Review: Terence Cuneo. *Speech and Morality. On the Metaethical Implications of Speaking*. Oxford: Oxford University Press, 2014. 288 pp.

Penultimate draft. Please do not cite. Final version published in *Ethical Perspectives 22 (2015) 2*.

Michael Klenk
PhD candidate
Utrecht University
m.b.o.t.klenk@uu.nl

A pivotal point of disagreement in metaethics is whether moral facts exist, and, if moral facts do exist, what their 'existence' amounts to. Traditionally, the pro and contra for either position advances by considerations about the phenomenon of morality itself. Terence Cuneo's ambitious and innovative book is an attempt to protrude from the thicket of metaethics by looking at the phenomenon of speaking. He argues that thinking about "what it is to speak" will have "far-reaching metaethical implications" (27) and tries to show that morality "lies deep in the structure of reality" (205).

Cuneo's overarching thesis is that the phenomenon of speech supports moral realism, which he interprets as the conjunction that moral facts exist and that they are "recognition-independent" (188). This thesis is supported by his 'Speech Act argument', which he defends through the two parts of his book. In the first part, Cuneo argues that speech (which comprises both audible as well as inaudible utterings, such as gestures) is a "thoroughly normative phenomenon" (77). Moreover, some of the normative features of speaking are, argues Cuneo, *best understood* as being moral in the recognition-independent sense (107). In the second part, Cuneo argues that competing metaethical positions either cannot explain the phenomenon of speech or do not provide sufficient reasons to reject the existence of moral facts. He engages with selected arguments of Error Theory, Expressivism, and Constructivism and finds them wanting.

Chapter 1 serves as a general introduction and overview of Cuneo's argument and provides clear and concise statement of his objectives. The Speech Act argument is explained and Cuneo points to its two central premises: first, a defence of the normative theory of speech and, second, the argument that some of the normative features of speech are moral.

Chapter 2 provides the argument for the Normative Theory of Speech. Following J. L. Austin, Cuneo shows why a single speech act should be thought of as consisting of multiple

act-tokens, for instance the gesture of pointing to a door and the related command to leave the room. This creates the problem of explaining the cohesion between different act-tokens. Cuneo focuses his argument on the distinction between "locutionary acts", acts of uttering or inscribing sentences, and "illocutionary acts", acts such as asserting, requesting, commanding, christening, adjourning etc. (16). Making a sound, the thought goes, is not the same thing as asserting something.

Cuneo's illuminating question is how to explain the "hook-up" (48), or the correct cohesion of illocutionary to locutionary acts. After all, pointing to the door (a locutionary act) does not by itself illuminate whether the speaker asserts, informs, or commands. Cuneo argues that normative facts are "action-binders" – facts that are amongst those features in virtue of which locutionary acts count as illocutionary acts (19, 118, and 184). If a speech act occurs, then the normative standing of the speaker (partly) ensures that everyone understands what was meant. Speakers have certain rights, responsibilities, or obligations that attach to their respective normative standing (e.g. the rights enjoyed by the chair of a meeting) and this, together with their "taking responsibility for a state of affairs" (67) by means of a speech act, explains how their speech acts are intelligible (64). Cuneo argues that if this account of speech acts is correct, then there is strong reason to believe that normative facts exist. In other words, normative facts make speech possible – they are both a pre-condition of speech as well as a result of it. In this first transition in his argument, Cuneo argues from the nature of speech to the existence of normative facts.

Cuneo extends this argument, in chapter 3, to the claim that some of the normative features of speech are best understood as being moral (113). This is a critical part of Cuneo's argument, for here he attempts to justify the transition that not only normative facts are required to understand speech acts, but moral facts, too. Speech, in Cuneo's words, "exhibits moral dimensions" (77) and he hopes to prove this by discussing different cases of speech, finding that each case is best understood and analysed by making use of moral concepts. Cuneo refers to a phenomenon of "normative entanglement" (80), according to which the moral domain is intertwined with the aesthetic, prudential, epistemic, or normative. Some parts of these concepts, such as rights, responsibilities, or obligations acquired by speakers, will best be described as moral properties, falling under moral concepts (92). For instance, wrongly exercising one's normative right of being the chair of a meeting, for example by expelling someone from the meeting without warrant, is best thought of as exhibiting a moral demerit. Cuneo observes that the rights, responsibilities, and obligations that account for speech are being used in such a way that they are best described by moral concepts (106, 149).

Cuneo assumes that if a judgment-forming practice is in "good working order" (criteria include being "socially well established", "deeply entrenched" and not "subject to systematic disagreement amongst competent participants" (82)), then there are *pro tanto* reasons to take the outputs of this practice to be reliable. Moreover, he assumes that the practice of moral judgement is in good working order (83).

