

CONCEPTUAL DOMINATION

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Abstract: Implicit in much of the recent literature on conceptual engineering and conceptual ethics is the assumption that when speakers argue that we should talk or think about a concept in a specific way, they are doing so as inquirers – as speakers who are invested in arriving at the correct or best view of this concept. In this paper I question that assumption and argue that philosophers have been too quick to project idealized versions of themselves into the contexts of conceptual articulation and conceptual dispute. Speakers often engage in this activity to further interests of theirs that have nothing to do with inquiry, instead carrying out what I call ‘conceptual domination’. Speakers are engaged in conceptual domination when they aim to bring about and enforce widespread uptake for a view of a concept by exploiting institutions and institutional authority. They do so because this view best serves interests that are either irrelevant to or actively interfere with inquiry concerning this concept – paradigmatically (but not exclusively) their material interests. I consider sources of evidence for assessing whether speakers are engaging in conceptual domination, analyze two case studies, and consider how to push back against conceptual dominators.

In recent years, there has been a renewed interest over the question of how to make sense of what we are doing as philosophers when we articulate or defend a view of a concept. Following Sally Haslanger’s work, many philosophers argue that such projects are crucially normative (2012). Even if a philosopher says that a particular concept *is* or in fact consists in thus and such, they are often better interpreted as saying that we *ought* to think or talk about the concept in a certain way. This is because philosophers are, outside of experimental contexts, not plausibly or charitably interpreted as aiming to report on how a particular concept is commonly understood; philosophers are instead trying to give arguments in favor of how we should think or talk about a particular concept in light of certain ends or commitments. They are engaged in a form of what has variously been described as “conceptual engineering” or “conceptual ethics” (Cappelen 2018; Plunkett and Burgess 2013a and 2013b; Cappelen and Plunkett 2020).

It is also widely accepted in this literature that this activity is not the exclusive province of philosophers. Herman Cappelen, for example, cites law and psychiatry as “[t]wo clear examples of disciplines that engage in conceptual engineering” (2018, 27). David Plunkett and Tim Sundell discuss the example of a policy debate that implicitly concerns the question of how we should think and talk about the concept of torture (2013, 19). Indeed, there seem to be many examples in both

academic and non-academic contexts of speakers arguing over how we should make sense of a particular concept: the concepts of art, marriage, reparations, gender, race, disability, among of course many others, are sources of dispute among speakers in both academic and everyday contexts.

There has, however, been a surprising, implicit consensus among philosophers over how to interpret this activity – a consensus that when speakers claim we should think or talk about a concept in a particular way, they do so because they are convinced that this is the correct or best view of the concept and are thus *motivated* by and *committed* to the goal of arriving at the correct or the best view of this concept.¹ Call this reading of the aims of speakers the ‘Inquiry Assumption’, which I will spell out in more detail below.

To get a sense of the role the Inquiry Assumption plays in the literature, consider Plunkett and Sundell’s account of metalinguistic negotiation over the concept of torture. They ask us to envision “in the context of a policy debate, two speakers [who] disagree about the status of waterboarding and utter, in turn” (19):

- (1) Waterboarding is torture.
- (2) Waterboarding is not torture.

They continue: “[T]he speaker of [(1)] follows the United Nations in defining torture as any act inflicting severe suffering, physical or mental, in order to obtain information or to punish, while the speaker of [(2)] follows former U.S. Justice Department practice in defining torture as any such act inflicting pain rising to the level of death, organ failure, or the permanent impairment of a significant body function” (19). Since the two speakers are operating with different understandings of the key term (‘torture’) or concept (TORTURE), it may seem that the speakers are talking past one another:

¹ Haslanger tends to opt for ‘best’-style formulations of conceptual engineering: “What concept (if any) would do that work best?” (2012, 223). Cappelen similarly emphasizes that conceptual engineering is involved in “improving our representational devices” (2018, 51). Sarah Sawyer prefers the language of correctness: conceptual engineering involves philosophers giving what they “take to be the *correct* characterization of the relevant topic” (2020, 561). I therefore use the more neutral gloss of ‘best or correct’ in formulating the Inquiry Assumption in order to capture the full range of understandings of conceptual engineering and conceptual ethics in the literature. We could also substitute ‘better’ or ‘improved’ for ‘best’ (or include it in addition) in these characterizations since many philosophers think certain views of concepts will work well or better than other views for various purposes (e.g. Plunkett & Sundell’s “*better*” in the passage on this page and Cappelen’s “improving”). I follow Haslanger in utilizing the language of ‘best’, but it should be understood as inclusive of ‘better’ and ‘improved’ in these senses as well. Thanks to an anonymous referee for highlighting this point.

they each utter a truth relative to their own idiolects and therefore fail to genuinely disagree (since this seems to require overlap in the core semantic content each associates with the term or concept in question).

