**On Stipulation**

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Abstract: When we carry out a speech act of stipulation, it seems that we can shape our language however we see fit. This autonomy, however, also seems to make such acts arbitrary: it is unclear if there is any sense to be made of stipulations being correct or incorrect. In this paper, I offer a novel, detailed account of the pragmatics of stipulation and explain its crucial role in conceptual analysis and articulation. My account shows that stipulation does indeed equip us with a key tool for changing our linguistic practices, but that such acts can nonetheless count as meaningfully, normatively constrained: they are always subject to felicitous criticism and the possibility of defeat by others. I then examine the metaphilosophical implications of this account. Philosophers often describe the project of conceptual analysis as having a crucial stipulative dimension, but they rarely explain what they take this act to consist in. On my view, speech acts of stipulation are best understood as acts that generate a shared inferential entitlement for speaker and audience, an entitlement justified on the basis of its utility. In developing this account, I distinguish stipulations from more familiar speech act kinds such as assertions and commands, synthesize and criticize alternative views of stipulation in the literature, and discuss the relationship between stipulation and seemingly kindred speech acts (such as assumptions, suppositions, and proposals).

1. Let’s stipulate that we skip someone’s turn if they draw diamonds.
2. “I will stipulate, for sake of argument, something I do not in fact really believe, which is that Professor Yoo gets it exactly right when he claims the 1787 Constitution was designed to create a president with powers of Hanoverian kings” (Levinson 2013, pp. 65-66).
3. In this book, I will stipulate that ‘poverty’ means a condition where an individual’s income is insufficient to meet that individual’s basic needs.

Stipulation is a curious linguistic phenomenon. When we stipulate, it seems that we can shape our language however we see fit. We can change the rules of a game, we can change what we treat as a fact, we can perhaps even change how we view the meaning of terms. At the same time, this autonomy seems to come at a cost. Because we are not representing the world when we stipulate but are, in some sense, “shaping” or “establishing” what will be the case in a given context, there seems to be something arbitrary about this act: I can stipulate one definition or another, this fact or its negation, one rule or another. How, then, should we understand the speech act of stipulation? Does it in fact equip us with a unique ability to change our language? And, if so, are acts of stipulation simply unconstrained – where whatever a speaker says, goes? Or is there a sense in which they can be legitimately subject to criticism and even defeat? In this paper, I address these questions and give a novel, detailed account of the pragmatic structure of the speech act of stipulation.

My account shows that stipulation does indeed equip us with a key tool for changing our linguistic practices, but that such acts can nonetheless count as meaningfully, normatively constrained: they are always subject to felicitous criticism and the possibility of defeat by others. Here is the overarching view I defend:

A speaker who successfully carries out a speech act of stipulation grants speaker and audience a specific inferential entitlement, while also precluding both speaker and audience from denying this entitlement. Even if not explicitly, the speaker justifies their stipulation on the basis of whether it serves the shared ends of speaker and audience, and the act is always subject to the felicitous criticism from the audience that it fails to serve these shared ends.

With this account in hand, I then discuss the role of stipulation in philosophical practice. It is striking how often philosophers reach for the concept of stipulation in moments of metaphilosophical reflection. When describing what they are doing when they articulate an understanding of a concept, philosophers will often say that they or their peers are carrying out acts of stipulation, though typically from two very different perspectives. In one camp are philosophers such as Sally Haslanger who embrace the role of stipulation in philosophical inquiry. Haslanger explains that there is a crucial “stipulative element” to the ameliorative approach to conceptual analysis, where philosophers articulate how concepts *ought* to be understood (Haslanger, 2012, p. 224). When engaged in an ameliorative project, “the world by itself can’t tell us what [the concepts consist in]; it is up to us to decide what in the world, if anything, they are” (Haslanger, 2012, p. 224).

In the other camp are philosophers who are skeptical that this stipulative linguistic autonomy can produce meaningful results. Marian David, for example, channels this worry when he writes that stipulations concerning how a concept is to be understood risk being “arbitrary and therefore theoretically irrelevant” (David, 1993, p. 111). A view of a concept “ought to embody answers to questions of the form ‘What is an F?’. But how could a mere stipulation ever address any serious concern of this nature?” (David, 1993, p. 111). On this second, critical view of stipulation, philosophers who stipulate an understanding of a concept are kindred spirits of Lewis Carroll’s Humpty Dumpty: they are fabricating their own arbitrary, private language that, as a result, no one else has reason to take seriously.

But neither the advocates nor detractors of stipulation as a philosophical tool provide an in-depth account of this speech act. By giving just such an account in this paper, I show that stipulation can play a central role in philosophical inquiry and that its use does not condemn us to spinning in a frictionless void – that, as with all acts of stipulation, philosophical uses of this speech act can genuinely count as normatively constrained.

In the paper’s first section, I clarify several methodological commitments I adopt regarding concepts and speech acts for this discussion. In the second section, I examine the prevailing view of stipulation that I call *stipulation-as-fiat*, which I aim to counter in this paper. In the third section, I explain the different features of my positive view of stipulation through an analysis of several cases. I also show how my account of stipulation can be applied to contemporary philosophical projects and how the account can be applied to cases of speakers generally (whether philosophers or not) articulating and defending an understanding of a concept.[[1]](#endnote-1) In the fourth section, I explain how my view of stipulation interacts with existing accounts of seemingly kindred speech acts – such as assumptions, suppositions, and proposals.

1. ***Methodological preliminaries***

As I will understand them, concepts can be expressed by – but are not the same as – word strings. They are, in the broadest sense, cognitive phenomena that facilitate our understanding of the world. How do they do this? For the purposes of this discussion, I default to an inferentialist vocabulary for glossing conceptual grasp and conceptual content in the general spirit of Robert Brandom’s *Making It Explicit* (Brandom, 1994). To understand a concept, on this broad inferentialist picture, is to understand what follows when this concept is applied (i.e., what inferences it licenses) and to understand the contexts where this concept applies (i.e., what it follows from). If, for example, I apply the concept of red to a certain visual experience, I will or should infer that this experience is one that involves a color. Conversely, if a speaker fails to draw certain key inferences when invoking a concept, we often deny that the speaker is a competent user of the concept. For example, I will deny that someone understands the concept of red if they refuse to draw the inference that a red object has a color.

