likely ignorant of the relevant demands, even if in fact he is not ignorant, will tend to undermine the rationality of resentment, and thus to undermine relations of mutual accountability.

C. Social norms and the known demand condition

One of the reasons we seem to be able to hold each other mutually accountable as widely as we do is because our lives are infused with social norms. To a great degree, we hold each other accountable based on rules governing particular sorts of social circumstances. We guide our actions in accordance with these norms, expect the compliance of others, and hold others to those norms. With such norms, we do not have to appeal to fundamental values, the complexities of our competing interests, advanced exercises of practical reasoning, or similar considerations about which good willed people might reasonably disagree. Social norms, by their very nature, will not be so prone to obscurity, for the very existence of a social norm depends on shared beliefs about expectations. For instance, on Bicchieri's account, a social norm, defined in terms of a rule, only exists when for a sufficiently large part of the population each person believes that a sufficiently large part of the population expects compliance with the rule. ¹⁶ That is, most people believe that most people hold the norm. It is generally safe to presume, until given reason to doubt, that someone will know the social norms for her society; she is not likely to be able to sincerely ask: "How was I supposed to know?"

It is worth emphasizing that social norms, as Bicchieri describes, "are embedded into scripts," which are "generic knowledge structures" and "essentially prescriptive sequences of actions of varying levels of specificity that people automatically engage in (and are expected to engage in)

Chad Van Schoelandt, "'Public Reason,'" in *International Encyclopedia of the Social and Behavioral Sciences*, 2d ed. (Amsterdam: Elsevier, 2015), sec. 1; Gideon Rosen, "Skepticism About Moral Responsibility," Philosophical Perspectives 18, no. 1 (2004): sec. 6.

¹⁵ Sometimes people object to the known demand condition, as well as the justification condition, by appealing to cases in which someone engages in a terrible wrong, such as murder, does not satisfy the known demand condition, and yet, it is claimed, it would still be appropriate to resent her. Our intuitions about the appropriateness of the resentment seem to me to rest on actually thinking that such people do know the demand, or reasonably should know it. Cases in which they might not would tend to involve severe mental illness, intense indoctrination, or other conditions that do tend to reduce the fittingness of resentment.

¹⁶ Bicchieri, The Grammar of Society, 11; and Cristina Bicchieri, Norms in the Wild: How to Diagnose, Measure and Change Social Norms (New York: Oxford University Press, 2017), 35.

while in particular situations."¹⁷ Scripts are themselves activated in response to common understandings of, or "schemata" for, situations, objects, and persons. Roughly, an individual will quickly and automatically conceive her present environment through prior generic categories, as by discerning that she is in a restaurant, a classroom, or a rock concert, based on environmental cues, such as table settings, desks, or a stage. This schema will trigger a corresponding script indicating the actions expected of the various agents involved, including the individual herself. People within a system of social norms will tend to share scripts and schemata that allow them to readily identify the same considerations as relevant and the same requirements as applicable to particular people.

It is easy to overlook the importance of these shared scripts for behavior and schemata for understanding our circumstances. Without these general ways of conceiving things, someone would confront a dizzying array of potentially relevant considerations when she is deciding how to act. Schemata enable her to quickly understand her current situation as fitting into a specific category (e.g., "classroom," or "rock concert") with associated scripts for how she and others should act. The relevant demands, then, are made salient for the agent, while a plethora of other potential considerations are pushed into the background or filtered out. Such shared understandings thus facilitate people having warranted expectations that others will be adequately aware of the demands associated with social norms, including knowing that a demand is relevant and applicable in particular circumstances, as needed for resentment to be fitting.

Above, I indicated that resentment presents the target as having expressed ill will, or insufficient regard, for the interests of people or other morally relevant considerations.¹⁸ The details of the sort of regard we expect are complex, particularly varying with context and the sorts of relationships involved.¹⁹ Insofar as social norms are grounding the particular demands within relations of mutual accountability, those social norms come to define the relevant interests that we must regard, as well as dictate how those interests must be balanced against each other. When we resent someone for failing to show us due regard, the amount of regard we take ourselves to be due is given by the social norms for the situation we

¹⁷ Bicchieri, *Norms in the Wild*, 132. For extensive discussion of scripts, the more general schemata, and their role in social norms, see Bicchieri, *The Grammar of Society*, chap. 2; Bicchieri, *Norms in the Wild*, 131–41; Cristina Bicchieri and Peter McNally, "Shrieking Sirens: Schemata, Scripts, and Social Norms. How Change Occurs," *Social Philosophy and Policy* 35, no. 1 (2018): 23–53.