Plunkett and Sundell, however, argue that there is no need to endorse this revisionary reading:

Even if we suppose that the speakers mean different things by the word ‘torture’, it is clear that we have not exhausted the normative and evaluative work to be done here. After all, in the context of discussions about the moral or legal issues surrounding the treatment of prisoners, there is a substantive question about which definition is *better*. By employing the word ‘torture’ in a way that excludes waterboarding, the speaker of [(2)] communicates (though not via literal expression) the view that such a usage is appropriate to those moral or legal discussions...— a proposition that is, we submit, well worth arguing about (19).

The genuine disagreement between the speakers therefore concerns how we ought to think or talk about the term or concept in question, a disagreement that plays out via tacit “metalinguistic negotiation”, rather than at the register of the literal content of the speakers’ utterances.

But is the speaker of (2) in fact concerned with arriving at the correct or best view of the concept of torture, where this is the one most “appropriate to [the relevant] moral or legal discussions”? Should we assume, in other words, as Plunkett and Sundell do, that the speaker of (2) is a genuine inquirer? I will argue that we should not. Defaulting to the Inquiry Assumption obscures the far wider range of motivations and commitments that may be driving speakers’ engagement in the activities of conceptual articulation and dispute – motivations and commitments that, once brought to the fore, change our understanding of this activity. Plunkett and Sundell’s case is particularly helpful for setting the stage in this regard.

The view of torture the speaker of (2) has in mind comes from the infamous ‘Torture Memos’ written in the early 2000s by members of President George W. Bush’s Department of Justice and Office of Legal Counsel, and the articulation of this specific definition comes from the August 1, 2002 Memo by (at the time) Assistant Attorney General Jay S. Bybee.² While official U.S. policy bans the use of torture, the highly restrictive view of ‘torture’ in the Memos permits all kinds

² Bybee’s Memo states: “Physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death” (2002, 1).

of practices widely considered torture. The Memos were leaked to the press in June 2004 and met with outrage from various corners.

Consider, for example, the testimony of David Luban to Congress on his view of the Memos:

[T]he interrogation memos fall far short of professional standards of candid advice and independent judgment. They involve a selective and in places deeply eccentric reading of the law. The memos cherry-pick sources of law that back their conclusions, and leave out sources of law that do not. They read as if they were reverse engineered to reach a pre-determined outcome: approval of waterboarding and the other CIA techniques (2009, 1-2).

Luban points out that the most salient precedent relevant to the status of waterboarding is *United States v. Lee* where law enforcement officials were prosecuted for waterboarding prisoners to extract confessions. The Court in *Lee* upheld these convictions and sentences on the grounds that waterboarding is torture. The Bybee Memo, however, does not cite *Lee*: “Any lawyer can find the *Lee* case in a few seconds on a computer just by typing the words ‘water torture’ in to a database” (2009, 2). Luban concludes: “I believe it’s impossible that lawyers of such great talent and intelligence could have written these memos in the good faith belief that they accurately state the law” (2009, 3).

Suppose Luban’s assessment is right. These speakers are, then, not Plunkett and Sundell’s inquiry-driven metalinguistic negotiators invested in arriving at an understanding of ‘torture’ that is “most appropriate to [these] moral or legal discussions”. They are instead preoccupied with generating and imposing a view of this concept that serves specific political interests, and they are either indifferent or actively hostile to the views of those motivated by and committed to arriving at the correct or best view of this concept. I call the activity these speakers are engaged in ‘conceptual domination’. Speakers engage in conceptual domination when they aim to bring about and enforce widespread uptake for a view of a concept or set of concepts by exploiting institutions and institutional authority. They do so not because they are, as inquirers, committed to determining whether this is the correct or best view of the concept, but because this view serves their interests that are either irrelevant to or actively interfere with inquiry concerning this concept – paradigmatically (but not exclusively) their material interests.

The paper proceeds as follows. In the first section, I provide further discussion of the Inquiry Assumption and demonstrate its pervasiveness in the literature on conceptual engineering and conceptual ethics. In the second section, I lay out my account of conceptual domination, drawing in particular on Iris Marion Young’s view of domination. I also compare my account to other recent interventions in the literature. In the third section, I return to the opening case of conceptual domination concerning the concept of torture and use it to draw out various sources of evidence for determining whether speakers are engaged in conceptual domination. In the fourth section, I analyze an additional case involving a conceptual dispute over the concept of a pyramid scheme to further clarify and develop my account. I show that an analysis of this case as a form of inquiry-driven conceptual engineering or metalinguistic negotiation misses key features that are brought into view if we analyze it as a form of conceptual domination. I conclude by considering what the role for philosophy might be in combatting the conceptual dominator. Despite the tendency of many philosophers to think of the domain of the conceptual as their unique arena of expertise, I argue that philosophy may well have only a limited role to play in countering forms of conceptual domination – that it may even end up doing more harm than good.

I.

