

Against Moral Contingentism

Pekka Väyrynen
University of Leeds

Abstract The conventional wisdom in ethics is that pure moral laws are metaphysically necessary. By contrast, Moral Contingentism holds that pure moral laws are metaphysically contingent. This paper raises a normative objection to Moral Contingentism: it is worse equipped than Moral Necessitarianism to account for the normative standing or authority of the pure moral laws to govern the lives of the agents in the worlds where they hold. Since morality is widely taken to have such a standing, failing to account for it would be a significant problem. At minimum, the objection also shows that the debate about the modal status of moral principles isn't a debate solely within modal metaphysics, but has implications for topics in moral philosophy.

Keywords moral laws, moral obligation, normative authority, modality, normative necessity

1 Introduction

Many moral principles are metaphysically contingent. Kicking dogs for fun is wrong. But dogs might have had shells like armadillos and not mind being kicked. In that case kicking dogs wouldn't have been wrong.¹ Metaphysical contingency isn't a surprising modal status for "impure" moral principles whose truth depends on contingent non-normative facts. But what about "pure" moral laws? Any examples of pure moral laws are bound to be controversial. But representative candidates should include the greatest happiness principle of act-utilitarianism, Kant's categorical imperative, and various mid-level principles which are supposed to hold in every case that might come up, such as the doctrines of double effect or doing and allowing.

The conventional wisdom about the modal status of pure moral laws is

Moral Necessitarianism: Pure moral laws are (at least) metaphysically necessary.²

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1 This example is from Rosen (2021). My introductory set-up largely follows his.

2 I take Moral Necessitarianism to allow that pure moral laws might hold by some still stronger form of necessity.

But recently some philosophers have instead defended

Moral Contingentism: Pure moral laws are metaphysically contingent. (Fine, 2002; Scanlon, 2014, p. 41, n. 40; Hattiangadi, 2018; Rosen, 2020; Rosen, 2021.)

Moral Contingentists typically take pure moral laws to hold by a distinctive kind of “normative necessity” (Fine, 2002). We can avoid prejudging whether normative necessity is a species of metaphysical necessity or a distinctive weaker species of modality. Gideon Rosen proposes that “for a proposition to be normatively necessary just it for it to be fact-independent”, where “ p is fact-independent if p is the case and would have been the case no matter how things had been in wholly nonnormative respects” (Rosen, 2020, p. 219). What meets this condition can be, but needn’t be, metaphysically necessary. Moral Contingentists claim that pure moral laws are fact-independent but metaphysically contingent. If so, some worlds differ in what’s right and wrong depending simply on which metaphysical contingency with respect to pure moral laws obtains.

What’s at stake in this debate about the modal status of moral principles? The most obvious stakes concern modal metaphysics. Under Moral Contingentism it’s metaphysically possible for two things to be alike in every non-moral respect but differ morally. Such variation will instead be ruled out only relative to a set of pure moral laws.³ But you might think the debate has few ramifications outside of modal metaphysics: other topics in ethics or metaethics don’t hang on the dispute between Moral Contingentism and Moral Necessitarianism (Rosen, 2021, p. 277). I’ll argue that Moral Contingentism does carry problematic implications outside of modal metaphysics. In particular, it’s worse equipped than Moral Necessitarianism to account

3 Rosen (2020, 2021) defends Moral Contingentism by arguing against strong moral supervenience, the thesis that it’s (at least) metaphysically necessary that if a thing has a moral property M , it has some non-moral property G such that, as a matter of metaphysical necessity, whatever is G is M . Hattiangadi (2018) and Roberts (2018) also argue against this supervenience thesis. Note that Moral Contingentism permits a weaker supervenience thesis where the innermost necessity is normative (Rosen, 2021, p. 265).

for the normative standing or authority of pure moral laws to govern our lives.⁴ Its proponents thus cannot rest easy thinking that their view makes no real difference to significant issues elsewhere.

2 Moral Contingentism and normative authority

To make things concrete, suppose Moral Contingentism works out so that deontology is true in our world, @, but act-utilitarianism is true in some other world, w, which is just like ours in every non-normative respect.⁵ (Replacing these first-order assumptions with other consistent moral theories would be fine.) For instance, throwing a person in front of a runaway trolley to stop it from killing five people is wrong in @ but right in w.