¹⁸ Though Strawson seems to focus on regard for agents in practices of accountability, McKenna presents a Strawsonian view in which the set of beings that are properly subjects of moral concern is wider than the set of morally responsible agents, as by including animals. Strawson, "Freedom and Resentment," sec. III; Michael McKenna, *Conversation and Responsibility* (New York: Oxford University Press, 2011), 11–12. Cf. Chad Van Schoelandt, "Justification, Coercion, and the Place of Public Reason," *Philosophical Studies* 172, no. 4 (2015): 1045. ¹⁹ Strawson, "Freedom and Resentment," 23.

are in. We do not, for instance, reflect on the appropriate balance of interests in light of our personal virtues and value as autonomous agents, but instead look to the social norms of fairness governing the division of goods in our particular circumstances. We resent the person who fails to give us an equal share of the resource, or reward us proportionate to our productivity, or to flip a coin, or whatever our norms may require in the case, and we resent them specifically for failing to show due regard for the fact that we should get an equal share, be rewarded proportionate to productivity, or the like.²⁰ At no point need we demand that they have any regard for our interests in terms of what we might do with the resource to be weighed against their parallel interests, for within the norm-structured relations the relevant interest is an interest in the resources themselves. and these interests are to be weighted equally, or proportionately to productivity, or the like. That we pick out some interests or considerations as the relevant ones for some context, but not for other contexts, is an important part of our ordinary moral life that we can better understand when we recognize the role of social norms in giving content to the morality to which we hold each other.

Social norms, of course, do not guarantee mutual recognition of demands in all cases because social norms face a number of limitations. They may be vague or conflicting in some cases, and some circumstances may not have sufficiently clear cues to make the norms salient.²¹ Furthermore, though the existence of a social norm requires that most people know of the relevant rule, it does not guarantee universal knowledge. Some people in the population may remain ignorant of the social norm, perhaps despite reasonable efforts on their part. Where these limitations manifest, we may need to withhold resentment in light of the significant possibility that people are acting from failure to understand the demands rather than simply disregarding them. Despite these limitations, however, where we have social norms they can significantly support satisfaction of the known demand condition, particularly because they tend to develop in ways that will be by and large clear rather than obscure to members of the population in the situations they typically find themselves in. Though social norms do not provide guarantees, they do significantly meliorate the epistemic problem and support defeasible presumptions for our mutual accountability.

²⁰ Appeal to the considerations of a social moral code or a practice, as specifically distinct from what may be thought of as of fundamental importance, can be seen in accounts such as that of Richard B. Brandt, *A Theory of the Good and the Right* (New York: Oxford University Press, 1979); John Rawls, "Two Concepts of Rules," *The Philosophical Review* 64, no. 1 (January 1955): 3–32; Chad Van Schoelandt and Gerald Gaus, "Constructing Distributive Justice," in *New Perspectives on Distributive Justice: Pluralism, Deep Disagreements, and the Problem of Consensus*, ed. Manuel Knoll, Stephen Snyder, and Nurdane Simsek (Berlin: De Gruyter Press, 2018).

²¹ Bicchieri, The Grammar of Society, 79.

D. The justification condition

We must now turn to the justification condition. This condition comes in because resentment cannot be adequately grounded in a demand simply as such. We will not believe someone has shown ill will for disregarding a demand if the demand is purely arbitrary, oppressive, or the like.²² Someone is only showing ill will if she disregards a demand that is justified. Though it will undoubtedly be controversial, I believe that the sort of justification relevant for resentment is what I call "interpersonal justification," in contrast to impersonal justification.²³ Focusing on demands grounded in social norms, the justification condition requires that the norm be justified to each person, optimally meaning each person in the population having the norm, but at least meaning the particular people holding and being held accountable. So, if Abe is holding Beth to some norm, it must be that the norm is at least justified to Abe and to Beth. For the norm to be justified to someone, she must have sufficient reason to endorse the norm as a source of moral demands given her beliefs and values.²⁴ It will not be enough to claim that the norm is justified by true values or the facts of the world if these facts and values are not accessible to the individuals being held accountable.