The pervasiveness of the Inquiry Assumption – the assumption that speakers are motivated by and committed to the goal of arriving at the correct or the best view of the relevant concept – is apparent both from specific observations made by philosophers and from the pragmatics appealed to in order to analyze conceptual disputes. Cappelen, for example, cites examples of speakers in legal contexts arguing over how we should think and talk about the terms “‘murder’, ‘fetus’, ‘intention’, ‘person’, and ‘tax’...[They] are the subject of extensive, explicit debate and theorizing” (2018, 27). We have here a representative example of the Inquiry Assumption: speakers in these contexts are read as primarily concerned with “debate and theorizing” when they say we should think or talk about these concepts in a particular way.

Even those who are interested in projects in conceptual engineering or conceptual ethics that promote certain social, ethical, or political goals view themselves as aiming to show that these are the correct or best goals for the relevant concept to be answerable to and/or that the resulting view of the concept they articulate is the correct or best one in light of these goals. Sally Haslanger is perhaps the most influential representative of the latter approach. Although the goals she has in mind for her ameliorative approaches to the concepts of race and gender are social and political, she views herself (and kindred conceptual engineering projects) as nonetheless engaged in a form of inquiry, including into the very “purposes of the inquiry” (2012, 367, fn 1). She writes: “If we allow that our everyday vocabularies serve both cognitive and practical purposes that might be well-served by our *theorizing*, then those pursuing an ameliorative approach might reasonably represent themselves as providing an account of our concept...by enhancing our conceptual resources to serve our (*critically examined*) purposes” (367-368).³ In principle, then, were someone to show that our concepts of race and gender should not be answerable to the social and political goals Haslanger argues are the relevant ones, Haslanger would, as an inquirer committed to the goal of arriving at the correct or best view of these concepts, change her position accordingly. Or if someone agrees with Haslanger about the social and political goals these concepts should be answerable to but shows that her resulting view of these concepts is incorrect in some way or fails to be the best candidate, Haslanger would, as an inquirer committed to the goal of arriving at the correct or best of these concepts, change her position in turn.⁴

³ Emphasis mine.

⁴ We have an example of just this sort of shift in Haslanger (2020) where she agrees with certain criticisms of her ameliorative account of the concept of gender – criticisms from the perspective of those sympathetic to the goals Haslanger argues are important for articulating concepts of gender and race: “This is a mistake [of Haslanger’s account]: some women are prevented from presenting as women, and some men are prevented from presenting as men, and so do not meet the conditions I proposed” (236). Elisabeth Cantalamessa’s notion of ‘conceptual activism’ might seem to be an example of a view that opts out of the Inquiry Assumption because conceptual activists “make claims that they believe to be trivial, overstated, incomplete, or simply *false* as a means of pragmatically subverting the received use of a term or concept and to encourage their audience to lower their degree of confidence in their current concept or conceptual framework” (2021, 49). But note that the overriding aims of conceptual activists for Cantalamessa are “to get audiences to react in a certain way in order to get them to reflect on some aspect of word use in order to instigate conceptual revision and, by extension, social reform” (54). They are, in other words, engaging in a kind of conceptual engineering in order to arrive at the best view of a concept that, to take Cantalamessa’s example of disability activists and theorists, promote “the overall goal of combatting ableism and *improving* the lives of people with disabilities” (62). While conceptual activists may instrumentally utilize false beliefs, then, they are still engaged in the overall practice of arriving

Furthermore, the speech acts philosophers invoke to analyze conceptual disputes reflect their commitment to the Inquiry Assumption. Plunkett and Sundell, for example, describe speakers as tacitly “negotiating” over how a concept should be used or understood (2013). Cappelen consistently refers to speakers in these contexts as “making a *proposal* for conceptual revision” (2018, 30).⁵ David Chalmers mirrors this line: conceptual engineering involves “designing a concept, such as *proposing* a meaning for a word...You *propose* a definition or inferential role or a set of paradigm cases” (2020, 15). But Plunkett and Sundell, Cappelen, and Chalmers do not tell us why we should think the speech acts of “negotiation” or “proposal” are the ones importantly at stake in these utterances.

Now the reason for invoking these specific speech acts might seem obvious. If we, as speakers, are saying that we should think or talk about a concept in a particular way, that is clearly because we are convinced that this is, in fact, the correct view of the concept or the best use of the concept. And because we are so convinced and speakers with different views of the concept in question are also (we assume) so convinced, we engage in disputes with these other speakers: we try to show that their views are wrong and ours right, and they try to do likewise. In turn, it seems natural to characterize speakers engaged in this kind of back-and-forth as “negotiating” or “proposing”: the shared goal of aiming at the correct or best view of a concept means speakers try to persuade one another of their preferred view and modify their positions accordingly. In fact, Nat Hansen has separately developed a view of “metalinguistic proposals” explaining why we might think this is the right category for glossing the pragmatics of conceptual engineering and ethics (2019). Following Bach and Harnish, Hansen views metalinguistic proposals as a subset of advisories: “In a metalinguistic proposal, the relevant action that the speaker believes is a ‘good idea’ is *using an expression in a particular way*” (2). For Hansen, then, speakers engaged in metalinguistic negotiation and conceptual engineering are best thought of as proposing because these speakers believe their view is the right or better view of the concept or term in question. They are

at the best or correct view of the relevant concept, but have a unique strategy for doing so. Thanks to an anonymous referee for encouraging me to address Cantalamessa’s view.

