

The Nature of Deontic Making

G.H. Ferrari

Oriel College, Oxford

geoffrey.ferrari@oriel.ox.ac.uk

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Abstract

Right-making, roughly defined, is the relation that holds between a right act and some fact or facts just in case those facts *make* that act right. When other conditions are in place, if facts $f_1 \dots f_i$ make act a right, then act a is right *because* or *in virtue* of facts $f_1 \dots f_i$. In this paper I attempt to clarify the nature of the right-making relation. Topics covered include the logical form of the relation, a defense of the claim that the relation is irreflexive, and a critical appraisal of whether the relation can be analysed either as a biconditional or counterfactual. I conclude that neither of the proposed analyses is satisfactory, and briefly indicate some potential analyses that still await assessment.

1 Introduction

When John Mackie argued that moral properties were “queer”, he wrote:

Another way of bringing out this queerness it to ask, about anything that is supposed to have some objective moral quality, how this is linked with its natural features? What is the connection between the natural fact that an action is a piece of deliberate cruelty — say, causing pain just for fun — and the moral fact that it is wrong? It cannot be an entailment, a logical or semantic necessity. Yet it is not merely that the two features occur together. The wrongness must be somehow ‘consequential’ or ‘supervenient’; it is wrong *because* it is a piece of deliberate cruelty. But just what in the world is signified by this ‘because’? [Mackie, 1977, p. 41]

This paper begins with the assumption that an important element in the answer to Mackie’s question is given by the relations of right-making and wrong-making. That is to say, when certain other conditions are met, if, for example, an act is wrong because of fact *f*, then fact *f* makes that act wrong.

The relations of right-making and wrong-making most likely do not provide a full answer to Mackie’s question. Mackie’s question concerns the reference of the word ‘because’ as used in moral contexts, but not all such uses of ‘because’ are intended to be explanatory, and even when they are, there are conditions on good explanations besides stating the truth: good explanations must, for example, employ concepts that one’s audience can grasp; they must also put one’s audience in a position to understand what is being explained, so that, for example, explaining that an act is wrong because it is a piece of deliberate cruelty

requires that the act's wrongness become intelligible in light of its nature as a piece of deliberate cruelty. A full answer to Mackie's question would, therefore, need to say something about the conceptual and epistemic constraints on uses of 'because' in moral contexts. In this paper I ignore conceptual and epistemic constraints and focus instead on the relations such as right-making and wrong-making which are plausibly taken to underlie the kind of moral explanations Mackie had in mind.

We can give a partial answer to Mackie's question, then, by describing the nature of the right-making and wrong-making relations. In this paper I assume and briefly defend that the right-making and wrong-making relations are irreflexive. I then make use of this assumption to show that right-making and wrong-making cannot be analysed as biconditionals or counterfactuals. I finish by arguing that, despite the failure of these and other suggested analyses, it is too soon to endorse Mackie's scepticism, because there are further candidate analyses that await assessment.

2 Right-making, Wrong-making & Permissible-Making

Right-making, roughly defined, is the relation that holds between a right act and whatever makes that act right, *wrong-making* the relation that holds between a wrong act and whatever makes that act wrong. One of the starting assumptions of this paper, however, is that the right-making relation is identical to the wrong-making relation, it is just that we refer to one and the same relation in different

ways according to whether the act in question is made to be right or wrong. We can refer to this relation neutrally as the deontic making relation.

Most of us, I suspect, would accept that whenever an act is right or wrong, there must be something that makes it right or wrong. That much seems true about right and wrong, but what about morally permissible acts? It is a good question whether there must be, indeed, whether there is ever anything that makes acts permissible, and if so, whether the permissible-making relation is just the deontic making relation by another name. Perhaps, for example, an act can be permissible when there is simply nothing around to make it right or wrong — perhaps acts are, as it were, permissible by default, permissible unless made otherwise.