In terms of my approach to speech act theory, I follow various other philosophers and linguists in individuating speech acts according to the unique normative statuses they bring about for speaker and audience – that is, in terms of the obligations, entitlements, commitments, and other normative statuses they give rise to for speaker and audience (e.g., Austin, 1975; Brandom, 1994; Sbisà, 2002; Lance and Kukla, 2013; Geurts, 2019). The normative statuses uniquely brought about by a particular speech act only become fully apparent, however, when the speech act is successfully performed. I follow Lance and Kukla in treating a successful performance of a speech act as one where the speaker is entitled to perform the act, the act is given uptake by the appropriate corresponding audience, and the speaker and audience then comport themselves in accordance with the normative statuses brought about by the act (Lance and Kukla, 2013).

1. ***Stipulation-as-fiat***

The prevailing view among philosophers is that when a speaker stipulates, they are able to settle by fiat what is the case within the relevant context. Call this the ‘stipulation-as-fiat’ view. Paul Horwich is a representative proponent:

To stipulate that something be the case is, in a sense, to ‘command’ that it is to be so – to state that it shall be so with the expectation of being able thereby to bring it about that it is so. Thus a teacher might stipulate which questions the students are to answer in order to pass his course; a dictator might stipulate who her successor will be; the owner of a dog might stipulate what it should be called; and we might for convenience introduce a new term, “autofanticide”, under the stipulation that it is to mean “the killing by a time-traveller of his infant self”. (Horwich, 2005, pp. 137-138)

William Lycan interprets stipulation (in one sense) to be “an imperative telling us to do such-and-such under such-and-such conditions” (Lycan, 1991, p. 126). Suppose, to take one of Lycan’s examples, I want to coin a new expression to describe vegetarian cats, so I utter the following stipulation:

(4) Let ‘veline’ mean *vegetarian cat*.

Lycan explains that speech acts like (4) “cannot be true or false; they state *rules*, more or less in the form of *commands* from the Great Convention-Giver to her people” (Lycan, 1991, pp. 125-126).

Stipulation-as-fiat views, however, leave unexplained the precise relationship between stipulation and speaker authority. On most views of commands, a speaker must occupy a formal position of authority in order to felicitously issue a command, where a ‘formal’ position of authority is an office or role explicitly codified by an institution that grants the speaker authority over others.[[2]](#endnote-2) This is why, to take the standard example, a general can felicitously issue a command to a private, but not *vice versa*. With this point in mind, consider Horwich’s first three examples of stipulation in the above passage. In these cases, the speakers occupy a specific, formal position of authority: they are a dictator, a teacher, and an owner. The fact that they are able to settle what is the case within a particular context is therefore not surprising. They are able to do so as a result of occupying this specific, formal position of authority, and what they are doing linguistically is therefore appropriately categorized as a (kind of) command. Lycan similarly seems to link the capacity for stipulation to formal positions of authority: the stipulator is the “Great Convention-Giver” who pronounces “to her people” what will be the case in a given context.

But note that Horwich’s final example of a speaker stipulating a meaning for the expression ‘autofanticide’ and Lycan’s example of a speaker stipulating a meaning for ‘veline’ do *not* involve speakers who occupy any formal position of authority. Horwich tells us that “we might for convenience introduce a new term”, but this is not a “we” that refers to a specific subset of speakers or speakers tied to specific positions of authority. If the previous observations are right, however, then commands can only be felicitously performed by speakers who *do* occupy formal positions of authority. This is why, for example, I cannot felicitously issue commands to other people I encounter on the street if I hold no formal position of authority over them; they would have no obligation to go along with my attempted, but infelicitous commands.[[3]](#endnote-3)

If, then, Horwich and Lycan are right that cases where a speaker stipulates how a term or concept should be understood can be successfully performed by speakers who do not occupy any formal position of authority, then it is unclear how the relevant speech act can be meaningfully analyzed as a form of command, which requires just such authority. Now it might be objected that stipulation-as-fiat advocates can modify their views by, for example, simply weakening the illocutionary force of the relevant speech act. But absent a detailed positive view of what this “weakened” illocutionary force looks like, this move is unhelpful. If stipulation is not fundamentally tied to formal speaker authority, then it will have a distinct pragmatic structure that needs to be carefully analyzed.

1. ***The pragmatics of stipulation***

To spell out my alternative, positive view of the pragmatics of stipulation, we can divide the account into two central planks:

**S1**: Successful stipulations give both speaker and audience a shared inferential entitlement, while also precluding speaker and audience from denying this entitlement.

**S2**: Even if not explicitly, the speaker justifies their successful stipulation on the basis of whether it serves the shared ends of speaker and audience, and the act is always subject to the felicitous criticism from the audience that it fails to serve these shared ends.

* *Corollary*: Assertoric negations of stipulations are infelicitous.[[4]](#endnote-4)

To defend this account, I will analyze the opening cases of stipulation. It is intentional that (1) and (2) are examples where speakers are not stipulating an understanding of a concept, but a different sort of content. I begin with these simpler cases and then build up to cases where a speaker stipulates an understanding of a concept specifically.

1. ***Overview of the account***

Suppose I am playing a card game with friends – it doesn’t really matter which – and we’ve found that the game is not particularly challenging. We are about to start a new round, and I say,

1. Let’s stipulate that we skip someone’s turn if they draw diamonds.

My friends signal their agreement with this rule, and we begin to play with the rule in place. (I will say more about what this “agreement” looks like shortly.) What I have done via (1) is impart an entitlement to both myself and the other players to make a specific inference – that whenever someone draws diamonds, we skip that player’s turn. Once uptake is secured for (1) among the other players, everyone involved in the game is entitled to draw this inference and no one can deny this inferential entitlement (unless they are shifting to an objection to (1), a possibility I consider just below). If someone fails to draw this inference or attempts to deny the inference to other players, they can be appropriately subject to censure. If, for example, someone draws diamonds but refuses to let their turn be skipped, I can appropriately criticize this player for failing to follow the rule now in place. The fact that my stipulative act gives rise to a specific inferential entitlement corresponds to S1 in my account.

There is a further dimension to S1. Once we give uptake to (1), we can draw all kinds of novel inferences and perform various speech acts that would either have been infelicitous or unintelligible prior to (1). For example, I can make novel inferences about the best kind of strategy for approaching the game with this new rule in place. I can also make various demands on players that would not have made sense previously (“We all need to pay attention when someone draws diamonds!”), or I can warn or advise a teammate that we need to be wary that one of us might draw diamonds, etc.