⁵ Emphasis mine.

metalinguistically proposing, in other words, because they are interpreted in line with the Inquiry Assumption – because these speakers are viewed as inquirers.⁶

This line of reasoning is very tempting, especially for philosophers. But in what follows I want to challenge this default use of the Inquiry Assumption. To further draw out the challenge I previewed in the introduction, consider the following contrasting examples. Suppose we have a philosopher or legal scholar addressing the question of whether the correct or best view of the concept of speech is one that includes or excludes the activity of spending money. This question matters to our philosopher or scholar because they take the concept of speech to be foundational to our political lives. But resolving this question one way or the other also matters a great deal to those whose material interests are implicated. If, for example, I am a corporate executive, a lobbyist, or a politician who has decided to prioritize and promote the interests of the corporate sector above all else, then the view of the concept of speech that is settled on matters a great deal to me. It matters, though, not because I want to make sure we arrive at the correct or best view of the concept. The resolution of this question matters to me because it directly impacts my material interests. If we imagine these speakers drafting legislation that defines ‘speech’ in their preferred way – that is, in the way that is most materially advantageous for them – or launching a public relations campaign pushing these views, it seems far less plausible to describe them as engaged in a project of metalinguistic “negotiation”, “proposal”, or animated at all by the goals of inquiry. Their aim is to have their view of a concept imposed on others *regardless* of how inquirers come down on the question.

We should therefore carefully distinguish between, on the one hand, the general linguistic activity of speakers saying we should think or talk about a concept in a certain way (the general linguistic activity of conceptual articulation and conceptual dispute) and, on the other, the ways in which speakers with different aims engage in this activity of conceptual articulation and conceptual

⁶ Hansen’s account could perhaps be amended to allow that it is not necessary that the speaker issuing the metalinguistic proposal think it is a “good idea” *simpliciter* and that such proposals can be issued when the speaker takes them to primarily serve their own interests. In separate work, I have argued that the speech act of stipulation is crucially involved in conceptual articulation; my account also at times uncritically adopts the Inquiry Assumption (Shields 2021).

dispute – the more specific phenomena, for example, of conceptual engineering and conceptual domination. Conceptual engineering, as formulated so far in the literature, rests on the Inquiry Assumption and so takes speakers to be inquirers who are concerned with arriving at the correct or best view of the concept. Conceptual domination, by contrast, comes into view once we detach the general linguistic activity of conceptual articulation and conceptual dispute from the Inquiry Assumption – what happens, in other words, when we consider speakers who say we should think or talk about a concept in a certain way who are not invested in or are hostile to what turns out to be the correct or best view of a concept from the perspective of inquirers.

This activity of conceptual domination has been mostly overlooked in the literature, it seems, because philosophers have projected themselves into their cases of conceptual articulation and dispute. We assume speakers are committed to arriving at the correct or best view of a particular concept because, as philosophers, this is the approach *we* would take to the exchange (or would like to think we would take to the exchange). And if one is interested in getting at the correct or best view of a concept, then we cannot simply impose our view. We want others to endorse our view because they are genuinely persuaded by the arguments we give and considerations we raise, not because they are under non-inquiry-related pressure to do so.

But not all speakers are inquirers in this sense. (And, as I argue below, we might wonder how many philosophers in fact live up to this ideal of primarily inquiry-driven conceptual engineering and ethics.) Speakers may engage in inquiry, but only do so instrumentally – only as a means for bringing others into line with a view of a concept they care about because it serves purposes of theirs that they have no investment in critically reflecting on.

II.

Speakers who engage in conceptual domination, in the most general terms, aim to control how we understand the concepts and categories by which we make sense of the world because it serves their non-inquiry interests that we understand them in the dominator's preferred way. This formulation, however, needs unpacking, including an account of why this activity is helpfully

construed as a form of domination and how we can identify instances of conceptual domination in the wild.

Within the vast literature on domination, I will use Iris Marion Young's general account to help situate my view:

Domination consists in institutional conditions which inhibit or prevent people from participating in determining their actions or the conditions of their actions. Persons live within structures of domination if other persons or groups can determine without reciprocation the conditions of their action, either directly or by virtue of the structural consequences of their actions. Thorough social and political democracy is the opposite of domination (1990, 38).

