

## Critical Study

### Moral Realism, Speech Act Diversity, and Expressivism

*Speech and Morality: On the Metaethical Implications of Speaking*. By Terence Cuneo. (Oxford University Press, 2014), 259 pages. (Hardback)

Abstract: In his highly engaging book, *Speech and Morality*, Terence Cuneo advances a transcendental argument for moral realism from the fact that we speak. After summarizing the major moves in the book, I argue that its master argument (1§) is not as friendly to nonnaturalist versions of moral realism as Cuneo advertises and (2§) relies on a diet of insufficient types of speech acts. I also argue (3§) that expressivists have compelling replies to each of Cuneo's objections individually, but taken together, Cuneo's objections provide the resources for issuing a new and interesting challenge to expressivists.

Keywords: speech acts, moral realism, reductivism, nonnaturalism, expressivism

#### Introduction

Terence Cuneo's *Speech and Morality* is an inventive defense of realism in moral philosophy, the view that there are mind-independent moral facts. (p.11) The book is usefully thought of as having four parts to it. In Part One (Chapters 1-2), Cuneo argues that the very possibility of performing any kind of speech act, such as an assertion, promise, or command, depends on normative facts. As Cuneo notes, his view is very much in the same spirit as other deeply normative views of speech, such as the view that Habermas (1991) defends. Part two (Chapter 3) purports to establish that at least some of these normative facts are moral facts. Part three (Chapters 4-6) contains a battery of arguments against anti-realist approaches to understanding these moral facts. Part four (Chapter 7) argues that important advantages accrue to at least some kinds of moral realists.

However, like any impressive invention, *Speech and Morality* still has its kinks, three of which will be highlighted in this critical study. In §1, I argue against Cuneo's claim that nonnaturalists are among those moral realists standing to profit from the master argument of the book. In §2, I raise high-level doubts about the kind of linguistic evidence that Cuneo relies on to motivate his argument. In §3, I defend anti-realist rivals in the expressivist tradition from several of Cuneo's objections. Though I argue that Cuneo's objections to expressivism do not succeed, I also argue that Cuneo provides us with resources for issuing a new challenge to expressivism.

Before proceeding any further, it will be useful to lay the master argument of the book in front of us. Cuneo's "Speech Act Argument" begins with the claim that agents assert, promise, and perform various other illocutionary acts that are to be understood, according to Cuneo, along broadly Austinian lines. (p.14) The second premise of the argument is the claim that while locutionary acts like an utterance of the phrase 'Ella Fitzgerald performed Mack the Knife' are part of the explanation of the (count-) generation of illocutionary acts, locutionary acts are not sufficient to explain the generation of illocutionary acts in themselves. In addition to locutionary acts, Cuneo says in the third premise, it is an agent's having the rights, responsibilities, and obligations of being a speaker that is also part of the explanation of why the generation of illocutionary acts occurs. Thus, agents have the rights, responsibilities, and obligations of being a speaker. But if so, according to Cuneo, then moral facts exist. Thus, moral facts exist. (p.24)<sup>1</sup>

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<sup>1</sup> This critical study develops several arguments put forward in a brief review of *Speech and Morality* (Laskowski 2017) more fully.

## 1 Nonnaturalism and the Speech Act Argument

One of the purported virtues of the Speech Act Argument is that it supports various kinds of realist views, such as reductive realism, nonreductive naturalistic realism, or nonreductive nonnaturalism. Though Cuneo maintains that moral realists of various stripes can take advantage of the Speech Act Argument, he suggests that nonnaturalists stand to gain the most from it. (p.5-6) For example, Cuneo claims that if the Speech Act Argument is correct, such that moral facts play an indispensable role in the non-causal explanation of the generation of speech, then nonnaturalists could put a new spin on their old idea that morality is autonomous from the empirical sciences. Moreover, Cuneo says, the success of the argument would even provide nonnaturalists with the resources to address skeptics wielding influential evolutionary debunking challenges against them.

Nevertheless, it's not clear, as I'll now argue, that Cuneo can use the Speech Act Argument to make a strong case for moral realism, in general, and at the same time deliver all of these goods to nonnaturalists, in particular. Consider Cuneo's auxiliary argument for the third premise of the Speech Act Argument – the claim, which I'll follow Cuneo in calling the “Normative Theory of Speech,” that it is an agent's having the rights, responsibilities, and obligations of being a speaker that explains (at least in part) why the count-generation of illocutionary acts occurs. In addition to defending the Normative Theory of Speech by highlighting some of its advantages (p.43-47), Cuneo defends it by arguing against a view that he characterizes as one of, if not the only, “developed alternative” to it. (p.43-45) The alternative is a version of Barker's (2004) Perlocutionary-Intention Theory of Speech, on which it is the expression of a perlocutionary intention, or an intention, roughly, to produce an effect in an

audience by performing an illocutionary act, that is necessary for generating speech acts. On this view, normative features like rights, responsibilities, and obligations play no such role.