If this were true, permissible-making would in one way resemble the picture of truthmaking with respect to negative existentials favoured by David Lewis¹. According to Lewis, propositions such as \lceil there are no unicorns \rceil can be true without requiring the existence of anything to make them true: what they require is, precisely, that no entities of the relevant sort should be around. Perhaps, in a similar way, all that is sometimes required for an act to be permissible is that there should be no right-making or wrong-making entities around for that act. This is one reason for thinking that if there such a thing as the permissible-making relation, it may not be just a further manifestation of the deontic making relation. For the rest of this paper, I'll discuss only right-making and wrong-making, in case permissible-making turns out to be a special case in the way described.

¹Lewis [2001a]

The Logical Form of the Deontic Making Relation

Let's begin by clarifying the logical form of the deontic making relation. I take the deontic making relation to be a binary, that is two-place, relation whose relata are sets of facts. I assume that the relata must be *sets* because it seems clear both that more than one feature of a situation might be implicated in making some act right or wrong and that the same plurality of features might make more than one act right or wrong. Letting the relata be sets is one natural way of coping with the plurality here. However, when I say that that the relata of the deontic making relation are sets, I do not strictly mean that one set deontically-makes another set. Instead, I strictly mean that the features which are members of the first set jointly deontically-make the features which are members of the second set. The sets themselves neither do the making nor are made.

Next, I assume that the deontic making relation is to be defined over sets of *facts*. This assumption has great significance because it entails that deontic making is doubly factive: if fact *f* makes act *a* have deontic property *D*, it follows that fact *f* obtains, and that act *a* has property *D*. I assume that the relata of the deontic making must involve facts for two reasons. First, it just seems false that some non-obtaining 'fact', or if you prefer, some false statement about the situation, might affect the deontic status of an act. Second, the deontic making is very plausibly taken to be a success relation: something makes an act right only if the act in question actually ends up being right. This is not to say that if fact *f* makes act *a* right then fact *f* entails that act *a* is right. So, the doubly factive nature of the deontic making relation is consistent with the claim that natural facts do not entail moral facts.

Penultimately, I assume that deontic making is essentially a relation in which the set of facts that are made the case are facts to the effect that some act has some deontic property. So when I speak of a biconditional account of deontic making, I don't mean to imply that any two facts related by a necessary biconditional stand in the deontic making relation. Rather, the facts made must be facts to the effect that an act has some deontic property. This assumption bears on the question of how far *deontic*-making is continuous with other sorts of 'making' relation, and here I wish to remain neutral. If deontic making is a distinctive kind of making relation, not of a piece with other making relations, then I think that it must essentially be a relation in which the facts made are deontic facts. If, on the other hand, deontic making is of a piece with other making relations, my investigation will be concerned with just that area where the facts made are deontic facts.

Finally, I shall assume for simplicity in this paper that the sets of facts made must be singleton sets of deontic facts, that is, sets whose sole members are facts to the effect that a particular act has a particular deontic status.

3 Irreflexivity

Now, let me defend my assumption that the deontic making relation, so understood, is irreflexive. Letting M_{xy} indicate a two-place deontic making relation with x ranging over sets of facts and y ranging over sets of single deontic facts, a weak form of my irreflexivity assumption can be given formally as the claim that:

Weak Irreflexivity

$$\Box \forall x \neg Mxx$$

Weak Irreflexivity says that it is impossible that an act a should be made right or wrong by a set of facts which includes only the fact that a is right; in simple terms, right acts do not make themselves right, nor wrong acts make themselves wrong. I make this assumption because I assume, more generally, that no fact makes itself obtain. However, this background assumption seems to rule out more than fully circular deontic making; it seems that it should also rule out partially circular deontic making. That is to say, it is not just that a fact should not be entirely responsible for making itself be the case; it should not appear at all in the set of making facts. To rule out this additional possibility, I shall assume:

Strong Irreflexivity

$$\Box \forall x \forall y [Mxy \rightarrow y \not\subseteq x]$$

Strong Irreflexivity says that, necessarily, if the members of a set of facts x make some deontic fact be the case, then the set that has the deontic fact as its sole member is neither identical with, nor a subset of, the set of making facts. In this way, Strong Irreflexivity rules out partially circular making relations between facts.