Domination, in Young's sense, centrally involves individuals lacking a say over the conditions of their existence, where they lack this say because of how the institutions they inhabit are structured. Most straightforwardly, domination in this sense would correspond to a community without any recourse to check or address the institutional policy makers for that community (such as voting, public hearings, impeachment proceedings, etc.). But Young also wants to expand our sense of the institutions that are relevant for determining whether domination is present in a given context. Young explains that beyond traditional political institutions, she also has in mind "institutions of...family, and civil society, as well as the workplace" (22). She also discusses "institutions of collective life, including, for example, production and service enterprises, universities and voluntary organizations" (91). All of these institutions can be structured in such a way – in terms of "structures or practices, the rules and norms that guide them, and the language and symbols that mediate social interactions within them" – that those individuals who fall under their purview lack a say over how the institutions will function (22).⁷

Note that domination in this sense need not manifest itself exclusively as the foreclosing of concrete avenues for collective input over decision-making (such as, for example, the denial of voting rights or collective bargaining rights for workers). Domination in Young's sense can also involve more subtle, insidious ways of precluding individuals from having a say in the institutions

⁷ Rainer Forst's view of domination also offers a congenial framework for situating my account of conceptual domination: "In the political sphere...domination should be defined as rule without adequate justifications, and, reflexively speaking, as rule without adequate structures of justification being in place" (2015, 127). Due to space constraints, I focus on Young's account.

that govern their lives. Those who are members of dominant racial, gender, class, or ability groups, for example, will generally be treated with what Miranda Fricker calls an unmerited epistemic “credibility excess”, where their testimony and views will be taken more seriously and treated as more authoritative than testimony and views from those who are marginalized along these axes (2007, 17). Such authority is granted to individuals within our institutional lives, Young points out in a similar vein, “as a consequence of often unconscious assumptions and reactions” (1990, 41). And we therefore cannot simply eliminate these prejudices “by getting rid of the rulers or making some new laws, because [they] are systematically reproduced in major economic, political, and cultural institutions” (41). So domination can result not just from those within institutions using their *formal* positions of authority within those institutions to shut down concrete avenues of democratic participation (their authority, for example, as a legislator, judge, or bureaucrat). Domination can also result from individuals within these institutions utilizing their more general, non-codified, *informal* authority (that accrues to them as a result of belonging to a privileged social group such as the above types) to prevent others from having an equal say within the relevant institution.⁸ Domination in Young’s sense, then, involves exploiting institutions and institutional authority (whether formal or informal) to deny individuals a say over the conditions of their existence.

Taking our lead from Young’s account, we can say that the more specific phenomenon of *conceptual* domination involves an individual or group imposing, via institutions and institutional authority, a view of a concept or set of concepts in a way that is either indifferent to or actively hostile to conflicting views from inquirers. This is because these individuals are motivated by non-inquiry interests – paradigmatically (but not exclusively) by material interests. Conceptual dominators are in this sense – sometimes transparently and sometimes quite subtly – involved in attempting to, as Young puts it, “inhibit or prevent people from participation in determining their actions” and, above all, in determining “the conditions of their actions”.

It might be objected here that conceptual domination is not an importantly unique phenomenon, but simply a specific form of conceptual engineering – one put in the service of bad

⁸ Hebert and Kukla (2016) draw the ‘formal’ versus ‘informal’ authority distinction along similar lines.

ends. But consider a modified version of the case above. We have the philosopher/scholar attempting to arrive at the correct or best view of the concept of speech who – in this version of the case – settles on a view that ends up being to the benefit of the corporate sector. And we also have the lobbyist drafting legislation that aims to enshrine this same view to further the corporate sector’s interests. The latter case should be carefully distinguished from the former. Speakers who are sincerely engaged in the project of trying to figure out the correct or best view of a concept but are nonetheless mistaken – even repugnantly mistaken – in their view are doing something different from speakers who have no such aims. If, however, we treat the lobbyist case as simply one of conceptual engineering put to bad ends, then we cannot distinguish between this case and the case of a speaker who is sincerely aiming to get these concepts right but is mistaken. We need an account of what speakers such as our lobbyist are up to – an account of what conceptual domination is.

It will be helpful to compare this notion of conceptual domination to kindred observations in the recent conceptual engineering and ethics literature that has similarly asked philosophers to consider how such activity takes place in our non-ideal world. For example, Teresa Marques has helpfully emphasized the importance of what she calls “meaning perversions,” rather than ameliorations, where “meaning perversions are revisionary projects that are politically or morally illegitimate” (2020, 263). For example, suppose a group of researchers engineer a concept of conspiracy theories that is, they believe, better than reigning views for combatting misinformation in the public sphere. Suppose further that the view receives widespread uptake. But, as it turns out, the engineered concept ends up being used to stigmatize and silence dissent from those challenging state propaganda and therefore contributing even more to misinformation, regardless of any good intentions the engineers possessed: “Conceptual ‘engineers’ who are interested in advancing a revisionist project can easily be unaware that they we are putting forward a perversion instead of an amelioration” (279).