It may help to consider a few brief cases. At least part of morality helps solve collective action problems by requiring participation in mutually beneficial practices. This provides one key way of justifying a norm. Many practices, however, are not beneficial for all members. Abe and Beth may be in a society with norms requiring everyone to contribute to a firework show (a classic example of a public good in the economic sense), but fireworks create for Beth more harm than benefit (say, because they cause her anxiety or frighten her pets).²⁵ Assuming the norm is not justified to Beth in some other way, the fact that the norm imposes costs on her without providing benefits undermines the thought that she is showing ill will when she violates the norms. She is merely avoiding exploitation, and from her perspective there is not sufficient reason to see the demand as worthy of regard. Abe may see people who are free riders enjoying the show as ill willed, but if he knows that Beth is burdened by it he should not resent her for abstaining from contributing. The same, however, should be said even if a norm is mutually beneficial but in ways that some parties reasonably do not recognize. For instance, Alice might observe that Bob does not follow norms requiring helping to drain the swamp.

²² Bicchieri holds that "[g]uilt, as well as resentment, presupposes the violation of expectations we consider *legitimate*" (*The Grammar of Society*, 25).

²³ Van Schoelandt, "Justification, Coercion, and the Place of Public Reason."

²⁴ Gaus, *The Order of Public Reason*, sec. 13; Van Schoelandt, "Justification, Coercion, and the Place of Public Reason," sec. 1.

²⁵ For discussion of public goods and their mutual justification, see Gerald Gaus, *Social Philosophy* (Armonk, NY: Routledge, 1998), chap. 10.2.

Bob may not help because his house is far away and, not understanding the relationship between swamps and disease-spreading mosquitos, thinks such norms exploit rather than benefit him. In such a case, Alice should see Bob as ignorant and misguided, even needing education and factual correction, but his failing to engage in behavior that reasonably seems to him exploitative does not warrant resentment.

Norms may be interpersonally justified in ways other than by mutual benefit, but in some way or other someone being held accountable to the demands of a norm must be thought to have sufficient reason to endorse the norm from her own beliefs and values. This may include endorsement based on the way the individual believes that the norm promotes the interests of other valued people, secures natural rights, or discourages behavior worthy of discouragement even if not against the interests of the individual or of people at all. For some people, indirect considerations like tradition or general popularity may provide sufficient reason to endorse a norm, and some may value a norm for its own sake. The key is that in resenting someone for violating a social norm we must think that the norm is justified to her somehow, while the particular content of the justification is not of much importance.

E. Social norms and the justification condition

Despite the variety of kinds of reasons that might justify a norm to an agent, the mere existence of a social norm will not guarantee that it is justified to any particular person. Strikingly, the mere existence of a norm does not guarantee that the norm is justified to anyone at all. A norm may exist even if it is unjustified for, and even consciously criticized by, every member of the population. This possibility arises most immediately from the fact that social norms require beliefs about the normative expectations of others, but not the actual having of those expectations. A social norm may thus exist based on widely shared false beliefs about people's expectations, particularly if people conform with the norm to avoid sanctions or have incentives to be deceptive about their true views.²⁶ Furthermore, even if most members of a community in fact endorse a social norm, that norm may still be in excessive conflict with the beliefs and values of the accepting individual. In such cases, we might say that the norm is not justified, and its actual acceptance is a case of "ideology," "false consciousness," a mere taboo, or otherwise irrational. The mere existence of a social norm, then, does not necessarily support presuming that the justification condition is met.

²⁶ For discussion of these issues, see Bicchieri, *The Grammar of Society*, 186–93; Bicchieri, *Norms in the Wild*, 42–47; Timur Kuran, *Private Truths, Public Lies: The Social Consequences of Preference Falsification* (Cambridge, MA: Harvard University Press, 1997).