A question arises about this picture: Why should it be deontology, and not some alternative moral law like act-utilitarianism, which merits the allegiance and compliance of those agents in @ who are concerned with acting as morality requires? And why should it be act-utilitarianism which merits the allegiance and compliance of such moral agents in w? As I hear these questions, they don't ask for some still deeper metaphysical grounds for moral laws. Pure moral laws need have no such grounds. Rather, they ask for a justification for the requirements which the pure moral laws that hold in a given world generate for moral agents in that world. The justification in question isn't epistemic. Moral Contingentism might have no distinctive problems in moral epistemology.⁶ What's in question is the kind of normative justification which pure moral laws enjoy if they have a normative *standing*, *claim*, or *authority* to govern the lives of the agents to whom they apply.

Morality is widely taken to have such a normative standing. Morality is often said to be more “robustly” normative, or more “authoritative” in its guidance or force than club rules or traffic laws. How these labels should be understood is a disputed matter, however.

4 The objection I'll develop is novel and, in particular, distinct from objections in Lange (2018) and Dreier (2019). For replies to Lange and Dreier on behalf of Moral Contingentism, see Rosen (2021).

5 Moral Contingentism doesn't entail that just anything could be a pure moral law. But nothing seems to rule out worlds like the one in the text. Constraints like consistency and universalizability don't, for instance.

6 Rosen (2020, pp. 224-227) argues that countermoral worlds are more remote from actuality than any non-normative possibility. If so, the existence of countermoral worlds doesn't mean that my moral beliefs can't reliably track the actual moral laws. Practical safety may not be an issue either: my conduct might well have been morally compliant even if the pure moral laws had been different.

I won't assume that if pure moral laws imply that one morally ought to do a certain thing, this settles either the normative question of what one ought overall to do or the practical question of what to do. Any view on the modal status of pure moral laws can agree that settling the moral facts may not settle these further questions. A weaker thought is that if (say) the fact that an action would prevent significant pain makes it the morally right thing to do, then preventing such pain "calls for" or "favors" the action in an authoritative way that contrasts with the way my club's rules call for not wearing sneakers. To avoid begging questions, I'll take it that the relevant kind of normative standing needn't be intrinsic to morality but must be a robust fact about it.⁷ Such a standing allows that moral considerations can get outweighed by other considerations, but it might involve warrant for reactive attitudes, such as blame for breaches of norms that enjoy it. Such a notion of normative standing is strong enough for the present purposes: norms that enjoy it aren't arbitrary in the way that mere picking or lotteries are arbitrary.⁸ Requirements generated by the latter mechanisms are paradigmatic cases where it's legitimate to ask 'Why care about *that*?' Morality wouldn't have a normative standing to govern our lives if its requirements were arbitrary in this way.

Our moral obligations depend on which moral laws we fall under. Had I been in a metaphysically impossible world in which (say) act-utilitarianism were true, my obligations would have differed. A distinctive implication of Moral Contingentism is that your moral obligations vary also with your location in the space of metaphysical possibility.⁹ Inhabitants of @ and w have different obligations because they fall under different pure moral laws. This is to be understood so that what's morally obligatory in @ and what's morally obligatory in w are morally obligatory in the same sense, rather than something ascribed by alternative normative concepts. Nor does the contingentist claim

7 This is to allow that morality can have normative standing even if it isn't categorically reason-giving. Some form of formal normativity that's more robust than what accrues to mere standards of correctness may suffice (cf. Woods, 2018). The notion of a categorical reason for action would in any case require revision under Moral Contingentism, since pure moral laws wouldn't be such as to generate normative reasons for all rational agents.

8 This doesn't include lotteries that are fair procedures for distributing benefits and burdens under scarcity.

9 My argument will assume that there's a relevant difference between metaphysical and (counterfactual) epistemic modal space. The assumption I need is compatible with respects in which a principled difference between the two is denied in Clarke-Doane (2019). But there may be other complications.

merely that pure moral laws in @ are deontological but pure moral* laws in w are consequentialist; being obligatory isn't, in this sense, a different property in @ and w.¹⁰

We can now construct an argument that Moral Contingentism does secure pure moral laws the standing to govern our lives. Here's one concrete form which the argument might take:

- (P1) If you morally ought to ϕ , then your ϕ -ing is called for in an authoritative way.
- (P2) Agents in @ morally ought to follow the Categorical Imperative, whereas agents in w morally ought to maximize general happiness.
- (C) So, deontology has the normative standing to govern the lives of agents in @, whereas act-utilitarianism has the normative standing to govern the lives of agents in w.