Some meaning perversions are like the previous example, but Marques also highlights cases where politicians “use words like ‘law and order’ or ‘justice’ to manipulate the justice system in order to protect themselves or consolidate their power, not to promote the rule of law in the service of

justice and fairness” (264-5). What my account of conceptual domination shows is that we can cut with an even finer grain here: there are meaning perversions that may be the result of genuinely inquiry-driven conceptual engineering that nonetheless result in harm, and there are meaning perversions that are not in fact inquiry-driven and therefore count as a form of conceptual domination (such as the politician cases Marques highlights). It may be helpful to group the two together in certain contexts, but, as I argued at the end of the previous section, there are also contexts where it is crucial to distinguish between them, and the notion of conceptual domination allows us this more fine-grained taxonomy.

Paul-Mikhail Catapang Podosky has helpfully captured cases of what I would categorize as conceptual domination where speakers use their *informal* institutional authority to impose their view of a concept on others (2021a; 2021b). Podosky introduces the term ‘metalinguistic injustice,’ which occurs “when a speaker possesses *illegitimate* control in metalinguistic disagreement owing to the operation of identity prejudice in the context” (2021a, 3). His primary example involves a man imposing on a woman a specific view of ‘sexual harassment’ (via a mechanism he calls “second-order gaslighting”).⁹

Podosky’s example counts as a form of conceptual domination: we have a speaker using their informal institutional authority (their privileged gender identity) to impose a view of a concept on another. But Podosky clarifies “that my interest is in forms of identity-based oppression. I leave it open as to how one might spell out non-identity related wrongs of particular non-ideal metalinguistic disagreements” (12). This account of identity-based metalinguistic injustice is therefore complementary with my own. While Podosky gives a helpful treatment of cases where speakers utilize privileged social identities, and so *informal* institutional authority, to conceptually dominate others, he explicitly leaves open the question of how to characterize the “non-identity related wrongs of particular non-ideal metalinguistic disagreements”. Because the latter has not received extensive treatment in the literature and because Podosky gives an illuminating account of

⁹ Podosky’s introductory Fil-Fig example is an example of conceptual domination involving a speaker exploiting their formal institutional authority (2021a, 2-3).

identity-related conceptual domination, my focus will be on cases where speakers utilize their *formal* institutional authority to conceptually dominate others.

An important distinction between our two accounts is that a speaker can commit a metalinguistic injustice in Podosky's sense in a single conversational exchange. But, on my account, isolated actions on their own will likely not tell us if a speaker is a conceptual dominator: committing metalinguistic injustices in individual exchanges is at least in principle compatible with the perpetrator still being motivated by and committed to inquiry concerning the relevant concept. If Young is right that identity-related prejudices are often a product of "unconscious assumptions and reactions", then we should expect even genuine inquirers to commit metalinguistic injustices at times, even if unintentionally. How a speaker responds when they are informed or discover they have committed a metalinguistic injustice will, however, be helpful evidence for determining whether they are a conceptual dominator: does the speaker continue to invoke or exploit their informal institutional authority to settle the conceptual dispute (indicating that they are engaged in conceptual domination), or do they acknowledge the injustice and the fact that their privileged social identity should not be a cudgel for settling the conceptual dispute (indicating a commitment to inquiry)?

This difference between my account and Podosky's tells us something important about conceptual domination. Determining whether we are encountering an instance of conceptual domination is often a temporally extended process. It can be difficult to read off isolated, individual conversational exchanges whether the speaker is a conceptual dominator. We have to look at a range of contexts in which the conceptual dispute is at stake to determine whether it is an instance of conceptual domination, as we will see for the two main case studies below.

Three further clarifications regarding my account of conceptual domination are important. First, this account does *not* require that conceptual dominators preclude all – or even most – forms of inquiry to count as such. Projecting the appearance of openness to deliberation and input will often be a strategy of those engaging in domination (conceptual or not). Consider, for example, a manager who claims they want their employees' input and schedules regular meetings where they appear to listen carefully and thoughtfully to this input. But when it comes to actual decision-

making, the manager takes none of the employees' ideas or suggestions into account (even when a particular decision aligns with what employees have suggested). Giving the appearance of this kind of openness will nonetheless help the manager ward off criticisms that, for example, they run an autocratic workplace that should be countered with an employee union. The manager may also be able to argue that their decisions are – contrary to criticism – not made without regard to or at the expense of employees' interests because employees themselves had input into those decisions.

Domination in this sense is therefore not incompatible with allowing for opportunities for collective and democratic deliberation. On the contrary, instances of domination may well involve encouraging such input and deliberation. Because, however, this apparent collective, democratic deliberation will not have any ultimate role in shaping the institution's course of action – since the relevant authority figures settle this question without taking this deliberation into account – it will still represent an instance of domination. In the case of *conceptual* domination, we will find that dominators often similarly cultivate an appearance of a commitment to open, democratic deliberation – that is, often cultivate the appearance of being conceptual engineers who are only committed to arriving at the best or correct view of the concept in question. Doing so will similarly help them deflect criticism and also persuade audiences who may not be aware of the non-inquiry interests driving the dominator's view.