Though the existence of a social norm will not itself ground a presumption of justification, it seems that there may be an appropriate presumption of justification for the system of moralized social norms that are well established and that have remained stable over an extended period. Consider, for instance, norms that have existed for a population across decades and generations, violations of which are typically met with resentment, and which have not seemed vulnerable to mass abandonment, defection, or criticism. Although there is nothing about such a norm that conceptually entails justification, there seem to be important tendencies for such norms to be justified. Long-standing norms will tend to be internalized, accepted as given, and thus seen as valuable for their own sake and shaping the way that members of the population understand their interests.²⁷ Furthermore, insofar as members of the population value tradition, conformity, the way the norm reflects group membership, group expectations, or the like, these provide additional reasons to endorse these entrenched norms regardless of their particular content. At least in these ways, it seems the existence of a norm itself tends to produce its own justification over time.

Beyond the justification that comes essentially from tradition, the benefits of a norm are likely to become more apparent over time. The benefits of a norm may manifest to people most clearly when the norm is complied with on many occasions, particularly in the case of norms that may be mutually beneficial only from multiple interactions. Many norms may seem in a single case to impose costs on some people in order to benefit others, but as roles are changed the agents who bore the costs will collect compensating benefits. Likewise, the benefits may emerge more from the overall predictability and coordination of action in the population, rather than particularly in any given instance. Even when the benefits of a norm are not readily apparent in operation, the teaching of the norm across time may be readily supplemented with explanations of what people take to be the justifications, particularly insofar as those teaching the norm are trying to promote compliance, and perceived justification contributes to compliance.²⁸ So, the various likely sources of justification for norms are likely to be better known, as they may be needed, as norms exist for extended periods.²⁹

²⁷ Bicchieri writes: "When a practice is well entrenched, we often come to attribute to it some intrinsic value. In such cases, we recognize the legitimacy of others' expectations and feel an obligation to fulfill them" (*The Grammar of Society*, 43). Cf. Bicchieri, *Norms in the Wild*, 135–36.

²⁸ Kurt Baier emphasizes the importance of education in a moral order (Kurt Baier, *The Rational and the Moral Order: The Social Roots of Reason and Morality* [Peru, IL: Open Court Publishing Company, 1995], xiiv, 259, 298).

²⁹ It may be hoped that norms that are harmful will tend to be eliminated so that over time there will be a disproportionate build up of norms that provide benefits rather than burdens, at least for most people. On the importance of free discussion for discovering possible objections to the norm, see Gaus, *Value and Justification*, 371; Gerald Gaus, *Justificatory Liberalism: An Essay on Epistemology and Political Theory* (New York: Oxford University Press, 1996), 166.

229

This accumulation and promulgation of justifications help address the justification condition insofar as the long-standing existence of a norm will tend to increase the probability that the justification condition will be met for members of the population. These considerations help support a presumption of justification for the demands grounded in the wellestablished system of moralized social norms. This is in strong contrast with demands grounded merely in what some particular agent believes are abstractly morally best, for there seems to be no reason to presume that those demands will be justified to others. Stable systems of social norms, then, can play an important role in our practices of mutual accountability by helping to support rational presumptions about not only what demands will be known to others, but also which demands will be justified to them.

This is of course not a guarantee that any given norm will be justified, and even where it does hold for most members of the population there may remain members for whom the norm is not justified. Even without such guarantees, however, a rational presumption of justification for the stable system of moralized social norms facilitates accountability relations even among strangers without special information about each other beyond their co-membership in the norm-governed population. When Alice sees a stranger, perhaps Bill, violate a long-standing norm, she may reasonably presume that he knew the relevant demand (since nearly everyone knows the norm) and that the norm is justified to him (since such norms tend to be justified to most members). While outside of norms the opacity of moral demands might make it too likely that Bill is merely ignorant of the demand or its appropriateness, the norms make such ignorance unlikely and thus leave ill will as a primary explanation for Bill's behavior. These are of course merely presumptions, and Alice could gain new information that would require her to withdraw her resentment. She may, for instance, have to withdraw the presumption of justification if she knows that the norm has recently come under great criticism or is known to be opposed by a cultural minority group that Bill seems to be a part of, or if she learns that Bill has led an unusually isolated life that prevented him from learning the norm, or he is an eccentric philosopher with a strange moral theory from which he cannot join in the common endorsement of the norm. Though additional considerations such as these are possible, Alice may reasonably hold Bill accountable until she gains the information to defeat the presumption.30

³⁰ This potential need for updating based on changes in one's presumptions is not at all unique to cases involving social norms or the two conditions I am emphasizing. Alice may, for instance, have to withdraw her resentment if she discovers that Bill was coerced, sleep walking, or otherwise exculpated. Other emotions too will have this feature, as you may rationally fear a lion you stumble upon, until you discover that it is merely taxidermic.