So, since moral terms can be applied to the evaluation of speech acts, and the practice of applying moral terms is reliable, Cuneo concludes that the best, or most "elegant" (106), way to explain this, is hold that "some" (89), if not a "large measure" (96), of the rights, responsibilities, and obligations of being a speaker *are* moral.

Cuneo is aware that this can only be a "fairly modest" (107) conclusion, since if the existence of moral facts could be ruled out for independent reasons, Cuneo's argument from cases would fail. Later, in chapters 4 and 5, Cuneo's engagement with the meta-ethical debate comes forth and he disputes anti-realism, which he interprets as the negation of the claim that moral facts exist at all. Cuneo proceeds by addressing four cardinal arguments, attributed to Error Theory and Expressivism. The challenges that Cuneo considers are indeed pressing problems for his realism: First, how can we (reliably) gain knowledge of moral facts? Second, why assume that moral facts exist, if they do not play an explanatory role? Third, assuming that morality is categorical, how can moral facts give categorical reasons? Fourth, assuming that moral judgments would be intrinsically motivating, how can moral facts gratify this condition?

Cuneo's strategy is to allege Error Theorists and Expressivists with being committed to an incoherent "mixed view", according to which there are "normative facts aplenty, but no moral ones" (110). This, Cuneo suggests, leads proponents of the mixed-view into a dilemma: either their arguments commit them to the, implausible, rejection of practice-based norms (118-9), or they are charged with arbitrariness, if they fail to distinguish practice based norms from moral ones, thus justifying their rejection of the latter but not the former.

Against the latter two challenges, Cuneo marshals an argument that is similar in spirit to Moore's objection to the sceptic. Cuneo rejects the core assumption of his anti-realist opponents (assumptions about categorical reasons and motivation, respectively, which Cuneo's interlocutors assume to be conceptual truths) and argues that the implications of the Speech Act Argument should be seen as a preferable conceptual truth, for it avoids sceptical conclusions. In regards to the two former challenges, Cuneo argues that his Speech Act Argument has revealed how practice-based norms are indistinguishable from moral ones, to the effect that rejecting the latter would commit one to rejecting the former, too. Cuneo extends his discussion of Error Theory, Expressivism, and Constructivism by assessing how they would be affected if

his Speech Act argument would be correct (chapter 6) and how his account fares against the argument that mind-independent facts can hardly be known to human beings (chapter 7, final chapter).

Predominantly, the book is well-structured and Cuneo's arguments are well connected. He makes good use of meta-language to guide the reader, to summarize previous points, highlight their significance, and to foretell ensuing steps in the argument. The structure of the book is inviting insofar as the argument's premises are clearly laid out in the introductory chapter 1 and then, throughout the book, sequentially defended.

However, I do not think that Cuneo's main thesis, of moral realism *cum* mind-independence, is convincingly defended. To see why, it is revealing to look at the final part of Cuneo's book (chapters 4 - 7), for it shows how far his innovative, speech-focused approach unbinds him from commonplace metaethical dialectics. In particular, this reveals a worrying mismatch between Cuneo's main thesis (moral facts are recognition-independent) and his main argument (moral facts exist). Yet, the question of how to construe talk of moral facts is precisely what is at stake in the realism versus anti-realism debate. Opponents accuse realism with conjecturing, at no excusable expense, the existence of facts that seem, by their very nature, odd to grasp. This criticism thrives on the idea that mind-independent moral facts are too peculiar to outweigh their theoretical costs with benefits. Cuneo consideration of the entanglement of speech and morality may serve to point out how (metaphysically non-committal) talk of moral facts in the context of speech is warranted. But he has to give a reason *for* interpreting moral facts as being *recognition-independent,* and diminish its costs, too, for his thesis to be convincing.

Surprisingly, it appears that interpreting moral facts as recognition-independent is not a direct consequence, nor a part, of Cuneo's main Speech Act argument. Instead, it rests on an autonomous line of thought in Cuneo's overall thesis. This is evident if Cuneo's argumentative chain is viewed as a three-stepped transition: He argues from the existence of normative facts (chapter 2), to the existence of moral facts (chapter 3), and finally for the interpretation of 'existence' as 'mind-independent existence' (throughout chapters 4-7). The last step is crucial, because the preceding two steps would merely support the fairly unspecific idea that 'moral facts exist'. But more needs to be said about what 'existence' should entail, since it is not clear from the Speech Act argument why 'existence' should be given the robust interpretation that Cuneo proffers. It may be the case that describing certain normative aspects of the phenomenon of speech is done most pervasively by using moral terms. So much could be granted, by realists and anti-realists alike. Tentatively, it might even be said that 'moral facts exist', since moral

language is used to appraise the outcome of speech acts. For instance, if an agents fails to keep a promise, it is only natural to state the fact that 'this agents exhibits a moral demerit'. Similarly, understanding the value of money will invite talk of facts about their value too. Yet, it is obvious that money-facts exist only in reference to banks, society, and people that actually value money. It is hard to see, then, why there should be no reference to agents in construing the moral facts that attach to speech. Thus, irrespective of whether Cuneo's story about the normativity of speech is accurate, his argument does not require him to claim that moral facts exist in a "recognition-independent" (188) or "mind-independent" (11) way.