(P1) states our assumption about how the normative standing of morality: it provides authoritative guidance for action. If you have a problem with 'authority', substitute your preferred way to express the relevant kind of normative standing. (P2) states the implications of Moral Contingentism under the first-order moral assumptions which we've fixed for the sake of the argument. Given the gloss on normative standing in (P1), the conclusion follows. The objection I'll develop is a kind of problem with authority: the contingentist's account of (P2) compromises their ability to account for (P1). This is a distinctive problem for Moral Contingentism, since Moral Necessitarianism rejects (P2). It's also a general problem. The specific first-order assumptions in (P2) are inessential. Both the argument and my objection generalize to any pair of metaphysically possible sets of pure moral laws which we might use to illustrate this implication of Moral Contingentism, and to different more specific ways of understanding the kind of normative standing which is at issue.

¹⁰ This is how the contingentists I've cited appear to understand their position. My argument differs with respect to these assumptions from superficially similar arguments in Eklund (2017) and Clarke-Doane (2020, ch. 6).

3 An authority problem for Moral Contingentism

To start, note that in general we distinguish the truth or correctness of a norm (or of the deontic claims it implies) from its normative standing. If the pure moral law is some kind of deontology in @ but act-utilitarianism in *w*, there's a sense in which it's *true* that we're subject to deontological constraints against killing but agents in *w* ought to kill to prevent a larger number of killings. However, if a norm requires something of me, this doesn't yet mean that it has the normative standing to govern my life. In general, truths about what we ought to do are cheap: it's easy to be true, but by standards you may dismiss.¹¹ Some merely conventional norms are a case in point. Or consider that genealogical critiques of morality à la Marx or Nietzsche can allow for truths about what morality requires. What they deny is that such truths have the standing to govern our lives (roughly, because moral norms are tools for objectionable forms of suppression or exploitation). This might be mistaken, but it's coherent. So we shouldn't assume that the distinction between the truth of a norm and its normative standing is bound to collapse in the case of morality. (P1) is then non-trivial: that something counts as a moral law doesn't automatically give it the normative standing to govern our lives. Moral Contingentism owes us an account of the normative standing of the pure moral laws that hold in a given world to govern the lives of the agents in that world.

Next, let's clarify what the authority problem for Moral Contingentism is not. Explanations, moral or otherwise, must stop somewhere. Since pure moral laws need have no further explanation (moral or otherwise), those laws may be what they are as a matter of brute, inexplicable metaphysical contingency. But their truth might be brute irrespective of whether they are metaphysically necessary or contingent. If the pure moral laws are brute, their normative standing to govern our lives wouldn't then seem to depend on whether they're metaphysically necessary or contingent. So the authority problem isn't that pure moral laws lack the normative standing to govern our lives if they're metaphysically contingent brute facts but not if they're metaphysically necessary brute facts. Even if brute moral laws are in general inexplicable, there's a further, distinctive worry about Moral Contingentism.

¹¹ This is clear in the standard sort of semantics for deontic modals, along the lines of Kratzer (1991).

To see the problem I have in mind, consider me and my *w*-correlate, Wayne. We have all the same intrinsic and extrinsic non-normative features and have landed in different possible worlds by, essentially, a modal lottery. By (P2), we inhabit worlds which instantiate different pure moral laws. By (P1), we differ with respect to what norms have a standing to govern our lives. If the standing to govern our lives goes to deontology in my world but act-utilitarianism in Wayne's World, there had better be some relevant difference between the two worlds.

You might think the difference is just that @ and *w* instantiate different moral laws. Under Moral Contingentism, there need be no other difference. But that cannot be a full account of (P1). Distinguishing the truth of a norm from its standing to govern an agent's life implies that if truths about what morality requires of an agent differ depending on what world she draws in the modal lottery, it doesn't follow that those requirements have the requisite kind of normative standing. Nothing has been said yet to show that this kind of modal lottery is relevantly unlike other kinds of lottery or random picking when it comes to normative justification.