III. MORAL NORMS AND SOCIAL NORMS

My discussion, in suggesting that people hold each other morally accountable to social norms, may seem to be confusing two things that are really rather different. In particular, many theorists explicitly separate social norms from moral norms (or rules). Bicchieri, for instance, writes that our "commitment to . . . moral norms is independent of what we expect others to believe, do, or approve/disapprove of. Social norms instead are always (socially) conditional, in the sense that our preference for obeying them depends upon our expectations of collective compliance."31 Moral norms, according to Bicchieri, "by their very nature . . . demand (at least in principle) an unconditional commitment."32 On this account, if an individual holds a rule as a moral rule then she will be disposed to conform to the rule even unilaterally, much as she would be disposed to conform to a prudential rule.³³ It seems that on Bicchieri's account, if a moral rule is connected to a social norm, it is only genealogically. That is, the rule might have formerly been merely part of a social norm before it was moralized and internalized such that individuals now follow it in a socially unconditional way.³⁴ Such a rule, since it is now no longer socially conditional, is no longer a social norm, despite the genealogy and the ongoing resemblance in the collective pattern.

In response, I will first note that our conceptions often depend upon what we intend to do with them.³⁵ Bicchieri, particularly in her most recent work, is focused on differentiating underlying structures for collective patterns of behavior with an eye to discerning what sorts of interventions

³¹ Bicchieri, *Norms in the Wild*, 33; cf., 31. Though I focus on Bicchieri's account, similar distinctions are common in other accounts. For instance, there is the well known work on the moral/conventional distinction of Elliot Turiel, *The Development of Social Knowledge: Morality and Convention* (Cambridge: Cambridge University Press, 1983), chap. 3. Likewise, Buchanan and others distinguish moral from social norms, particularly holding that the judgments constituting moral norms "may not be grounded, even in part, in presumed social practices." See, Geoffrey Brennan, Lina Eriksson, Robert E. Goodin, and Nicholas Southwood, *Explaining Norms* (New York: Oxford University Press, 2013), 71; cf. secs. 4.4-5.

³² Bicchieri, *The Grammar of Society*, 20.

³³ Under the heading of "independent practices," Bicchieri includes shared moral rules, collective customs (followed for individual prudential reasons), legal injunctions, and religious codes. In her account, these independent practices contrast with sources of collective patterns that are socially conditional such as self-enforcing conventions or social norms. Bicchieri, *Norms in the Wild*, chap. 1; cf. pp. 5-6, 41, and 71.

³⁴ Similar transformations happen in the formation of social norms themselves. See, Bicchieri, *The Grammar of Society*, 41. Cf., on descriptive norms, Ryan Muldoon, Chiara Lisciandra, and Stephan Hartmann, "Why Are There Descriptive Norms? Because We Looked for Them," *Synthese* 191, no. 18 (2014): 4409–4429; Ryan Muldoon, Chiara Lisciandra, Cristina Bicchieri, Stephan Hartmann, and Jan Sprenger, "On the Emergence of Descriptive Norms," *Politics, Philosophy and Economics* 13, no. 1 (2014): 3–22.

³⁵ Elizabeth O'Neill writes: "Depending on our goals, it may be useful to focus on different features of norms, and as a result, it will be useful to categorize norms in multiple ways" (Elizabeth O'Neill, "Kinds of Norms," *Philosophy Compass* 12, no. 5 [May 1, 2017]: sec. 1).

are likely to be effective at changing that behavior.³⁶ For this sort of task, the theorist needs to distinguish the behaviors grounded in normative expectations and sanctions from those grounded in personal commitments or interests that may be parallel across many individuals. Insofar as the individuals each have socially unconditional reasons to conform to a rule, some of the strategies that might change a social norm may be unnecessary or ineffective. My own aims, however, regard understanding our practice of moral accountability. Though work like that of Bicchieri provides many important resources and casts much light for understanding this accountability practice, the difference in focus generates somewhat different conceptions and distinctions.

