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WHAT WOULD NORMATIVE NECESSITY BE?*

Recently, Kit Fine¹ and Gideon Rosen² have argued that normative necessity is distinct from and, in particular, weaker than metaphysical necessity. In this paper, I aim to specify what it would take for this view to be true—that is, what normative necessity (as weaker than metaphysical necessity) would have to be like. I then offer an argument against this conception of normative necessity.

It has often been maintained that certain moral facts possess necessity of some sort. For instance, Judith Jarvis Thomson³ writes that the fact that (other things being equal) one ought to do what one promised “is not merely a truth, it could not have failed to be a truth” and therefore is “necessary.” Of course, not all moral facts are necessary. The fact that Jones’s behavior on a given occasion (for example, Jones’s not going to the airport to meet an arriving plane) was wrong depends on the contingent fact that Jones had previously promised not to behave in that way (that is, had promised an arriving passenger to meet her at the airport). So the fact that Jones’s behavior was wrong is not necessary. Accordingly, Fine⁴ distinguishes between moral “laws” and moral “accidents”—analogous to the distinction between laws of nature and natural accidents (such as the natural accident that all gold cubes are smaller than one cubic mile). The moral “laws” (unlike the moral accidents) are often thought to possess a certain

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¹ Kit Fine, “The Varieties of Necessity,” in Tamar Szabó Gendler and John Hawthorne, eds., *Conceivability and Possibility* (New York: Oxford University Press, 2002), pp. 253–81.

² Gideon Rosen, “What is Normative Necessity?,” unpublished manuscript.

³ Judith Jarvis Thomson, *The Realm of Rights* (Cambridge, MA: Harvard University Press, 1990), pp. 15–16.

⁴ Fine, “The Varieties of Necessity,” *op. cit.*, p. 267.