These additional, downstream linguistic moves that stipulation generates might suggest that stipulation is a subset of Brandomian assertion. For Brandom, to assert *p* is to commit oneself to defend *p* if challenged and to authorize the use of *p* in further inferences and assertions (Brandom, 1983; 1994). Similar to assertions, stipulations authorize the use of the relevant content for further inferences and speech acts. This role is perhaps even more apparent when we consider stipulations such as (2). Levinson, the speaker of (2), carries out a stipulation in order to have something count as a fact in the context of a debate in legal scholarship (the details of which are not important for our purposes):

1. “I will stipulate, for sake of argument, something I do not in fact really believe, which is that Professor Yoo gets it exactly right when he claims the 1787 Constitution was designed to create a president with powers of Hanoverian kings”.[[5]](#endnote-5)

Suppose further that Levinson says (2) in the context of an in-person argument with Yoo, and, unsurprisingly, Yoo signals his willingness to go along with this stipulation. What Levinson does by his stipulation in (2) is present a certain proposition as material for further inferences and speech acts, just as in the case of Brandomian assertion. Levinson imparts an entitlement to himself and Yoo to infer that whenever the ‘Constitution’ is referred to in the argument, it will be taken to be something that was designed to model the presidency after the powers of Hanoverian kings. At the same time, however, Levinson is *not* undertaking a commitment to defend this proposition. He is in fact explicit that he does not believe it. What he is instead saying is that both he and Yoo can utilize this proposition as input for further inferences and speech acts in their conversation *without* needing to defend its truth. Stipulations therefore do not seem to call for (assertoric) defense; they in fact characteristically *absolve* speakers from an obligation to provide any such defense.

But while we do not take on a burden to defend the truth of what we stipulate, we nonetheless do incur a certain justificatory burden: when we stipulate, we are subject to the felicitous challenge to justify why the stipulation will be *useful*. In (2), for example, Levinson stipulates a particular proposition “for sake of argument”, i.e., for the sake of having a productive argument. But Yoo (or another interlocutor) might felicitously object that there is no point in stipulating this proposition because, for example, in their view, the very disagreement turns on it. In other words, a felicitous objection would point to how the stipulation fails to be useful – that it will not help the argument go better.

Similarly, it would not make sense in response to (1) to object that the rule I am attempting to stipulate fails to represent how we already play the game because, via (1), what I am in part saying is that we *ought* to play the game in this way, not that we already do. A felicitous criticism of my stipulation, by contrast, might be that we should not use this rule because it will make the game more a matter of luck than skill or lead to too many skipped turns. In other words, my attempted stipulation should not be given uptake because it will not promote the end of having a good or challenging game. A speaker who stipulates therefore does not incur any responsibility to *assertorically* justify the stipulation – i.e., they do not have a burden to show that the content of the stipulation is true (which is why Levinson can stipulate without believing). Someone who stipulates instead incurs a different justificatory burden: they have a responsibility to show that the stipulation will be useful for the context in question.

Judgments concerning this utility will implicate the other relevant speakers in this context who can therefore, in turn, felicitously object that a speaker’s attempted stipulation fails to be useful for this context and thereby potentially block the stipulation from taking effect. The felicity and blocking potential of such ends-oriented objections is apparent from the fact that, once such an objection is raised, I cannot simply act as though my mere utterance of (1) makes it the case that the rule is now in place. If I did, the other players would be rightly confused about what I was doing or assume that I simply had not heard the objection: we have not yet settled what the rules for our game would be, and so I cannot act as though my utterance has somehow made it the case that this rule is now in place.[[6]](#endnote-6)

This is S2 in my account of stipulation: the speaker justifies their stipulation on the basis of whether it serves the shared ends of speaker and audience, and the act is always subject to the felicitous criticism from the audience that it fails to serve these shared ends. The corollary to this dimension of stipulation is that assertoric negations of stipulations are infelicitous. To say, “That’s false…” or “It’s not the case that…” in response to a stipulation is infelicitous because it mischaracterizes what I am trying to do with my words – which is not to make a truth-apt claim, but to establish how we will understand a particular context (done, on my account, via shared inferential entitlement) on the basis of the utility of this understanding.[[7]](#endnote-7)

This clarification of S2 helps to draw out part of what is lacking in stipulation-as-fiat views. According to the latter, stipulative acts grant us the ability to settle various questions unilaterally. But if stipulations are as a matter of their own internal, pragmatic structure responsive to our *collective* ends, then stipulation cannot be synonymous with settling questions by fiat. My stipulation will always be subject to the felicitous criticism that it fails to serve ends that other speakers also have a say over. They can therefore felicitously block my act from bringing about its characteristic effects.[[8]](#endnote-8)

But it might still seem that even if I am right about certain examples, there clearly are cases that fit the stipulation-as-fiat model. For example:

1. In this book, I will stipulate that ‘poverty’ means a condition where an individual’s income is insufficient to meet that individual’s basic needs.[[9]](#endnote-9)

Isn’t it clear that an author settles what a certain term means or concept consists in within their own book? My reply, however, is that the author will have carried out the stipulation in (3) because it serves a specific function: they have stipulated this definition because it is, for example, conducive to the best discussion. But the author might be wrong in that judgment. Perhaps, for example, there is another definition that will work better: one that is clearer, more precise, better reflects the usage within the relevant scholarly community, etc. We can easily imagine that an editor or another reader raising these criticisms, and the author might revise their stipulated definition accordingly. If this is right, then even in this case a speaker does not get to unilaterally settle what is the case via an act of stipulation.

I want to round out this introduction of my account by underscoring that it does not require stipulations take a specific content as input. I can, for example, stipulate whether something will count as an empirical fact (as (2) shows), whether something will be a rule (as (1) shows), or I can stipulate how a term or concept is to be understood (as (3) and Lycan and Horwich’s examples show). In addition to the variability in the content stipulated, there is also an important variability in the kinds of ends that speakers can (in most cases, implicitly) utilize to justify their stipulative act. In (1), for example, I appeal to what I take to be our collective end of having a good game; in (2), there is an appeal to conversational or argumentative utility. The ends speakers utilize, even if only implicitly, to justify their stipulative acts will therefore vary depending on the specifics of the case.