What might the contingentist say? It would beg the question just to assert that it's metaphysically necessary that the only moral laws that have normative standing in a given world are the pure moral laws holding in that world and the impure ones derived from them. Nor would it do to say that normative standing is an irreducibly normative property, or a non-natural property. The issue isn't the metaphysical nature of normative standing. It's rather variation in what items have such a standing along with a factor which, for all we've seen, looks normatively arbitrary. Nor would it suffice to say that whatever moral rightness and goodness are, they had better be something we should promote (in an authoritative sense).¹² This is a (controversial) claim about these moral properties themselves, not about their distribution under any given set of moral laws. If you doubted that deontology has the relevant standing in @, you could use this claim to infer that rightness doesn't distribute deontologically in @. In sum, it remains wide open whether or how Moral Contingentism can account for the normative standing of pure moral laws. If

12 If this claim implied that something wouldn't be a pure moral law unless it had the requisite normative standing, it would collapse the distinction between the truth of a norm and its normative standing. I suspect that my objection could be rewritten accordingly if the bump in the rug were moved that way, but won't try to show that here. There are also doubts about whether asserting this claim without showing that moral properties have such a nature is to play fair (cf. Dasgupta, 2017).

Moral Contingentism had no such account, it would have significant implications for ethics outside of modal metaphysics.

A different way that Moral Contingentism might account for (P1) is to appeal in some way to the content of the pure moral laws. But the relevant difference between @ and w isn't qualitative in this way if Moral Contingentism is true. Take deontology and act-utilitarianism, and suppose each is up for morally concerned agents' consideration as the norms that have a claim to govern their lives. Utilitarians would then offer reasons why the fundamental moral law is that we ought to maximize aggregate happiness. You know the drill: they argue that the distinction between killing and letting die lacks moral significance, deontological constraints are paradoxical, and so on. Deontologists would in turn offer reasons why we should respect the separateness of persons, never treat others as mere means, and so on. (Fill in here the standard lines of argument in moral theory.)

By Moral Contingentism, what moral arguments are sound depends on location in the space of metaphysical possibility. If pushing a person in front of a runaway trolley is required in w but prohibited in @, then an argument that it would be impermissible to do so which is sound relative to @ will be unsound relative to w. But a striking feature of standard arguments in moral theory is that they don't care in which world the examples take place which test for the moral significance of distinctions such as that between killing and letting die or separateness of persons. The arguments turn on qualitative features, not indexical ones.¹³ Consider a moral thinker who, after meticulous reflection, endorses act-utilitarianism. According to Moral Contingentism, her endorsement rests on false beliefs about what morality requires if she resides in @; not so if she resides in w. But it would be perfectly legitimate for such a thinker to respond to the claim that she got it wrong about morality by iterating her reasons why act-utilitarianism merits our allegiance and compliance, and to expect a response as to why the actions that are called for in the relevant way are instead those which accord with deontology.¹⁴ The kind of reflection she undertook was aimed at establishing not only the truth about what morality requires but also the standing of those truths to govern her life.

13 Note here another significant implication of Moral Contingentism outside of modal metaphysics: our normal methods of moral inquiry may require revision, insofar as they don't take account of one's location in modal space.

14 Again, such a response needn't take the form of some deeper metaphysical basis of a given pure moral law.

Moral Contingentism has nothing more to say to such an agent than iterating a difference in which pure moral laws hold in the two worlds. But whether utilitarians roam in actuality or countermoral worlds in the outer space of metaphysical possibility doesn't seem to matter to the force of utilitarian arguments. Likewise, whatever moral reflection would support the claim of deontology to govern our lives would support an equal claim for it to govern agents in w . Reasons that call for pushing a person in front of a runaway trolley when doing so would stop it from killing five would seem equally compelling or unconvincing irrespective of whether one in fact resides in $@$ or w .¹⁵ In sum, Moral Contingentism cannot account for the normative standing of moral laws that apply to given agents based on the content of the pure moral laws that hold in their world.