Instead, Cuneo's controversial commitment results from the need to distinguish his theory from moral constructivism, which also entails the existence of moral facts, albeit not in a recognition-independent way. The related line of argument is somewhat autonomous from Cuneo's main Speech Act argument, as it rests on the additional assumption that there have to be explanatory basic moral facts. Cuneo's objection against constructivists is that their view does not allow them to construe such explanatory basic moral facts.

Cuneo presents constructivists as being committed to the ideas that some moral facts are explanatory basic and that all explanatory basic facts are recognition-dependent (188-9, 196). He presents an adequacy condition for constructivism: determining an explanatory basic moral fact cannot be based on further moral facts, for this would show that the determined moral fact is not basic after all (191). Instead, determining a moral fact will also include information about related speech acts and these, Cuneo claims, have been shown to include moral facts. Thus, there cannot be explanatory basic moral facts on constructivist accounts, for the actual explanatory basic moral facts will turn out to be the moral facts related to speech.

Cuneo is swift in dismissing constructivism. His argument serves the important function of justifying the recognition-independent feature of his theory, but it is difficult to be convinced of this by the conclusion of Cuneo's argument against constructivism. The difficulty is that Cuneo does not pinpoint how the recognition-independence feature of moral facts is a result of the need to incorporate explanatory basic moral facts in one's theory. For instance, Cuneo does not point out why the constructivist has to accept his adequacy condition and indeed the need to account for something like explanatory basic moral facts, as Cuneo defines it.

Nevertheless, even if there were good reasons *for* the 'recognition-independence' feature, I doubt that Cuneo provides a convincing arguments to defend it *against* objections. One way to challenge Cuneo is to call into question how the true, mind-independent moral facts can be reliably grasped. For there might be a vast number of possible (systems of) moral beliefs that could be entertained, but surely only some of them are true. To illustrate, 'beating a beggar is

good' could be a moral belief, but it does not appear to be a true one. But if there were no connection between human moral beliefs and mind-independent moral facts, then it might be unlikely that moral beliefs pick out the right moral facts rather than the wrong ones. Call this the 'epistemic challenge' against Cuneo's moral realism.

In answering this challenge, Cuneo seems pressured to bethink fundamental assumptions about morality. Cuneo assumes that there are moral fixed points, such as 'it is wrong to torture for fun'. Thus, he assumes that the premise of the epistemic challenge is wrong: there are not countless many systems of moral beliefs, but only a few, and these centre around the morally fixed points (238-9). Cuneo's justification of this assumption rests on "minimally eccentric" (233) empirical assumptions about human beings. In other words, because of the beings that we are, in the world that we actually inhabit, we cannot but have certain moral beliefs.

However, using this strategy to defend realism against the epistemic challenge is not aided by the Speech Act Argument. Cuneo has to retort with an assumption about the phenomenon of morality itself: morality is (or rather, must be) such that torturing for the mere fun of it is wrong. It is another question whether this argument secures the recognition-independence feature and the Speech Act argument does not help in this regard.

I conclude that Cuneo's book is a laudable attempt to explore new resources, in this case the phenomenon of speech, to inform and to advance the metaethical debate. His discussion of the phenomenon of speech is insightful and clear, insofar as it points out how understanding and properly utilizing speech acts requires the use of normative concepts. The part of his book that engages with the metaethical debate is intriguing, for it attempts to relate an obvious fact (we speak) to the necessity that moral facts have to exist.

Yet one would hope that Cuneo had provided a more thorough discussion or defence of his answer to the question *in what sense* moral facts exist. Although the answer forms the core of his thesis, it is not at the centre stage of his discussion. Anti-realists might thus find it unproblematic to agree with large parts of Cuneo's interpretation of speech, yet they will firmly disagree with his, essential, commitment to recognition-independence. Readers who seek direct support for the argument that moral facts are mind-independent, viz. support for a strongly objective conception of morality, will not find their answer to be obvious. The book is thought-provoking nonetheless and many of its arguments merit further discussion. It is a solid, worthwhile addition to the metaethical debate.

Michael Klenk, Utrecht University