Strong Irreflexivity is not equivalent to the claim that only non-moral facts (natural facts, perhaps) can make moral facts obtain, because it is consistent with one act's being made right by some other act's being wrong. Perhaps, for example, the fact that one wrongly broke a promise can make it obligatory to make amends to the promisee. This seems like a plausible example of one

deontic fact making another, so the idea that deontic facts must necessarily be made to obtain by non-deontic facts strikes me as at least doubtful.

4 Analyses of Deontic Making

We proceed now to discuss some attempts to analyse deontic making. Ideally, of course, we should like to provide non-trivial identity conditions for the deontic making relation, where the non-trivial requirement implies at least that those identity conditions are expressed in an alternative vocabulary. Letting M indicate the deontic making relation and R indicate the proposed analysing relation, any such identification of the deontic making relation M would imply three logical connections with the relation R .

Identity $R = M$

Necessity $\Box \forall x \forall y [Mxy \rightarrow Rxy]$

Sufficiency $\Box \forall x \forall y [Rxy \rightarrow Mxy]$

The Identity thesis entails both the Necessity and Sufficiency theses, which are otherwise logically independent of one another. I begin by considering whether the deontic making relation can be analysed as a biconditional.

5 A Biconditional Analysis of Deontic Making

My reason for considering the prospects for a biconditional analysis of deontic making derives from the connection between the deontic making relation and the definition of moral theories. On a standard view, a definition of a moral theory

just is an attempt to state what makes acts right or wrong, and in the twentieth century at least, moral philosophers have most often resorted to biconditionals to express that information. Very often the supposed connection between biconditionals and deontic making is left implicit, but the connection is made explicit by some. Mark Timmons, for example, describes moral principles as:

... very general moral statements that purport to set forth conditions under which an action is right or wrong or something is good or bad.

[Timmons, 2002, p. 5]

These principles connect with the question of what makes acts have their deontic properties in the following way:

In attempting to satisfy the theoretical aim of explaining what makes an action right or wrong or what makes something good or bad, moral philosophers have typically sought to formulate moral principles that express this information. In fulfilling this theoretical aim, then, a moral principle concerned with right and wrong action can be understood as indicating those most basic features of actions that make them right or wrong. [Timmons, 2002, p. 6]

Timmons is reasonably explicit here on the supposed connection between biconditional principles and deontic making, but he does not say which of the three theses, Identity, Necessity or Sufficiency this connection amounts to. Those who wish to move from claims about the conditions under which acts are right or wrong to claims about what makes acts right or wrong need to defend at least the Sufficiency thesis, so that is what I shall consider here.

In its most general form, the claim under consideration is that:

DB Sufficiency (DBS)

$$\Box \forall a \forall D \forall f \ [[[f_1 \ \& \dots \ f_i \ \& \ Da] \ \& \ \Box[[f_1 \ \& \ \dots \ f_i] \ \leftrightarrow \ Da]] \ \rightarrow \\ M\{f_1, \dots, f_i\}\{Da\}$$

DBS says that necessarily, if the conjunction of some set of facts obtains, and some act has some deontic property, and if, further, those facts necessarily obtain iff that act has that deontic property, then those facts jointly make that act have that deontic property. For simplicity, we can just consider one application of this thesis. Letting Ox indicate that x is right, or obligatory, then the thesis to consider is:

DB Sufficiency of Rightness (DBSR)

$$\Box \forall a \forall f \ [[[f_1 \ \& \dots \ f_i \ \& \ Oa] \ \& \ \Box[[f_1 \ \& \ \dots \ f_i] \ \leftrightarrow \ Oa]] \ \rightarrow \ M\{f_1, \dots, f_i\}\{Oa\}$$

DBSR says that necessarily if the conjunction of some set of facts obtains, and some act is morally right, and if, further, those facts necessarily obtain iff that act is right, then those facts jointly make that act right. I contend that DBSR is false, and consequently that DBS is false.