A second important clarification is that excluding certain speakers or inquirers from a particular conceptual dispute does *not*, on its own, entail that conceptual domination has occurred or is occurring. This might seem counterintuitive at first, but consider that not every speaker has the requisite expertise to count as an inquirer whose views ought to be taken into account in particular conceptual disputes. For example, if a professional organization of molecular cell biologists convenes to discuss how best to understand the concept of cell death, there is no reason their deliberation should include non-expert speakers who do not have or have only a dilettantish acquaintance with the concept. Such an exclusion would be justified because it would not be a peer speaker who is being excluded. And conceptual domination specifically obtains when *peer* speakers and inquirers are excluded. If, say, certain molecular cell biologists with the relevant expertise are

excluded because those in positions of authority in the professional organization feel this group of scientists has not been sufficiently obsequious in interpersonal exchanges, this would count as an instance of conceptual domination. These speakers have been excluded for reasons that have nothing to do with – that are in fact antithetical to – arriving at the correct or best view of the concept in question.¹⁰

But, with this clarification in hand, a worry now arises: does my account end up with a troubling, hierarchical view of conceptual engineering, where only an exclusive set of speakers are granted a legitimate say in conceptual disputes? It is important to see why this is not the case. In many cases, the relevant peer speakers that ought to be taken into account for a particular conceptual dispute will be *all* speakers or inquirers in a particular domain. Suppose, for example, that there is a referendum to voters that involves a particular conceptual dispute – such as whether it should be the case that the concept of marriage can apply to same-sex couples (a similar question to the notorious Proposition 8 in California in 2008) or whether the concept of personhood applies to corporations. In these cases, all speakers are equally entitled to participate in the debate and the decision.

Now these very same concepts may in other contexts be the subject of disagreement, legitimately, among a more exclusive set of speakers. For example, the concepts of marriage and personhood will and are also the subject of disagreement among scholars in various disciplines, and these scholars (while likely considering usage and understanding of these concepts in everyday contexts) need not engage in disagreements with non-expert speakers to generate their views. Such exclusion would be justified on the grounds that inquiry concerning concepts in certain contexts is best pursued by those with particular training, skills, and knowledge, and so this kind of exclusion would not count as an instance of conceptual domination. Conversely, consider someone who makes an important argument in a particular field but is refused a platform to share that argument with the relevant academic field simply because they do not have the right (or any) institutional

¹⁰ There will, of course, also be difficult borderline cases, categorization of which will turn on the specific details of the case.

credentials. Fetishizing of credentials may in many cases end up excluding speakers and inquirers from domains where they should not be.

A great deal will therefore depend on what our view of expertise is and how we want to apply that view to specific cases – issues I will not take a further stand on here.¹¹ The important point for the purposes is that conceptual domination obtains when peer speakers are excluded. Depending on the case, this will be contexts where certain speakers without any additional expertise beyond their status as speakers are excluded, or it might be cases where the contributions of speakers with more specific expertise are excluded. My claim is that such imposition counts as a form of domination because those who are entitled to a say over how the concept in question should be used and understood are denied that say.

In this sense, and as a third clarification of the account, conceptual domination often represents a multilayered form of injustice. Recall Young's gloss: "Domination consists in institutional conditions which inhibit or prevent people from participating in determining their actions or the conditions of their actions. Persons live within structures of domination if other persons or groups can determine without reciprocation the conditions of their action". Those who are subject to conceptual domination will therefore often be wronged in their capacity as political subjects. When I cannot (fully) participate in the process of conceptual inquiry within the institutions I am part of, then I am wronged as a political subject who is entitled to have a say over how my life is governed. I do not always have a right to direct participation (if, for example, the conceptual inquiry should be carried out by those with a specific expertise), but there are cases, such as the referenda listed above, where I am wronged as a political subject if I am excluded from the process. More generally, if relevant experts are restricted or excluded from weighing in on a conceptual dispute within an institution, then even if I am not myself a relevant expert, I am still the victim of a political injustice because the institution is imposing a view that is epistemically reckless and far more likely to harm those it governs as a result. Furthermore, those subject to conceptual domination are often wronged in their capacity as knowers and therefore suffer a form of epistemic

¹¹ For a more in-depth discussion of questions of expertise and metasemantics, see Ball (2020).

injustice: they are prevented from participating in forms of inquiry – i.e. the process of articulating the concepts we will live by in a domain – in which they are entitled to participate (Fricker 2007; Podosky 2021a and 2021b).¹²

