A New Defence of Humeanism about Laws

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Abstract

An influential Anti-Humean argument about laws appeals to models of physical theories as a criterion for falsifying Humean accounts. Call this the Models Argument. An early proponent of the Models Argument is advanced by (Maudlin, 2007), in the guise of what we may call the 'Generic Models Argument':
GMA: For multiple physical theories, there is a single model M ('way the world could be') such that M is a model of those theories. Therefore, there are possible divergences between the goings-on at a world and laws of that world. These divergences demonstrate exceptions to (global or Humean) supervenience – therefore, 'the total physical state of the world cannot always determine the laws' (Maudlin, 2007: 67)

As it stands, GMA is insufficiently general and in need of refinement. Such a refinement is provided by (Ismael, 2015), who embellishes GMA into what we may call the 'Refined Models Argument':

RMA: Appeals to models of physical theories (GMA) show that Humean *analyses* of law-hood fail to be either successfully reductive or scientifically (naturalistically) plausible. Humean analyses fail because they do not provide correct truth conditions of law-statements. They do not provide correct truth conditions because they offend a set of (conceptual) platitudes about law-hood, thereby getting the inferential calculus associated with laws wrong.

RMA is an improvement on GMA in the following respects.

Firstly, RMA makes explicit something left implicit in GMA: that by appealing to models of physical theories, the Humean endorses a view that is untenable by naturalistic (or scientific) criteria.

Secondly, RMA engages an aspect of the Lewisian account 'best system account' (BSA) of laws hidden in plain sight: namely, its aspiration to provide a conceptual (semantic – that is, truth-conditional) analysis of law-hood.

Thirdly, and most importantly, RMA then buttresses GMA's attack on Humeanism by locating its failure precisely in the failure of the BSA to correctly provide such truth-conditions for law statements. This failure of truth-conditions is due to the BSA offending a set of platitudes about law-hood:

... no one that doesn't recognize the possibility of regularities that are not laws is a competent user of the notion of law. (Ismael, 2015: 190)

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The content of claims about laws and chances clearly distinguishes them from any set of claims about actual facts. (*ibid.* 191)

To say that L is a law is to add something to the claim that it is an exceptionless regularity. (*ibid.* 191)

In this paper, I argue that RMA – and, by proxy, GMA – has left untouched any attempt to disclose and to justify an underlying set of assumptions made about the 'concept' of law-hood in question and the 'Humean' view under attack. Therefore, RMA/GMA cannot successfully refute Humean accounts of law-hood without begging the question.

In the first part of this paper, I argue that the RMA makes an unnegotiated attribution to Humeans in general of an undermotivated realist (or 'governing') conception of law-hood which they must concomitantly provide with an 'analysis'. RMA is therefore guilty of a relevance fallacy (*ignoratio elenchi*). The *ignoratio* has two sides.

The first side of the *ignoratio* rests on a fundamental mischaracterisation of the Lewisian project of analysing laws. While one of the virtues of RMA was its recognition of the truth-conditional (semantic) component of the Lewisian project, it is only once that project is properly characterised and separated into its semantic and metaphysical components that RMA loses its force by endorsing two *non sequiturs*. The first *non sequitur* is a conflation of counter-instances to *Humean* supervenience with counter-instances to the BSA: supervenience is non-contingent (semantic), Humean supervenience is contingent (metaphysical). The second *non sequitur* involves RMA taking cosmic coincidences (in the realm of metaphysics) to falsify something analytic (in the realm of semantics): while such a falsification can be made, it only has force by presupposing a governing/realist conception of law-hood – otherwise, it is question-begging. Furthermore, the claim that the BSA thereby gets the inferential calculus about laws wrong is akin to the moral realist complaint that to call a saucer of mud 'good' is to violate the inferential calculus of 'goodness'.

The second side of the *ignoratio* is a false attribution to Humeans *in general* of a view which they do not and need not endorse, namely a commitment to a project of *conceptual analysis*, and, once again, a realist (or governing) conception of law-hood which they must provide analyses for. I make good these points by reconstructing an alternative Humean account of laws ('Quasi-Lewis') which aims to provide a reductive account of laws *without* aspiring to any conceptual analysis of law-hood (or the provision of truth-conditions for law-statements).

In the second part of this paper, I demarcate two strategies by which the Anti-Humean may engage the foregoing. Both strategies involve motivating the realist/governing conception of law-hood: I divide these into an *a priori* strategy and an *a posteriori* strategy.

The *a priori* strategy involves endorsing a project of conceptual analysis with the aim of providing a (conceptual) justification of the realist/governing conception of laws. Even with the prospect of such a justification in doubt (Beebee, 2000), I argue that this strategy comes at the cost of endorsing a superannuated methodological project which stands at odds with the philosophical naturalism that underpinned GMA/RMA.

The *a posteriori* strategy requires the anti-Humean to justify the realist/governing conception directly from the sciences, 'from the ground up'. An attempt approaching this is (Emery, 2022). I conclude by enumerating some reasons why there is no non-circular way in which such a justification can be made without lapsing, implicitly, into the *a priori* strategy.

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