A first objection to the biconditional account of deontic making is that, as argued previously, the deontic making relation is irreflexive, whereas the biconditional relation is not. It is trivially true, for example, that every fact stands in the biconditional relation to itself — every fact f obtains iff f obtains. Yet in my view it is definitely substantive, and always false, to claim that what makes some act right is that it is right.

A second problem for DBSR is that some facts that stand in the biconditional relation to an act's being morally obligatory are implausible candidates to stand in the deontic making relation. Consider, for example, the objection from

Modally Mixed facts. Suppose that you have some plausible deontic making fact f which is co-extensive with act a 's being morally right. Given that the rightness of act a is contingent, fact f must itself be contingent. Now, conjoin f to any necessary fact f_N , and produce a new fact, f^* . f^* is necessarily equivalent to f , and hence also necessarily equivalent to act a 's being morally right. It follows, by DBSR, that if f makes act a right, then so too does f^* . But intuitively f^* is not a deontic maker. To give an example, take the consequentialist claim that what makes act a right is that act a produces the best outcome. The fact that act a produces the best the best outcome is co-extensive with the conjunction of the fact that act a produces the best outcome and the fact that $2 + 2 = 4$. So, By DBSR, if the fact that act a produces the best outcome makes act a right, then so too the conjunctive fact that act a produces the best outcome and that $2 + 2 = 4$ makes act a right. But intuitively, that $2 + 2 = 4$ is no part of what makes acts right.

One reply to the objection from Modally-Mixed facts is that conjunctions of contingent facts and necessary facts are impermissible because necessary facts cannot be part of what makes acts right or wrong. I think that reply may be too strong, though, because sometimes mathematical facts do seem to play a part in making acts right or wrong. If one has a cake to be shared between six people, what makes it the case that one ought to divide the cake at angles of sixty degrees is, at least in part, the fact that sixty degrees is the angle one gets when one divides six into three hundred and sixty degrees. A weaker and more plausible reply might be to argue that mathematical facts should never be permitted in way that implies they are ubiquitously part of what makes acts right or wrong. To avoid leaving myself open to reply I'll offer a third objection that

involves no necessary facts at all.

My third objection starts with a simple modernising of Plato's Euthyphro dilemma: if God exists, then it is plausible that necessarily, for all acts a , a is right iff God approves of act a . So God's approval, if he exists, stands in the biconditional relation to right acts. Still, even a theist might deny that God's approval is what makes acts right.

A problem arises with this objection, however, if God does not exist. For on the assumption that God exists necessarily if he exists at all, the claim that 'for all acts a , a is right iff God approves of act a ' entails that it is impossible that an act should be right if God does not exist. This version of the objection will be quickly rejected by any atheists who think that obligation is still possible, because the combination of atheism with the possibility of moral obligation implies that it is false that an act is right iff God approves of it. It implies, that is, that we have not really found something that stands in the biconditional relation to acts' being right. That being so, no objection to DBSR can be forthcoming.

One might try to guard against falsity by reconstruing the objection as involving the conditional claim that 'necessarily for all acts a , a is right iff God would approve of a '. But this avoids just makes the objection false in a different way. For whether we understand the consequent that 'God would approve of act a ' as the indicative conditional that 'if God exists, he approves of act a ', or as the subjunctive conditional that 'if God were to exist, he would approve of act a ', the conditional is trivially true if God does not exist. The indicative conditional is trivially true because its antecedent, that God exists, is necessarily false. The counterfactual condition is trivially true because there are possible worlds in which God exists, so *a fortiori* there are no nearest accessible possible worlds

in which God exists. So however we understand the claim that \lceil necessarily for all acts a , a is right iff God would approve of a \rceil , the right hand side is always true. But it is highly implausible that every act is obligatory, so this version of the objection is also false. Interestingly, the Euthyphro objection is an effective objection against DBSR only if God does indeed exist!