A Normative Theorist of Speech like Cuneo and a Perlocutionary-Intention Theorist like Barker both agree that locutionary acts, all by themselves, do not generate speech acts. To illustrate with one of Cuneo's examples, Jake merely performing the locutionary act of uttering 'Ella Fitzgerald played Mack the Knife' in front of his band's audience could be an *ingredient* in the generation of his assertion that Ella Fitzgerald played Mack the Knife, but it could *not* by itself be *sufficient* to generate it. On the Normative Theory of Speech, the full explanation of the generation of Jake's assertion is that he alters his "normative status" (p.21) with respect to his audience by uttering 'Ella Fitzgerald played Mack the Knife', thereby acquiring the rights, responsibilities, and obligations of *being an assertor of p*. And being an assertor of p is an essentially normative status that consists in being liable to correction, blame, and admonition in presenting the world as being a certain way if the world is not how it is presented it. (p.60)

In other words, Jake performs the illocutionary act of assertion, as Cuneo puts it, by "sticking his neck out," or "taking responsibility" for things being as he presents them. (p.47) In contrast, a Perlocutionary-Intention theorist like Barker would say that Jake asserts that Ella Fitzgerald performed Mack the Knife not in virtue of any kind of normative fact, but in virtue of expressing an intention for an audience to engage with a representation of a state of affairs by accepting, confirming, or rejecting it, or *advertising* as Cuneo calls it. (p.45)

Cuneo's argument against the Perlocutionary-Intention Theory of Speech is what I will call an "assimilation argument." For the Perlocutionary-Intention Theorist says, roughly, that asserting is advertising. But Cuneo claims, in response, that "advertising...*just is* to "stick one's neck out" in a certain way, thereby laying oneself open to rightful correction if things are not as

one advertises.” (p.47, emphasis mine) Thus, according to Cuneo, the Perlocutionary-Intention Theory of Speech is no rival at all to the Normative Theory of Speech.

Notice, however, that if being an assertor *is* advertising, then being an assertor looks like it has a thoroughly *non-normative* nature – the kind of nature that *reductive* realists trade in. On the assimilation argument, it’s the raw and seemingly *non-normative* materials of *expressing*, *intending*, and the like, that explain whatever normative phenomena might be downstream of being an assertor. But if so then it’s not so clear that the assimilation argument is one that nonnaturalists who want to take advantage of the Speech Act Argument can give, since it doesn’t seem to leave room for any nonnaturalist bits of reality to do any explaining.

In response, Cuneo might say that nonnaturalists can still reap the benefits of his Speech Act Argument, because its success doesn’t depend only on the success of his assimilation argument. For Cuneo has another more direct *argument from cases* against the Perlocutionary-Intention Theory. This argument consists in three cases that are designed to elicit the intuition that perlocutionary intentions are not necessary for generating speech acts, each case of which has the following form: a protagonist performs a locutionary act and intuitively performs a speech act, even though the protagonist does not, by stipulation, express any perlocutionary intentions. For example, in Cuneo’s Cult Case (p.51), a member of a nature worshipping cult utters ‘Nature is eternal. May its power be manifest!’. According to Cuneo, the cult member performs the illocutionary act of pronouncing nature to be eternal, even though he does not intend anyone to engage with his utterance on account of the cult member not believing that nature is the sort of entity that will engage with him.

But the problem with this case, and the Prophet (p.52) and Diary Cases (p.53) that Cuneo offers along with it is that none of them are *probative*. Because these cases are far from

paradigmatic examples of speech acts, proponents of the Perlocutionary-Intention Theory should simply let their view dictate their judgments about whether any speech acts really occur in these cases.

These responses to Cuneo's assimilation argument and his argument from can be put in the form of a dilemma: Cuneo can either continue to employ the assimilation argument against the Perlocutionary-Intention Theory of Speech in advancing his Speech Act Argument or not. If he does continue to employ the assimilation argument, then nonnaturalists do not profit along with other realists from the Speech Act Argument. However, if he does not continue to employ it, then he shifts all of the dialectical burden to controversial intuitive judgments about cases.

## 2 The Diversity of Speech Acts

A notable feature of my discussion so far is that it mostly concerns a single kind of speech act: assertion. This is no accident. Cuneo himself discusses asserting, promising, and commanding almost exclusively. One high-level worry about this aspect of the book is that even if everything that Cuneo had to say about the nature of these speech acts struck us as plausible, we couldn't be reasonably confident in his analyses of them. For asserting, promising, and commanding are just three kinds of speech acts among many, including requesting, asking, dubbing, adjourning, begging, confessing, wishing, extolling, entreating, apologizing, begging, and interrogating, among many others. And investigations into the nature of these speech acts might yield very different analyses from the one that Cuneo offers for asserting, promising, and commanding.