This variability in content and ends for stipulative acts means that nothing about my account limits stipulative acts to being performed in transient contexts. I can, for example, stipulate that a rule hold for all future games we play, I can stipulate that something count as an empirical fact from now on, I can stipulate that a term or concept is to be understood in a certain way not just in a specific, transient conversational context, but in all linguistic contexts where that term or concept is invoked. Of course, the more sweeping my stipulation, the less likely I am to receive the kind of uptake I seek. But the point is that nothing in principle rules out these more ambitious possibilities on my account.

1. ***Concepts and stipulation***

With my general account of stipulation outlined, we can now consider how it handles the key cases where speakers stipulate an understanding of a term or concept.

Suppose I have just finished watching Spielberg’s *Lincoln* with a friend. My friend says, “That was a good documentary!”. I’m puzzled by this: “What do you mean? The film deals with historical events and figures, sure, but it’s a drama with all the flourishes and touches of a work of fiction; it’s certainly not a documentary”. My friend replies, “But think of any documentary. It uses all kinds of ‘flourishes and touches of a work of fiction’. So those features don’t disqualify *Lincoln* from being a documentary”. I say that my friend’s view risks blurring the line between fiction and documentary films when there’s clearly a distinction. We continue arguing, and my friend says we need to get clear on what we mean by ‘documentary’. I agree. My friend (who has clearly thought about this issue before) says:

1. Let’s stipulate that a documentary is any film that asserts or implies that the state of affairs they present actually occurred.[[10]](#endnote-10)

My friend also says that this view captures what I want – a clear distinction between fiction and documentary films. Fiction films will be those that do not in any way assert or imply that the state of affairs they present actually occurred. No one, for example, would confuse *The Empire Strikes Back* for a documentary, and my friend’s understanding of documentaries and fiction films, they say, can explain why. I consider (5) as well as this follow up and say I will go along with it. My friend then asks, “But wouldn’t you say *Lincoln* at least implies that what it depicts actually occurred?” I say yes. “Well,” my friend says with a very self-congratulatory grin, “Then you’d have to agree that *Lincoln* is a documentary!”. I concede, begrudgingly, that it seems they are right.

Now I am not interested in litigating this conceptual dispute. What I want to understand is what my friend and I are doing here as speakers, particularly in (5). Applying S1, we can say that in giving uptake to (5), both I and my friend are granted the entitlement to infer that we can treat the term ‘documentary’ (or concept DOCUMENTARY) in the way my friend has specified. Once I have agreed to (5), I can be censured if I suddenly operate with a different understanding of the concept of a documentary. And in terms of S2, I in part give uptake to (5) because I think it helpfully captures what I take to be a key distinction (between documentaries and fiction films).

An important difference between (5) and the previous examples we have considered, however, is that (5) involves stipulating how we should understand a certain concept, rather than stipulating, as in other cases, a certain rule or empirical fact about the world. Giving uptake to (5) not only enables novel inferences and speech acts, it also impacts related understandings of concepts in a way the other cases typically do not. For example, in giving uptake to (5) and to this understanding of the concept DOCUMENTARY, questions may now arise about how I and my friend will make sense of related concepts – such as our concepts of other genres, our concept of a work of fiction, or our concept of events, etc. Not all of these concepts will be taken to be immediately germane to the specific conversational context surrounding (5), but the point is that uptake for this stipulation implicates a whole further register of commitments (commitments that indicate how we think various concepts are to be understood) that other cases leave generally untouched.

But (5), as written, may sound artificial to many readers. Formulations such as the following may seem more plausible:

(5’) A documentary just *is* any film that asserts or implies that the state of affairs they present actually occur or occurred.

Or:

(5’’) What a documentary is, is any film that asserts or implies that the state of affairs they present actually occur or occurred.

In these alternative formulations, a critic might point out that the term ‘stipulation’ does not appear. In fact, the surface grammar of these utterances suggests that they are better analyzed as assertions.

But surface grammar should not be taken to play a decisive role in our analysis of the pragmatics of an utterance. When, for example, my boss says to me, “The door is open”, and we both know that the boss wants the door closed and expects me to close it, this utterance is better interpreted as a demand, rather than an assertion, despite the assertoric surface grammar of the utterance. When determining the pragmatic structure of an utterance, we are best off evaluating what a speaker is doing via their utterance – what characteristic changes in normative statuses a successful instance of their utterance would bring about in the relevant context.

Despite the assertoric surface grammar of (5’) and (5’’), then, we should not simply assume these utterances are best analyzed using our favored pragmatics of assertion. The fact that usage is divided even within the room makes it extremely unlikely that these versions of (5) are aiming to represent existing usage. These alternative versions of (5) resemble a Haslanger-style ameliorative project: my friend is saying this is how we *ought* to understand and use the concept, even though currently many speakers (including me) may fail to understand and use it this way. Once we make this move – i.e., consider but do not take as decisive evidence from surface grammar or speakers’ self-conceptions of their linguistic activity – we are then able to examine the role of this utterance in a linguistic context in full. My suggestion is that we analyze these alternative formulations in a similar way to how we analyze utterances such as the original (5), that is, in part as stipulative speech acts. My friend in the alternative versions of (5) is aiming to generate an entitlement for themselves and their audience to infer that a term or concept be understood in a certain way on the basis of what they take to be shared ends, opening up in turn the felicity and intelligibility of novel inferences and speech acts.

But am I really denying that there are *any* differences in illocutionary force among these different versions of (5)? No. My claim in this paper is not that the relevant speech acts at stake in cases where a speaker says we ought to understand a concept in a certain way are *only* ever stipulations. My claim is that these utterances cannot be understood pragmatically without treating them as involving stipulative acts. Additional pragmatic layers, which will be more or less salient to speakers depending on the context, can easily occlude the fact that speakers are carrying out acts of stipulation when engaged in articulating or defending their preferred understanding of a concept.[[11]](#endnote-11)

I want to turn now to a contemporary example of a philosophical project to demonstrate how my account of stipulation illuminates what philosophers are doing, and continue to do, when they articulate a specific understanding of a concept. I will argue that Elizabeth Anderson’s account of private government involves stipulating a novel understanding of the concept of government.[[12]](#endnote-12) Anderson argues that we should view government as something that “exists wherever some have the authority to issue orders to others, backed by sanctions in one or more domains of life” (Anderson, 2017, p. 42). What kind of speech act is Anderson carrying out here exactly? She is certainly not saying that this view of government accurately represents how we currently talk about or use the concept of government. She is saying that we *ought* to change our understanding in the way she lays out. She is also not telling her audience to take up this understanding simply on the basis of her authority; she thinks this understanding ought to be preferred because it is the correct understanding. On my reading, what Anderson is saying here is that whenever the term ‘government’ is invoked, we ought to make – we are entitled to make – the following inference: that it is something that has “the authority to issue orders to others, backed by sanctions in one or more domains of life”. We would, conversely, not be entitled to deny this inference were we to give uptake to this understanding. She is performing, in other words, an act of stipulation: she is stipulating that the concept of government be understood in a different or novel way.