Despite these problems, I think the Euthyphro dilemma does contain the seeds of an effective objection to DBSR. Instead of letting God do the work, we should let a proposition do it. Consider:

Necessarily for all acts a , a is right iff the proposition that a is right is true

The truth of the proposition that some act a is right certainly stands in the biconditional relation to act a 's being right, but, it is implausible to think that the truth of the proposition makes act a right. If anything, it is the act's being right that makes the proposition true. Here, then, we have a contingent fact that bears the biconditional relation to an act's being right, but which does not make the act right.

Taken together, I think these three objections cast serious doubt on the deontic biconditional analysis of deontic making. Will a counterfactual account fare better?

6 Counterfactual Accounts of Deontic Making

When I consider the question of how right act is related to the facts which make it right, one thing it seems in many cases true to say is that if those facts had not

obtained, then the act would not — or at least, might not — have been right. If I am under an obligation to ϕ because I previously promised to ϕ , then perhaps if I had made no such promise, I would have been under no such obligation.

That the deontic making relation so often supports relevant counterfactuals is something we rely on in making plans for the future and in forming attitudes towards the past. In making plans for the future, for example, it is useful to know that if one were to act in such-and-such ways, one would incur such-and-such obligations, or that such-and-such acts would be wrong. Similarly, we often use counterfactuals in assigning responsibility for the moral status of present or past actions. This permits us to make sense of the possibility of rational regret, perhaps even rational resentfulness, towards the past. For example, if I regret making a promise I previously made freely because of the obligation it now puts me under, then, if my regret is rational, I must believe that the obligation at least *might* have been escaped if the promise had not been made. Without that belief my regret seems internally incoherent. Thus the possibility of rational regret in the face of our obligations seems to rest precisely on the belief that some counterfactual relation holds between our obligations and their sources.

These considerations show that the deontic making relation supports a counterfactual relation in at least a significant number of cases — but why? One possible explanation is that the deontic making relation just is a counterfactual relation. We are thus led to a consideration of the thesis that the deontic making relation is analysable as a counterfactual relation.

Let us begin by assessing a counterfactual version of the sufficiency thesis. Letting $\Box \rightarrow$ indicate the counterfactual conditional, we can express the sufficiency thesis formally thus:

Counterfactual Sufficiency (CS)

$$\Box \forall a \forall D \forall f \ [[[f_1 \& \dots f_i \& Da] \& \Box[\neg[f_1 \& \dots f_i] \Box \rightarrow \neg Da]] \rightarrow \\ M\{f_1, \dots f_i\}\{Da\}$$

CS says that necessarily if some facts obtain and some act has some deontic property, and if, further, it is necessarily the case that that act would not have that deontic status if those facts did not obtain, then those facts make that act have that deontic property. In order to make our thought less abstract, we can consider one instance of CS. Letting Ox indicate that x is morally right, or obligatory, CS entails:

Counterfactual Sufficiency of Rightness (CSR)

$$\Box \forall a \forall f \ [[[f_1 \& \dots f_i \& Oa] \& \Box[\neg[f_1 \& \dots f_i] \Box \rightarrow \neg Oa]] \rightarrow \\ M\{f_1, \dots f_i\}\{Oa\}$$

CSR says that necessarily if some facts obtain and some act is right, and if, further, it is necessarily the case that that act would not be right if those facts did not obtain, then those facts make that act right. I contend that CSR is false and hence that CS is false.

The counterfactual sufficiency thesis, CSR is vulnerable to some of the same objections as before. For instance, the counterfactual relation is trivially reflexive: every fact is such that, if that fact were not the case, it would not be case. However, as I argued initially, the deontic making relation is irreflexive: no deontic fact makes itself obtain. This provides us with a first counterexample to CSR. If we take fact f_1 to be the fact of a 's being obligatory, then the antecedent of CSR is true while the consequent is false. Hence CSR is false. Hence CS is false.