With that difference in general aims noted, I want to bring out aspects of Bicchieri's account that align with my own and that push toward seeing a significant role for social norms in moral accountability. To begin, consider how we would differentiate moral from other socially unconditional norms on Bicchieri's account. An individual will tend to socially unconditionally conform to a norm she takes to be either prudent or moral. Prudential norms, however, do not come with tendencies to sanction. Even if the individual believes that other people *ought* (prudentially) to conform to the prudential norm, she will not tend to punish transgressors.³⁷ And, it seems, one may have a purely personal norm that one does not even think others necessarily ought to conform with. Moral norms are differentiated from these other socially unconditional norms in that the individuals holding them will be disposed to punish transgressors. Moral and social norms, then, on Bicchieri's account, are alike in that their transgressions elicit "condemnation or punishment." ³⁸

Insofar as resentment and indignation drive the tendency to condemn and punish moral transgressors, moral norms will depend, as argued above, on social recognition of the rules. There is no problem for an individual to hold herself to a personal norm, but when she resents others, and through that resentment attempts to hold others accountable to it, she is presupposing that they too can recognize the demand to conform to this rule as justified. Insofar as others cannot recognize it, it will not be fitting for her to resent them, and her tendencies toward punishment should subside. She may continue to conform to this rule herself, but without the sanctioning of the transgressions of others this norm becomes a personal norm. If she holds herself accountable in the characteristically moralistic way of feeling guilty for her transgressions, then we may want to call this a personal moral norm. The core of morality, however, with its relations of mutual accountability, is not merely personal.

³⁶ For instance, Bicchieri, Norms in the Wild, chaps. 2–4.

³⁷ Ibid., 35, 72.

³⁸ Ibid., 72; cf. p. 62. Baier likewise writes that we typically "appear to think that the imposition of corrective sanctions on irrationality is unjustified. We tend to think it solely *our own business* whether we are rational or irrational, but not whether we are moral or immoral" (Baier, *The Rational and the Moral Order: The Social Roots of Reason and Morality*, 18).

Consider now the way individuals respond to transgressions of social norms. Though social norms do not necessarily involve resentment, Bicchieri clearly finds that transgressions of many social norms trigger resentment or guilt.³⁹ Furthermore, transgressions are often met with sanctions, and sanctioning is often driven in part by resentment or indignation in thirdparty punishment. 40 When people are disposed to resent transgressors, they are treating the norms as, in an important sense, moral. That is, people have moralized the norms in the sense that they are treating norms as loci of expectations to which they can hold each other morally accountable. Moreover, this moralization provides additional motivation to conform with a social norm and this motivation is grounded in thinking that the social norm is, as Bicchieri puts it, legitimate.⁴¹ Whether or not they have sufficient motivation to conform to these norms in a socially conditional way is beside the point, at least when our focus is on understanding our practices of moral accountability. So it is proper to see some of the social norms (in Bicchieri's sense) as also moral (in a Strawsonian sense).

We see, then, that moral norms must be social rather than merely personal, and many social norms are moralized. The practice of mutual accountability through reactive attitudes is not bound up neatly into the moral or the social as found within Bicchieri's conceptual scheme, for people hold each other accountable in recognizably moralizing ways to a wide range of social norms. It seems that most accountability relations are structured by social norms in this way. People interact predominantly with co-members of a society structured by social norms (as well as conventions and the like), most of which are extremely well established and reliably cover a vast array of the situations in which members find themselves. Many of these norms will be so deeply entrenched and widely accepted that they may seem to many members of the population obvious, and perhaps even natural, universal, culturally independent, the only way one could sensibly go, or otherwise completely taken as given. And, as noted above, people often understand their interests, as well as other relevant values, through the social norms, so our demands for due regard

³⁹ Bicchieri, *The Grammar of Society*, 8, 23–25, 41–42. Bicchieri specifically indicates that "[g]uilt and remorse will accompany transgression [of a social norm], as much as the breach of a moral rule elicits negative feelings in the offender" (ibid., 8).