What is interesting about Anderson’s stipulative act here is that she is in fact *widening* the scope of the concept. She points out that “*government* is often treated as synonymous with the state, which, by supposed definition, is part of the *public sphere*. The supposed counterpart *private sphere* is the place where, it is imagined, government ends, and hence where individual liberty begins” (Anderson, 2017, p. 41). The notion that government “exists wherever” agents have this authority over others is therefore crucial to the inference she wants to stipulatively link to the concept of government. Government, on this understanding, is *not* analytically public: “The modern *state*,” according to Anderson, “is merely one form of government among others” (Anderson, 2017, p. 42). A crucial implication of her stipulative act, then, is to sever any apparent analytic inferential link between the concept of government and the concept of the public. In turn, the concepts of public (no longer synonymous with the concept of the state) and private (no longer interchangeable with the concept of the market) require revision. Anderson’s focus is in fact on what she calls “private government”, which refers to “a particular sort of constitution of government, under which its subjects are unfree” (Anderson, 2017, p. 41). For a government to be “public” on this understanding is for all parties within the relevant domain to have a say in that government, whereas a government is private if those subject to it have “no say in how that government operates and no standing to demand that their interests be taken into account” (Anderson, 2017, p. 45).

These revisions are to be expected when we consider how stipulative acts give rise to novel linguistic moves, especially when speakers stipulate an understanding of a concept (as we found earlier in this section). Herman Cappelen makes a similar point: “There will no doubt be such interconnections. They will be many and complex…[I]f you were to succeed in changing the extension and intension of, say, ‘woman’, the implications for other parts of language would most likely be massive” (Cappelen, 2018, p. 158).

My account also predicts the way in which Anderson’s view opens up the possibility of novel assertions. Consider, for example, Anderson’s assertion that most American “workers are subject to their employers’ *private government*” (Anderson, 2017, p. 50). To say this and to think this is to say and think that the vast majority of American workers have no say over the government that rules over their working lives. This assertion is only felicitous and intelligible once we have revised our understanding of the concept of government and, in turn, the concepts of private and public.

Anderson is also clear that she is justifying her stipulative acts on the basis of a set of ends that she takes to be shared with her reader. In articulating her novel understanding of the concept of government, she explains that she is doing so in order to find “a better way to talk about the ways employers constrain workers’ lives, which can open up discussion about how the workplace could be designed to be more responsive to workers’ interests” (Anderson, 2017, p. xx).

To sum up: Anderson is engaging in a speech act that says that whenever the concept of government is invoked, we are entitled to infer that it exists anywhere in our lives where “some have the authority to issue orders to others, backed by sanctions”; conversely, no one will be entitled to deny this inference. This entitlement is justified because this way of construing the concept is “better” for promoting workers’ interests. To give uptake to this stipulative reimagining of government will also likely bring about cascading revisions among our understanding of many related concepts and, in turn, many of our first-order commitments – for example, our judgments about which domains of life count as forms of government and perhaps which policies, businesses, and working conditions we count as unjust.

1. ***Stipulation and speaker authority***

In section II, I explained that views of stipulation such as Horwich’s and Lycan’s lack a sufficiently nuanced account of the relationship between stipulation and speaker authority. Unlike speech acts such as commands where speakers seemingly must occupy a formal position of authority in order to perform the speech act felicitously, stipulations are closer to speech acts such as assertions, which have no such constraint. Everyone is entitled to perform the speech act of assertion, and, on my view, everyone is entitled to perform the speech act of stipulation.[[13]](#endnote-13)

But not only can stipulations prove successful even if they are issued by non-formally authoritative speakers, they can also prove successful even when they conflict with the pronouncements and commands of speakers who are formally authoritative within a domain. Consider someone who holds no official position of authority in the Jewish community, but is an autodidact who has spent a great deal of time learning about the concept of *kashrut*.[[14]](#endnote-14) In a publication that has wide circulation among the relevant subset of the Jewish community, this speaker stipulates (in my sense) that we ought to understand this concept in a novel way that departs from how the concept is currently understood within the community, especially by figures in the relevant positions of formal authority. It is of course unlikely that this stipulative act will prove successful, but, importantly, not impossible. If the community gives uptake to this understanding, then the speaker will have generated a community-wide inferential entitlement to understand the concept in this way.

This represents a certain egalitarian dimension of stipulative acts: they can in principle be successfully performed by anyone. This dimension is particularly important for considering cases where marginalized speakers have nonetheless successfully managed to transform our understanding of a concept, even when their understanding contradicts how those in formals positions of speaker authority (such as courts, legislators, religious authorities, etc.) have imposed an understanding on a linguistic community. For example, arguments from feminist activists and traditions that have legally and often culturally transformed our understanding of the concepts of gender, harassment, and sexual assault will all have involved stipulative speech acts in my sense in rearticulating how these concepts are to be understood (though, of course, they will have involved much more as well).[[15]](#endnote-15) Such cases, however, are the exception, rather than the rule, given the barriers marginalized speakers face.

My account therefore has an explanation for why Horwich and Lycan both refer to a general speaker or “we” that introduces a novel term. Because stipulative speech acts are not indexed to a formal position of authority for their felicitous performance, any speaker can potentially carry out a successful stipulation. But this is also why such speech acts are not helpfully analyzed as commands.

1. ***Conversational exercitives, suppositions, assumptions, and proposals***

It is worth considering how my view of stipulation relates to accounts of seemingly kindred speech acts. For example, consider Mary Kate McGowan’s account of conversational exercitives that expands Austin’s view of exercitives, “speech acts [that] enact rules (or permissibility facts), thereby fixing the bounds of permissibility in a certain domain” (McGowan, 2004, p. 93). But in order to felicitously carry out Austinian exercitives, the speaker must have the appropriate formal authority to do so. For example, to carry out an exercitive that would change the rules of the classroom, I need to be a teacher or administrator who has the appropriate authority to make such changes.