CSR is also susceptible to the objection from Modally Mixed facts. I have noted already that the conjunction of a contingent fact and a necessary fact yields a Modally Mixed fact which obtains in all the same possible worlds as does the contingent fact alone. This provides us with a second counterexample to CSR. Suppose for example, that some act a would produce the most good and that act a is right, but that necessarily act a would not be right if it were not going to produce the best consequences. By CSR it follows that the fact of a 's producing the most good makes act a right. So far, so good; but the fact that a would produce the most good is present or absent in all the same possible worlds as the conjunctive fact that act a would produce the most good and that $2 + 2 = 4$. So CSR entails that the fact that act a produces the most good and the fact of two plus two's being four also makes act a right. Again, I think it implausible that mathematical facts should be ubiquitous in making acts right. So CSR and CS are both false.

There are however, new objections to CSR. One such objection draws on Jonathan Dancy's discussion of the different roles that may be played by considerations in the determination of deontic status. According to Dancy, only some of the considerations that have a role to play in determining or guaranteeing that an act will have a certain overall deontic status will be reasons proper. Other considerations, though indispensable, need not themselves be reasons. Rather, they may be *enablers*, *disablers*, *intensifiers* or *attenuators*. Of course, these are technical terms, but the basic idea common to them all is that, though they are not reasons themselves, they can, on occasion, work in conjunction with other considerations to affect whether and how these other considerations count as reasons.

It may be that Dancy's principal aim here is to distinguish the favouring relation that he takes to be essential to reasons from other relevant, but non-favouring, relations in which the features of an act's situation may stand. Nevertheless, Dancy is inclined to allow the theory of these secondary roles to roam free of reasons. In particular, Dancy allows his theory to extend to deontic making:

Just as the favouring relation can be enabled and disabled, so can the right-making or ought-making relation. So there are enablers and disablers for right-making as well as for favouring. Dancy [2004a, p. 41]

Now, according to Dancy, the fact that the deontic making can have its enablers and disablers makes trouble for counterfactual (or, as Dancy refers to them, *subjunctive conditional*) accounts of deontic making. His position in *Ethics without Principles* for example, is that 'subjunctive conditionals are crude tools in the theory of reasons because they fail to distinguish enabling conditions from favourers.' Dancy [2004a, p. 52] Similarly, in a recent review of Jackson [1998], Dancy writes that 'subjunctive conditionals cannot capture the right-making relation, because they necessarily package right-making features together with other necessary conditions, including enabling conditions.' Dancy [2004b, p. 234]

Dancy's argument against the counterfactual account of deontic making, though quick, is adequate to indicate his line of thought. He writes:

We cannot say that a reason why an action is right is a feature in the absence of which the action would not have been right. For

enabling conditions are of this sort, but they are not right-making features. Dancy [2004b, p. 234]

We can spell out the full version of Dancy's argument like this. According to the counterfactual account of deontic making if some facts $f_1 \dots f_i$ obtain and some act a has deontic status D , and if, further, act a would not have deontic status D if those facts did not obtain, then facts $f_1 \dots f_i$ make act a have deontic status D . The problem is that *enablers* are features which bear this counterfactual relation to at least some acts with deontic status D , even though they do not make the action have deontic status D . Suppose, for example, that I have made a free promise to help you next Tuesday and thereby incurred an obligation to do so. Let us suppose, further, as is favourable to CSR, that if I had not made that free promise, my helping you next Tuesday would not be obligatory for me. CSR entails that the fact that I made a promise and the fact that my promise was freely undertaken by my my helping obligatory. But according to Dancy, only my promising is a right-maker here; that my promise was a free one plays the non-right-making role of enabling my act of promising to make my helping obligatory. This gives us a third counterexample to CSR and CS.