Another way Moral Contingentism might account for (P1) on a qualitative basis is to appeal to some non-normative assumptions. Many forms of ethical naturalism do this. They imply that the normative standing of morality depends on whether agents have a concern to act morally. Their explanation typically takes the following form: given certain robust features of human psychology and social environment, and given some plausible first-order assumptions about the content of the moral laws, it's a robust empirical generalization that human agents are concerned with acting morally.¹⁶ This kind of account won't help Moral Contingentism to explain differences in normative standing across differences in pure moral laws. First, we've only assumed that I and Wayne are exactly alike in non-normative respects. So far as that goes, we might equally well have, or equally well lack, the features of human psychology and social environment on which naturalist accounts rely. Other pairs of moral and countermoral worlds will differ with respect to these features. Second, an explanation which holds these features fixed but varies the content of the pure moral laws isn't entitled to assume that the two will link up so as to account for variation regarding what has the normative standing to govern the lives of agents in moral and countermoral possible worlds.

Moral Contingentism also has worse prospects of appealing to non-normative assumptions in accounting for the normative standing of morality than views which deny

15 Of course, the pure moral laws would have been what they are irrespective of non-normative facts about what arguments seem sound or compelling by anyone's lights. The point here isn't epistemic, just easier to illustrate in epistemic terms. This is dialectically acceptable; epistemic heuristics are used also by Rosen (2020).

16 Brink (1984), Boyd (1988), and Isserow (ms) provide accounts of this form.

that even the most fundamental moral norms are fact-independent. Examples include many relativist, conventionalist, and pragmatist views. One way for these views to respond to the worry that their most fundamental moral norms lack the standing to govern our lives is to say that variation in norms is a function of certain non-normative differences which are important to us in a certain kind of way (cf. Woods, 2018). Whether or not this strategy can ultimately succeed, its rejection of the fact-independence of pure moral laws means that it is unavailable to Moral Contingentism.

So far I've argued that given what Moral Contingentism says, it cannot account for the normative standing of pure moral laws based on qualitative features, whether normative or non-normative. But the relevant difference between @ and *w* with respect to what has the normative standing to govern our lives cannot be non-qualitative either. The fact that I and Wayne are numerically distinct individuals doesn't by itself matter normatively any more than that I kill on Tuesday but Wayne kills on Thursday (cf. Hare, 1973). Differences stated using proper names or indexical references could only matter if they exemplified some qualitative difference. The fact that we inhabit distinct locations in the space of metaphysical possibility is by itself no more relevant than any other merely numerical differences to the standing of the pure moral laws to govern the agents in the worlds where they hold. If their normative standing varied with this kind of difference, moral requirements would rightly be seen as objectionably arbitrary.

I have argued, essentially by elimination, that Moral Contingentism cannot account for the normative standing of the pure moral laws to govern the lives of the agents to whom they apply. If there's some further option which I've ignored, contingentists should point us to it. This problem is distinctive to Moral Contingentism, and makes it carry significant and problematic implications outside of modal metaphysics. A possible objection is that there's no problem with @ and *w* having different pure moral laws because there's no pressing parallel worry about the widespread view that laws of nature are metaphysically contingent. As Anandi Hattiangadi puts it:

If the laws of nature are contingent, then there are some worlds at which they do not hold, and there is no deep metaphysical explanation as to why these laws hold at some worlds and not at others. If this worry is not

pressing with regard to contingent laws of nature, there is no reason why it should be pressing with regard to contingent laws of morality either. (Hattiangadi, 2018, p. 608.)

I'm happy to grant that this worry isn't pressing with respect to laws of nature. But again, the authority problem doesn't concern the absence of a deeper metaphysical explanation of why the pure moral laws of a given world hold in that world. It concerns issues regarding normative justification which have no analogue in the case of laws of nature. It's not as if there are rival systems of laws of nature which we could follow instead of the laws of nature that obtain in our world, and which are up for consideration as potentially choiceworthy (cf. Kawall, 2005).

4 Conclusion

Moral Contingentism, the view that even the pure moral laws are metaphysically contingent, has a problem with authority. According to this objection, Moral Contingentism is worse equipped than Moral Necessitarianism to account for the normative standing of the pure moral laws to govern the lives of the agents inhabiting the worlds in which they hold. Morality is widely agreed to have such a standing, so failing to account for it would be a significant problem for Moral Contingentism. Whether or not the objection ultimately succeeds, it shows that Moral Contingentism carries distinctive implications for certain topics in ethics and metaethics, and therefore cannot claim to be neutral on issues outside of modal metaphysics.

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