McGowan, however, wants to expand the scope of exercitive acts beyond those issued by speakers in positions of formal authority. She argues that “any conversational contribution that invokes a rule of accommodation is an exercitive speech act…[because] such an utterance changes the bounds of conversational permissibility” (McGowan, 2004, p. 93). She turns to David Lewis’s rules of accommodation, according to which, in conversation, “any presuppositions that are required by what is said straightway come into existence, provided that nobody objects” (Lewis, 1979, p. 347). If I approach a friend and say, “I had too much to drink at Franklinbar last night”, then the fact that I went out drinking at Franklin bar last night “straightaway” becomes part of the common ground of our conversation (absent any objection). McGowan’s point is that the springing into existence of this presupposition will also change “the bounds of conversational permissibility” in a way that mirrors the characteristic effects of Austin’s exercitives. For example, it will now be appropriate for my friend to ask what time I went out or what kind of drinks I was having, and it will be inappropriate for them to ask whether I went out last night or whether I had anything to drink.

McGowan is aware that if her account of conversational exercitives is right, then these acts will be pervasive: “[M]any (perhaps even most) conversational contributions are conversational exercitives and thus have exercitive force in addition to whatever (surface) illocutionary force such utterances have” (McGowan, 2004, p. 102). Given that on my account of stipulation, the bounds of conversational permissibility are also importantly changed, we might think that we can account for the structure of stipulative acts by treating them as a form of conversational exercitive.

But there are important differences between McGowan’s capacious category and my account. Conversational exercitives do not involve speakers explicitly addressing the higher-order or meta-level question of how to make sense of or structure the permissibility facts themselves. When I perform a conversational exercitive, the permissibility facts change regardless of whether my aim is to change them: “That I did not intend to change the bounds of conversational permissibility is irrelevant to the exercitive force utterance. The rules of accommodation operative in the context of conversation are sufficient to make my utterance change the bounds of conversational permissibility” (McGowan, 204, p. 106). Now I do not want to characterize stipulative speech acts as *necessarily* “intentional”. As I have argued throughout, speakers are often unaware that they are engaged in stipulative acts. But, whether or not speakers themselves understand their acts in this way, they are addressing the higher-order or meta-level question of how to make sense of and structure the common ground. Conversational exercitives, by contrast, simply add content to the common ground; they do not involve litigating how the common ground itself will be structured.

Stipulative acts also do not “straightaway” alter the common ground. This is because they call for a specific kind of uptake. Conversational exercitivies require a response on the part of the audience *only if* the audience wants to object to the content of the exercitive. This is why, for the most part (i.e., absent any audience objection), they straightaway alter the common ground. *All* stipulations, by contrast, require a specific response from the audience to be successful. As a result, they never straightaway bring about their characteristic effects. If, for example, I attempt to stipulate something, and no one signals their support for my stipulation, then I cannot start acting as though the stipulation has gone into effect and begin holding other speakers accountable accordingly. For the stipulation to take effect, it needs to secure uptake from my audience that goes beyond just the absence of an objection. But what kind of uptake exactly?[[16]](#endnote-16)

When I stipulate something, I am not just calling on other speakers to indifferently update their understanding of the common ground. The uptake called for is distinctively *normative*. This is perhaps most obvious when we consider a stipulation that goes awry. An audience signals that they will give uptake to my stipulation, but then act in a way that seems to ignore the content of the stipulation. If this happens, then I do not just indifferently change my expectations about their linguistic behavior: I will criticize them for failing to act in the way they agreed that they ought to act when they gave uptake to my stipulation. When I attempt to stipulate something, I am therefore calling on my audience not just to change their expectations or linguistic behavior in accordance with my stipulation; I am calling on them to agree that we *ought* to take up the content of the stipulation and assume the corresponding inferential entitlement and other resulting normative statuses that come with treating this stipulation as binding.

Of course, this process may be extremely subtle and rarely show up to speakers as any unique act or process. When someone attempts a stipulation like (1), the audience may signal their agreement verbally, or they may just nod their heads in approval and otherwise remain silent. But the audience will need to have *some* response signaling that they endorse the stipulation in order for it to take effect. Stipulations therefore cannot take effect “straightaway”, unlike conversational exercitives.

The relationship between stipulations and suppositions, assumptions, and proposals is more complex and would benefit from its own separate discussion. Here I will make a few observations. My general view is that suppositions and assumptions are subsets of stipulation, as I understand the latter. Consider, for example, Mitchell Green’s account of supposition, a speech act that involves “the acceptance of a proposition for the sake of argument” (Green, 2000, p. 376).[[17]](#endnote-17) The case of (2) is therefore also an example of Green’s supposition. But this should not be surprising. Earlier, I clarified that on my account of stipulation, different content can be stipulated and various ends appealed to in a stipulative act. Green’s supposition, because it involves stipulating a specific content for a specific end, is one example of a stipulative act in my sense, but only one among many. I have analyzed cases in this discussion involving the stipulation of rules and the stipulation of various understandings of concepts, in addition to propositions. Stipulation in my sense also need not be done “for the sake of argument”, i.e., need not appeal to the end of conversational utility. We can stipulate for the sake of a wide variety of ends.

I am not alone in treating supposition and assumption as closely related to stipulation. Gilbert Harman makes a similar point: “[S]tipulative definitions are assumptions. To give a definition is to say ‘Let’s assume for the time being that the following equivalence holds’” (Harman, 1996, p. 399). Now, according to my account, Harman goes wrong in taking “stipulative definitions” to be primarily assumptions. But he is right to identify a relationship here. Both assumptions and suppositions are examples of specific types of stipulations in my sense: stipulations that are indexed to the end of a specific kind of conversational utility.

Proposals are another difficult case. When I advance a view of a concept, it can seem natural to say that I am *proposing* a view of that concept, just as I might propose a plan to a group of friends for how we should spend our day. In the literature on conceptual engineering and conceptual ethics, references to ‘proposals’ and ‘proposing’ are ubiquitous. But philosophers invoking this language rarely make a case for why we should opt for this view of what speakers are doing when they are engaged in conceptual engineering. Nat Hansen, however, has recently offered an account of what he calls “metalinguistic proposals”, which are “speech acts that involve an intention for an audience to come to have a reason to use or understand the use of a linguistic expression in a particular way” (Hansen, 2019, p. 1). Hansen might argue, for example, that (5) and Anderson’s account are best understood as metalinguistic proposals for how we should use the terms ‘documentary’ and government’.