If counterfactual relations are not sufficient for deontic making relations, perhaps we should briefly consider whether they are Necessary. Consider, for example, the Counterfactual Necessity thesis:

Counterfactual Necessity (CN)

$$\Box \forall a \forall D \forall f [M\{f_1, \dots, f_i\}\{Da\} \rightarrow [[f_1 \& \dots f_i \& Da] \& \Box [\neg [f_1 \& \dots f_i] \Box \rightarrow \neg Da]]]$$

CN says that it is a necessary precondition of facts f_1, \dots, f_i making some act a

have deontic property D that f_1, \dots, f_i obtain and that act a has deontic property D , and furthermore, it must be a necessary truth that if f_1, \dots, f_i did not obtain then act a would not have deontic property D . To make our thought less abstract, we can consider one instance of CN. Letting Ox indicate that x is morally obligatory, let us consider the following thesis:

Counterfactual Necessity of Rightness (CNR)

$$\Box \forall a \forall f [M\{f_1, \dots, f_i\}\{Oa\} \rightarrow [[f_1 \& \dots f_i \& Oa] \& \Box [\neg [f_1 \& \dots f_i] \Box \rightarrow \neg Oa]]]$$

CNR says that it is a necessary precondition of facts f_1, \dots, f_i making some act a right that f_1, \dots, f_i obtain and act a is right, and furthermore, it must be a necessary truth that if f_1, \dots, f_i did not obtain then act a would not be right.

CNR faces a serious objection, similar to Jonathan Dancy’s objection to Ross’s counterfactual definition of *prima facie* duties. Dancy writes:

The problem, as I see it, with this definition is that sometimes a consideration is a reason, even though in its absence we would have more reason, not less. To see what I mean by this, consider a case in which I am thinking of doing something for a friend. My act, were I to do it, would be good, and partly good because it is an expression of our friendship. But now, if I were to be doing the action and not doing it for a friend, I would presumably be doing it for someone who is not a friend, and it might be that doing it for someone who is not a friend is even better than doing it for a friend would be. It might even be that the only other potential recipients are people I don’t know at all, and that if I were to do the act for one

of them, it would be best of all. Now one does not have to accept this actual example in order to accept the point it is trying to make. The point is that the sort of support we are trying to capture is not easily capturable in subjunctive conditional terms. [Dancy, 2004a, p. 20]

This style of objection casts serious doubt on the claim that a counterfactual relation is even a necessary condition of the deontic making relation. Consider for example a situation in which it would be right to attend a meeting because one promised so to attend. By CNR, this implies that it is a necessary truth if one had not promised to attend the meeting, it would not have been right so to attend. But this claim is dubious. Mightn't it be possible, for example, that in the nearest accessible world in which one does not promise to attend the meeting, some other consideration is present to make the act in question obligatory. Perhaps, for example, the nearest possible world is one in which one is expected to give an important presentation at that meeting. In such a case, it might very well still be obligatory to attend, even though one had not promised to attend. So counterfactuals are not even a necessary condition for deontic making relations.

7 Conclusion

In this paper I have assessed and rejected two prominent accounts of the deontic making relation. It is too soon to endorse Mackie's scepticism, however, because several directions remain to be explored. A third prominent view, for example, is that deontic making can be analysed as a supervenience relation. However several of the arguments in this paper can be quickly adapted to provide objections

to a supervenience analysis. Note, for example, that simplest supervenience relations are reflexive — all facts supervene on themselves — whereas I take deontic making to be irreflexive. Note also that standard supervenience relations are vulnerable to the objection from Modally Mixed facts. Whatever supervenes on a contingent fact f also supervenes on the conjunction of f and the fact that $2 + 2 = 4$. For these reasons, I think supervenience accounts of deontic making must also be rejected.

More hopeful, I suggest, are analyses of deontic making in terms of contributory moral reasons or analyses in terms of subsumption under moral laws. A final intriguing suggestion is that the deontic making relation can be analysed as a teleological relation, having to do with what is the *end* or point of acting. Compare, for example, the claim that what makes acts right is producing the most good with the claim that the end or *point* of acting is to produce the most good. These claims strike me as saying much the same thing. However, a great deal of work remains to be done in developing these analyses, so the conclusions of this paper are consequently limited. I conclude only that it is implausible to analyse deontic making as either a biconditional or a counterfactual relation.

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