Instead of surveying the nature of a wide array of speech acts in *Speech and Morality*, Cuneo argues from examples that are supposed to be representative of different categories of

speech acts. In arguing that there are contexts in which normative facts are necessary for assertions, for example, Cuneo suggests that there are contexts in which normative facts are necessary for alleging, testifying, and all other speech acts from the category of *assertives*. Similarly, in arguing that there are contexts in which moral facts are necessary for *commanding*, Cuneo also suggests that there are contexts in which moral facts are necessary for performing such directives as *asking a question*.

One worry about this approach is that it depends on the controversial presupposition that the nature of *asserting* is such that it belongs to a completely different category of speech act than *asking*. This is problematic, in part, because it is natural to think that every conversation is best thought of as having a question at stake that we are attempting to answer with our assertions. Indeed, it is natural to think that asserting and asking belong to a unitary discursive practice. (See Ciardelli et. al., forthcoming)

Moreover, because Cuneo leaves it to the reader to see for themselves how the Normative Theory of Speech works for every speech act that isn't an assertion, promise, or command, it is very easy to get oneself in the frame of mind of thinking that it doesn't. For it isn't obvious whether any normative facts, let alone moral facts, are necessary for asking. Since Cuneo doesn't preempt this line of thought by discussing the nature of asking, it seems reasonable to conclude, to employ one of Cuneo's preferred methodological principles (p.82), that things are just as they seem, such that there aren't any contexts in which normative facts, let alone moral facts, are necessary for asking.

But once we're in the frame of mind of thinking that asking and answering are two sides of the same communicative coin, and once we're in the frame of mind of thinking that there aren't any contexts in which normative or moral facts are necessary for asking, then it is easy to

get oneself into the frame of mind of thinking that there aren't any contexts in which normative or moral facts are necessary for asserting. But then it looks like *a lot* of speaking doesn't depend on normative or moral facts, which threatens to undermine the significance of Cuneo's transcendental claim that there are moral facts because we perform speech acts like assertions.

It is worth emphasizing that I am *not* claiming that this line of argument against the Normative Theory of Speech is decisive. Nor am I claiming that this line of argument depends on what we should ultimately say about the nature of asking. Rather, I am merely illustrating – by using *asking* as an *example* – how important it is for an investigation into the nature of any *particular* speech act that it be carried out in the context of an investigation into the nature of speech acts, *in general*. For it only took a *single* kind of speech act that doesn't receive much attention in *Speech and Morality* to start doubting the Normative Theory of Speech.

To be fair, Cuneo does gesture at what the Normative Theory of Speech might say about speech acts that aren't assertions, promises, and commands. As he writes in Chapter 2, “There are...speech acts of types other than [assertions], and one might wonder whether the normative theory applies equally to cases of these other types.” (p.34) To show that there are contexts in which normative facts are necessary for other speech acts, Cuneo briefly discusses two other kinds of speech acts, including an *expression of enthusiasm*. Imagine, for example, that you've performed the speech act of expressing enthusiasm by uttering the sentence “What a handsome tie!” upon receiving a tie as a gift from me. The Normative Theory of Speech says, according to Cuneo, that there are at least two normative facts in the vicinity of your performance of this speech act.

First, the theory says that there are normative facts related to your expressing enthusiasm because expressing enthusiasm is constituted by the essentially normative attitude of taking



responsibility for the fact that you are genuinely enthusiastic about receiving the tie from me. Second, the theory says that there are normative facts related to your expressing enthusiasm because a norm according to which you can be rightly admonished for being insincere if you're caught bluffing applies to it. So, Cuneo suggests, we can use cases like this to illustrate how the claim that there are contexts in which normative facts are necessary for assertions might generalize.

But Cuneo's discussion of the speech act of expressing enthusiasm only underscores the worry that *Speech and Morality* doesn't canvass enough speech acts for us to be confident in his claims concerning the nature of asserting, promising, commanding and the truth of the Normative Theory of Speech more generally. This is because it is *surprising* to hear that there are contexts in which expressing enthusiasm might depend on normative facts, especially in light of the broadly Humean thought that an expression of enthusiasm isn't the sort of thing that is apt for normative evaluation. The point here is *not* to call into question the specifics of Cuneo's analysis of this case. Rather, the point is to emphasize that *Speech and Morality* would have benefited from *more* discussions precisely like it.