Elements of Hansen’s account are congenial to my account of stipulation – in particular his emphasis on the fact that “no special authority or social position is required” to perform this metalinguistic speech act (Hansen, 2019, p. 4). For this act to have “its intended perlocutionary effect”, that is, for it to be adopted by its audience, is nonetheless “very demanding” and far from guaranteed (Hansen, 2019, p. 4).

Hansen’s account of metalinguistic proposals, however, risks being too general. It does not seem to be a stretch to say that *every* speech act involves “an intention for an audience to come to have a reason to use or understand the use of a linguistic expression in a particular way”. When I promise, for example, I intend for my audience to come to have reason to use or understand my linguistic expressions in a particular way (namely, as committing me to a certain course of action). The same holds for apologies, requests, assertions, and indeed seemingly every speech act. Hansen might argue that every utterance does indeed represent a certain kind of metalinguistic proposal, but then it seems too capacious a category – a feature of utterances in general rather than a unique speech act.[[18]](#endnote-18)

Hansen’s account nonetheless represents a key intervention in this literature. Getting clear on the precise relationship among the speech acts of stipulation, proposals, negotiations, and other categories philosophers have invoked to make sense of the metalinguistic activity of conceptual articulation will be crucial for making progress in this quickly expanding area of philosophy.

1. ***Conclusion***

The account of stipulation I have presented has shown how this speech act equips us with a unique ability to change our language, but not in a way that is simply arbitrary (where a speaker can somehow unilaterally determine what is the case). Speech acts of stipulation are always subject to the felicitous criticism that they fail to promote the shared ends of speaker and audience – criticism that can even result in felicitous defeat of a stipulative act. Our ability to stipulate does not, in other words, leave us frictionlessly spinning in the void.

For philosophers specifically, my account offers those engaged in projects of conceptual analysis a metaphilosophical framework in terms of which they can situate and understand their own projects, one that also adds further detail to congenial views such as Carnap on explication and Haslanger on amelioration. Anderson’s analysis of the concept of government is hardly alone in having this stipulative structure. Many philosophers who take themselves to be engaging in conceptual analysis will be carrying out acts of stipulation in my sense. They are attempting to break from our current way of understanding a particular concept in order to talk and think in a different or novel way, and in doing so, I have argued that they are, at least in part, carrying out stipulative speech acts.

If philosophers understand their views in this way, they can drop misleading assertoric framing and make the ends to which they are appealing in order to justify their views more explicit. It may then turn out that these ends are not as widely shared as they think or that their understanding of these ends differs from others. It may also turn out that philosophers are appealing to different ends in articulating their understanding of a concept, and so we may require a more fine-grained or pluralized view of the topic in question, where we individuate several different concepts that have been at stake all along.[[19]](#endnote-19) At the same time, we might also push back against this segmented treatment if we think that the concept in question is best understood in a univocal, non-pluralized form.

More generally, perennial metaphilosophical worries about philosophers merely settling by fiat what a concept consists in or a term means are answered. Philosophers engaging in acts of stipulation are carrying out an ends-directed act that they do not have an exclusive say over. Figuring out what the relevant ends are for a particular conceptual dispute will likely itself be a subject of further discussion and further stipulative acts, but, insofar as we interpret philosophers and speakers as carrying out stipulative acts in the way I am recommending, then their views will always be meaningfully, normatively constrained.[[20]](#endnote-20)

**References**

Anderson, E. (2017). *Private Government: How Employers Rule Our Lives (and Why We Don’t Talk About It)*. Princeton:

Princeton University Press.

Austin, J.L. (1975). *How to Do Things with Words*. Oxford: Oxford University Press.

Brandom, R. (1983). Asserting. ***Noûs*, 17, 637-650.**

—. (1994). *Making It Explicit: Reasoning Representing, and Discursive Commitment*. Cambridge MA: Harvard University Press.

Cappelen, H. (2018). *Fixing Language: An Essay on Conceptual Engineering*. Oxford: Oxford University Press.

Chalmers, D.J. (2011). Verbal Disputes. *Philosophical Review*, 120, 515-566.

David, M. (1993). Introduction. *Philosophical Studies*,72, 111-114.

Fricker, M. (2007). *Epistemic Injustice: Ethics and the Power of Knowing*. Oxford: Oxford University Press.

Green, M.S. (2000). The Status of Supposition. ***Noûs*, 34, 376-399.**

Geurts, B. (2019). Communication as Commitment Sharing: Speech Acts, Implicatures, Common Ground.

*Theoretical Linguistics*, 45, 1-30.

Hansen, N. (2019). Metalinguistic Proposals. *Inquiry: An Interdisciplinary Journal of Philosophy*, 1-19.

Harman, G. (1996). Analyticity Regained? ***Noûs*, 30, 392-400.**

Hasday, J.E. (2000). Contest and Consent: a Legal History of Marital Rape. *California Law Review*, 88, 1373-1505.

Haslanger, S. (2012). *Resisting Reality: Social Construction and Social Critique*. Oxford: Oxford University Press.

Horwich, P. (2005). *Reflections on Meaning*. Oxford: Oxford University Press.

Herbert, C. and Kukla, R. (2016). Ingrouping, Outgrouping, and the Pragmatics of Peripheral Speech. *Journal of the*

*American Philosophical Association*, 2, 576-596.

Juhl, C. and Loomis, E. (2010). *Analyticity*. Abingdon: Routledge.

Lance, M. and Kukla, R. (2013). Leave the Gun; Take the Cannoli! The Pragmatic Topography of Second-

Person Calls. *Ethics*, 123, 456-478.

Levinson, S. (2013). Reconsidering the Modern Hanoverian King. *Harvard Journal of Law & Public Policy*, 36, 63-71.

Lewis, D. (1979). Scorekeeping in a Language Game. *Journal of Philosophical Logic*, 8, 339-359.

Lycan, W. (1991). Definitions in a Quinean World. In J.H. Fetzer, D. Shatz, G.N. Schlesinger, (Eds.), *Definitions and*

*Definability: Philosophical Perspectives* (pp. 111-131). Netherlands: Springer.