⁴⁰ Sanctioning behavior may arise without resentment and for reasons independent of resentment or other emotions, such as cases of purely strategic sanctioning in repeated interactions. It is worth noting, however, that Strawson holds that there is a significant connection between punishment and the reactive attitudes, specifically in that "the preparedness to acquiesce in that infliction of suffering on the offender which is an essential part of punishment is all of a piece with this whole range of attitudes of which I have been speaking." According to Strawson, even though such acquiescence may come without "indignant boiling or remorseful pangs[,] . . . we have here a continuum of attitudes and feelings to which these readinesses to acquiesce themselves belong" (Strawson, "Freedom and Resentment," 34).

⁴¹ Bicchieri, *The Grammar of Society*, 21. She also writes that "[t]heir legitimacy may stem

from recognizing how important it is for the good functioning of our society to have such norms, but of course their ongoing value depends on widespread conformity."

by and large amount to demands for regard for our interests in having the norms complied with or to demands for such compliance itself. When dealing with people with whom we do not share as rich a set of norms, we still rely on shared frameworks, such as the norms of a market that allow members of otherwise extremely diverse groups to produce, exchange, contract, and engage in complex social cooperation, or emerging understandings of human rights propagated and enforced on a global scale.

We can thus see that from a focus on Strawsonian moral accountability there will not be a divide between moral rules and social norms. Instead, we should expect that moral rules, understood to be the rules to which people hold each other accountable through the moral emotions of resentment and its correlates, will be social norms that have been moralized. The ongoing status of these rules as moral depends in part on the continuation of their being socially recognized, so this process of moralization is not defined in terms of the behavior becoming socially unconditional. And, conversely, significant parts of a society's social norms will be moralized in this way. Those social norms are moral norms not because they generate unconditional compliance, or because those norms are believed to have features that some accounts designate as particularly moral like universality. Instead, many, and perhaps even most, social norms are moral because compliance is demanded and enforced through our practices of accountability constituted by the moral emotions of resentment, indignation, and guilt.

IV. ACCOUNTABILITY THROUGH NORMATIVE CHANGE

Up to this point, I have focused on cases in which diverse members of a society share a system of entrenched and moralized social norms that ground their mutual moral accountability through emotions like resentment. That shared normative system supports mutual recognition of interpersonally justified demands. This contrasts with cases in which diverse individuals have various demands to which they might wish to hold each other accountable independent of their shared social norms, but attempts to hold each other accountable are rendered unfitting by the opacity of, and reasonable disagreement about, morality independent of the shared social system. Thus far, I have considered only norms that are well established, particularly systems of norms that have been in place for an extended period of time, as seems to be the ordinary case. The bulk of our moral life happens within systems of norms established before our arrival that remain mostly the same while we are in these systems. Within such a system of norms, we can have a rational presumption that other members of society, even relative strangers, have sufficient knowledge of, and justification for, the norms to ground mutual accountability to the norms. These presumptions, like others in our relations of mutual accountability, are defeasible, but still provide a rational starting point for accountability relations.

I will conclude by considering a general problem for accountability regarding new or changing norms. Considering cases of normative change is important not only in its own right, but also because it will cast further light for understanding the dynamics of accountability with established norms. The general problem is that though there may be a rational, defeasible presumption of the fittingness of holding strangers to the common moralized social norms of our society when they are long established, this presumption seems much less supported for new norms. One reason for this is that although a social norm only exists when enough of the population holds the relevant beliefs, new norms may be totally unknown to significant parts of the population. Generally speaking, more people will be unaware of a new norm than one that is part of the long established system. More importantly, new norms may not be shared in as great of detail as would be the case with an established norm. A long established norm would have had time for the details to be worked out and for members to harmonize their understandings of what the norm requires, at least for the circumstances members frequently encounter. 42 Although the members of society may share a general understanding of the rule and agree about how it applies in some paradigmatic cases, it may be vague or open to considerable interpretive dispute in other cases, and there may be uncertainties about the relative deliberate weight to be accorded to the norm when in conflict with other norms or values. Members of society cannot be as confident that relative strangers will share their understanding of the application of the norm in a given context.⁴³ Though any social norm can face interpretive disputes in some contexts, new norms

⁴² We expect norms to be clear for common, but not necessarily exceptional, cases. As Stanley Benn argues, it "is not just a fortunate accident that agonizing dilemmas such as Agamemnon's are not features of the daily lives of ordinary people." This is because "our preference structures, which include religious, political and aesthetic rankings . . . are related to the standard situations that confront us in daily life." We may not have ready answers for situations far outside those we actually face, but "if such decision situations were a feature of our common culture, we should have to come to terms with them, and settle how the values trade-off under comparable conditions" (Stanley I. Benn, *A Theory of Freedom* [Cambridge University Press, 1988], 62. Cf. Fred D'Agostino, *Incommensurability and Commensuration: The Common Denominator* [Aldershot: Ashgate, 2003], 40).