### 3 A New Challenge to Expressivism

One of the core virtues of *Speech and Morality* is that it offers something rare in the contemporary landscape of moral philosophy: a positive argument for moral realism. But in addition to this virtue, *Speech and Morality* also contains rewarding discussions of views opposing realism, including the error theory, constructivism, and expressivism. Cuneo attempts to show that these views are false in his effort to support the fifth premise of the Speech Act Argument – the claim that if an agent has the rights responsibilities, and obligations of being a

speaker, then moral facts exist. In closing, I will raise some doubts about Cuneo's arguments for this premise, by responding to his objections to expressivism.

Cuneo dedicates portions of Chapters 4, 5 and 6 to discussing expressivism, or at least an off-the-shelf version of it on which, because moral words and concepts function non-descriptively, our use of them does not put us in any position to justifiably infer that there are moral facts. In Chapter 4, Cuneo cites Gibbard and Blackburn (p.135) as relying "heavily" on the familiar intuitive judgment that moral thoughts are practical in order to arrive at the conclusion that they don't function to describe any essentially moral facts in the world. The problem with the so-called Motivation Argument is that, according to Cuneo, it arbitrarily privileges expressivist-friendly intuitive judgments – like the intuitive judgment that moral thoughts are practical – over realist-friendly intuitive judgments – like the intuitive judgment that there are moral facts that we can appeal to in settling moral disagreements. Thus, one of the principal motivations for expressivism doesn't, in fact, motivate expressivism.

Although there are compelling responses available to expressivists for responding to this line of argument against them, there isn't any harm for expressivists in conceding the point. For doing so would merely put pressure on expressivists to emphasize other motivations for expressivism, like evidence from outside of moral philosophy that expressivism offers a promising treatment of epistemic modals, truth, and conditional sentences (See Schroeder 2010).

After arguing that there are no good reasons to accept expressivism, Cuneo offers a few arguments to show that there are also good reasons to reject it. In Chapter 5, Cuneo argues persuasively that if we understand expressivism as the view that moral words and concepts function non-descriptively but other kinds of normative words and concepts, like legal words and concepts, do function descriptively, then expressivism cannot satisfy an independently plausible

thesis about the nature of thought that he calls “Unity” (p.151-152), which “in a phrase,” says “a metanormative theory should offer a unified account of ought thoughts, especially when these ought thoughts exhibit very similar logical and semantic properties.”

But the lesson to take away from this argument is not that expressivism is false. Rather, it's that expressivists shouldn't hold that moral words and concepts function differently from other kinds of normative words and concepts. Instead, expressivists should concede another point to Cuneo, and say that *all* normative words and concepts function non-descriptively.

Chapter 6 contains another argument against expressivism. Cuneo starts with the claim that we perform speech acts. (p.178) Cuneo then says that if we do, then we have the rights, responsibilities, and obligations of being a speaker. If we have these rights, responsibilities, and obligations, according to Cuneo, then moral facts exist. But if expressivism were true then there would be no moral facts and hence we could not perform speech acts, Cuneo says, and since we do perform speech acts it follows that expressivism is false.

Expressivists would likely agree with Cuneo that we both perform speech acts and that we have the rights, responsibilities, and obligations of being a speaker. But there is no way anyone would agree that if we have these rights, responsibilities, and obligations then moral facts exist in any sense incompatible with expressivism, unless they've already been convinced of the falsity of expressivism by Cuneo's earlier arguments. And the replies above illustrate that expressivists can resist these arguments, or at least expressivists who hold that there are reasons to accept expressivism that go beyond the traditional motivation argument for it and that all normative concepts function non-descriptively.

Though I claim that there is reason to doubt each of Cuneo's arguments against expressivism on their own, I will conclude by illustrating how responding to them collectively paints expressivists into a challenging corner.

Imagine the kind of expressivist I had in mind in responding to Cuneo's arguments against expressivism above, including, especially, an expressivist who holds that *all* normative concepts function non-descriptively, such that there are expressivist norms governing the generation and constitution of speech acts. One distinctive feature of the normative practice of speech is that almost all of us almost all of the time *recognize* it when we see it; it is very *rare* to find people *disagreeing* about whether so-and-so is making an assertion, or whether such-and-such is a question.

But in other normative domains, such as the domain of morality, expressivism allows for a striking kind of *diversity* with respect to the norms that we recognize as governing it. So, if expressivism about all normative thought and discourse is true, as I argue expressivists ought to say in responding to Cuneo's other arguments, then expressivists owe us an explanation of the curious fact that there is so much more *convergence* about when, say, requests are being made, than there is about when, say, actions count as morally wrong. It seems, then, that Cuneo has given us the recourse to marshal an interesting new challenge to expressivism, even if in defending his Speech Act Argument for moral realism, his explicit arguments against anti-realist alternatives come up short.

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