Maitra, I. (2012). Subordinating Speech. In M.K. McGowan and I. Maitra, (Eds.), *Speech and Harm: Controversies over Free*

*Speech* (pp. 94-120). Oxford: Oxford University Press.

McGowan, M. (2004). Conversational Exercitives: Something Else We Do with Our Words. *Linguistics and*

*Philosophy*, 27, 93-111.

Plantinga, C. (1996). Carl Plantinga response to Dirk Eitzen’s ‘When is a Documentary?’: Documentary as a Mode of

Reception’. *Cinema Journal*, 35, 94-96.

Sbisà, M. (2002). Speech Acts in Context. *Language & Communication*, 22, 421-436.

Siegel, R. (2004). Introduction: a Short History of Sexual Harassment. In C.A. MacKinnon and R.B. Segal, (Eds.),

*Directions in Sexual Harassment Law* (pp. 1-42). New Haven: Yale University Press, 1-42.

Shields, Matthew. (2020). Philosophical Speech Acts. *Philosophy*, 95, 497-521.

—. (2019). *The Pragmatics and Epistemology of Conceptual Disagreement*, PhD diss., Georgetown University.

—. (2018). “On the Pragmatics of Deep Disagreement.” *Topoi: An International Review of Philosophy*, 1-17.

Stalnaker, R. (2014). *Context*. Oxford: Oxford University Press.

1. For more on the metaphilosophical implications of my account of stipulation, see my (2020). [↑](#endnote-ref-1)
2. ‘Informal’ speaker authority is authority attributed to a speaker that is not the result of occupying a codified, institutional role or office – for example, authority attributed in virtue of being a compelling speaker or belonging to a privileged social group. For discussion, see (Maitra, 2012) and (Herbert and Kukla, 2016). [↑](#endnote-ref-2)
3. Maitra complicates this picture, and there might be an interesting view of stipulation-as-fiat to be developed using the resources of her account (Maitra, 2012). [↑](#endnote-ref-3)
4. This version of my account, also defended in my (2020), revises the accounts in my (2018) and (2019). [↑](#endnote-ref-4)
5. I use a real-world example to avoid the charge that I am stacking the deck too much in favor of my account. But as I emphasize throughout, I am not trying to capture ordinary usage – which can offer suggestive, but not decisive clues for a technical treatment of specific speech act types. [↑](#endnote-ref-5)
6. My view is therefore at odds with Juhl and Loomis’s account of stipulation since they “resist…the thought that stipulations *require* some epistemic or pragmatic justification in order to be a part of a coherent practice” (Juhl and Loomis, 2010, p. 231). [↑](#endnote-ref-6)
7. (Lycan, 1991, pp. 125 and 127) makes a similar point. [↑](#endnote-ref-7)
8. For more on felicitous objections to stipulations, see my (2020). [↑](#endnote-ref-8)
9. To clarify the numbering, I have this example labeled (3) because it was the third case introduced at the beginning of the paper. (I included these at the beginning of the paper to give the reader a sense of the kinds of cases I have in mind.) Lycan’s example of ‘veline’ was (4). [↑](#endnote-ref-9)
10. (5) is an adaptation of a view defended by (Plantinga, 1996). [↑](#endnote-ref-10)
11. In (5’) and (5’’), when my friend frames their utterance assertorically, it may be because they do not want to appear hesitant in their approach. Or perhaps they are trying to intimidate me by displaying a confidence in their view that will dissuade me from raising challenges. All of these additional layers to the utterance can help to explain why its stipulative structure might get obscured. [↑](#endnote-ref-11)
12. I discuss this example more briefly in my (2020). [↑](#endnote-ref-12)
13. The success of such speech acts will nonetheless often track the *informal* authority a speaker is attributed. [↑](#endnote-ref-13)
14. “*Kashrut*” refers to the laws governing Jewish eating practices. I also discuss this hypothetical case in my (2018). [↑](#endnote-ref-14)
15. See (Siegel, 2004) and (Hasday, 2000) on the relevant history. Fricker considers the introduction of novel concepts such as the concepts of sexual harassment and post-natal depression, but does not discuss the pragmatics of the speech acts involved (Fricker, 2007). [↑](#endnote-ref-15)
16. An anonymous referee asks how this aspect of my account affects stipulations that occur in written texts, where there cannot be any such signaling from the relevant audience. On my account, in these cases (such as (3) above or the *kashrut* example), the speaker will only be attempting a stipulation – attempting, for example, to stipulate this meaning for ‘poverty’ or this understanding of the concept of *kashrut*; the speaker in these (and other cases) cannot guarantee the success of their act. They may write as though their stipulative speech act has *already* been granted the appropriate uptake by the relevant audience and so write as though their act is already successful, but their act will not count as such until it is in fact granted this uptake by the appropriate audience. There are complex questions here about how exactly to construe such temporally extended uptake for a speech act that I plan to pursue in future work. [↑](#endnote-ref-16)
17. It is worth noting that Green similarly takes an inferentialist approach to supposition. [↑](#endnote-ref-17)
18. A view in this spirit would be Stalnaker’s view of assertion as “a proposal to change the context (the common ground) in a certain way, a proposal that takes effect it if it is not rejected” (Stalnaker, 2014, p. 51). But Stalnaker’s view, precisely because it does not distinguish proposals from other speech acts, does not seem helpful in making sense of our linguistic activity in the context of conceptual articulation. [↑](#endnote-ref-18)
19. Such individuation might, for example, take the form that (Chalmers, 2011) recommends. [↑](#endnote-ref-19)
20. For feedback on different versions of this paper and the central ideas, I am grateful to Quill Kukla, Sally McConnell-Ginet, Bryce Huebner, Kate Withy, Brian Klug, Sandy Goldberg, Mark Murphy, Amie Thomasson, Brandon Hogan, Maggie Little, James Mattingly, Judith Lichtenberg, David Godden, Joshua Rust, Jason Farr, Michael Barnes, Elizabeth Cantalamessa, Tomas Rocha, audiences at the University of Oslo, the 2019 Eastern Division Meeting of the APA, and Georgetown’s Philosophy of Language Workshop. Special thanks to Mark Lance and Hailey Huget for commenting on multiple drafts of the paper and discussing the ideas with me at length. I am also grateful to anonymous referees at this journal for their constructive feedback, especially a referee who gave comments at this journal as well as another. [↑](#endnote-ref-20)