⁴³ To make this concrete, consider an example from academia. Rebecca Tuvel sparked impassioned criticism and an open letter calling for *Hypatia* to retract the article for, among other things, "deadnaming a trans woman"—specifically by having a parenthetical reference mentioning Caitlyn Jenner's former name. It seems highly plausible that Tuvel, whose central argument and broader work is completely supportive of transgender individuals, simply did not recognize exactly what this very new norm against deadnaming required in her circumstances (e.g., that it prohibited even mere parenthetical mention of the former name of a completely public and out person). With a new norm, it is all too easy for a good-willed person to not know the relevant demand to which others may wish to hold her, even if she is enmeshed in the relevant community. See, Rebecca Tuvel, "In Defense of Transracialism," *Hypatia* 32, no. 2 (May 1, 2017): 263–78; Justin Weinberg, "Philosopher's Article On Transracialism Sparks Controversy (Updated with Response from Author)," *Daily Nous*, May 1, 2017, http://dailynous.com/2017/05/01/philosophers-article-transracialism-sparks-controversy/.

are likely to face far more, and this fact will tend to undermine the fittingness of holding people morally accountable to new norms.

Beyond this knowledge problem, new norms may not adequately ground a presumption that the demands are justified to relative strangers. New norms have not had the same chance to be internalized to the point of being accepted as intrinsically valuable or to gain the prestige of tradition. Moreover, even in a society with transparent free discussion, a new norm may take effect before dissenters have had a chance to voice their objections. At the earliest emergence of a norm, many in the society may not have even had a chance to reflect upon the value of the norm or to formulate dissent from it. It seems, then, that new norms cannot ground the same level of presumption of justification as norms that are part of a well-established system. Much like demands that do not have grounding in the system of social norms at all, the members of society may not be able to rationally assume that new norms are known and justified to relative strangers, and thus resentment for violation of those norms may not be fitting.

These problems will not apply with equal force in all cases. The factors that are relevant include how many norms are changing, whether there are completely new norms or adjustments to existing norms, the source and scale of the norm, the heterogeneity of the population, and the way the norm came about. For instance, contrast the marginal increase to the scope of an existing norm and the imposition of a whole new system of alien norms. In the case of marginal adjustment of scope, diverse members of the society maintain their understanding of the norm's basic concepts and application in paradigm cases, as well as its application in a range of more complex cases. Their prior understanding of the norm will inform their application of the norm in the new scope. Likewise, insofar as the norm was justified previously, much of that same justification will generally remain in place. A new system of norms, on the other hand, may require people to learn many different norms at once, including the nuances and interrelations of the norms. Insofar as these norms are very different from their previous norms, this may require the people to learn radically different conceptual schemata. 44 The difficulties for the known demand condition loom large here, but it seems that it will also be difficult for individuals to find norms to be justified to people that find those norms nearly unintelligible or at least do not well understand.

Moral norms are not static. Existing moral norms change, and new ones emerge, over time. Understanding the conditions implicit within our practices of moral accountability has helped us clarify first the social nature of moral norms and their relation to social norms, and second the challenges for maintaining accountability in times of normative change. Given the importance of mutually accountability to social life, it is worth finding

⁴⁴ Cf. Bicchieri, Norms in the Wild, 134-35.

and implementing strategies that support that accountability through social change. Though I appealed above to marginal as opposed to radical changes as one example, radical changes will no doubt be possible when supported by other circumstances, such as wide social deliberation to coordinate expectations and ensure mutual justification, or processes of norms emerging within smaller, more homogenous communities. Future research must uncover more about the social processes that support accountability relations through norm change.

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