It is also worth noting, however, that conceptual domination may not always, all-things-considered, count as an injustice. For example, there might be certain exigencies requiring legislators to halt inquiry over a particular concept among consulted experts in order to take needed action – say, passing legislation on an environmental or public health emergency, even though the conceptual dispute among the experts is not resolved. A key decision in some cases will also be whether to engage, defensively, in our own form of conceptual domination. Suppose, for example, I am organizing a conference where we are deciding how to understand a key concept in our field, and I know that a speaker with relevant expertise is likely to use their various forms of formal and informal authority to dismiss the views of others. Perhaps, then, it will be the right decision all-things-considered not to invite that speaker, despite their having expertise entitling them to participation, in order to promote other goals (such as, say, goals of gender and racial justice that I, in this context at least, am not looking to reconsider). Conceptual domination of the dominator may be called for here.¹³ Absent details concerning the precise context, though, it will be difficult to arrive at specific prescriptions. More generally, my claims here are two-fold: first, conceptual

¹² If you view the domain of inquiry differently from the domain of the epistemic, then we might want to call conceptual domination a form of ‘zetetic’ injustice (Friedman 2020). It is also worth noting that conceptual domination represents one way in which instances of what Fricker calls ‘hermeneutical injustice’ can come about. Hermeneutical injustice is “first and foremost the product of unequal relations of social power more generally”; its causes are therefore varied and so not exclusively the result of how actors utilize institutional authority to impose a view of a concept, i.e., the activity of conceptual domination (2007, 174). Conceptual domination is also plausibly a form of what Quill Kukla (writing as Rebecca Kukla) has, following Fricker, termed ‘discursive injustice’, which obtains “[w]hen members of any disadvantaged group face a systematic inability to produce certain kinds of speech acts that they ought, but for their social identity, to be able to produce...then we can say they suffer a discursive injustice” (2014, 441). Those who are subject to conceptual domination cannot genuinely engage in the speech acts of metalinguistic negotiation, proposal, and engineering in the relevant contexts, even though they are entitled to do so, because their interlocutors are not providing the necessary linguistic cooperation in their refusal to negotiate or propose; they are instead engaging in a range of different speech acts (threats, commands, warnings, etc.). Conceptual domination also seems to be a form of what Podosky calls ‘metalinguistic injustice’, which he elsewhere says is something that “occurs when: (i) One is entitled to contribute to the linguistic resources of a local context, but (ii) one is restricted in their ability to participate in the joint activity of pairing contents with words, in virtue of (iii) the operation of metalinguistic power in the context” (2021a, 18). It depends, though, on how we construe “local context” since conceptual domination characteristically plays out across a range of contexts. Thanks to two anonymous referees for pointing out the need for further clarification on these points.

¹³ I discuss these issues further in the conclusion.

domination is a layered injustice: it can wrong individuals in an epistemic, often political, and perhaps also discursive or metalinguistic capacity; second, there are nonetheless ways in which carrying out conceptual domination might count as justified all-things-considered in specific contexts.

With this general account of conceptual domination in hand, a key question becomes how, in any particular case, we can determine whether speakers we encounter are engaging in a form of conceptual domination. As we have seen, these determinations will be difficult because suspected dominators can, and often will, publicly insist that they are engaged in good faith, inquiry-driven conceptual engineering. The difficulty of determining whether conceptual domination obtains in a given case therefore seems to turn on the familiar philosophical problem of how and whether we can know the intent or motive behind an agent's action – the problem of other minds. Because we cannot access another agent's intent or motive from “within”, it seems that, as long as the speakers deny that they are conceptual dominators, we simply cannot know one way or another if they in fact are.

In what follows, I will grant this point to the skeptic. Suppose we cannot ‘know’ – in the sense of decisively, once-and-for-all know – whether particular speakers are conceptual dominators. (In fact, I will argue that given the fallibility of our judgments concerning our own mental states, we cannot know *even in our own case* whether we are a dominator.) I make this concession because, first, I am not interested in giving necessary and sufficient conditions for particular speakers counting as conceptual dominators. Second, and relatedly, we should acknowledge that it can in fact be extremely difficult to know what kind of conceptual figure one is dealing with (even when that figure is oneself). To draw out sources of evidence we can utilize when evaluating the linguistic behavior of speakers to arrive at an informed judgment about a given case, I return now to the first of the two case studies of conceptual domination.

III.

Consider again the conceptual dispute over ‘torture’ from the introduction, where Plunkett and Sundell have a speaker channeling the Bush administration’s view of this concept. In what sense is this case better approached as an example of conceptual domination rather than read through the lens of the Inquiry Assumption? Recall Luban’s assessment that the defenders of this view “cherry-pick sources of law that back their conclusions, and leave out sources of law that do not” in particularly egregious ways. Luban concludes that such a view must have been “reverse engineered to reach a pre-determined outcome: approval of waterboarding and the other CIA techniques”. These speakers’ practices of inquiry are, in other words, so deficient that it cannot be the case that they were genuinely invested in arriving at the correct or best view of this concept. Strikingly deficient practices of inquiry are therefore a first source of evidence we can use to determine if we are encountering a case of conceptual domination. Do the speakers engage in torturous, *ad hoc*, or otherwise wholly inadequate reasoning in such a way that would be difficult to square with their being motivated by or committed to inquiry, i.e., being motivated or committed to arriving at the correct or best view of the concept? If so, we may well have an instance of conceptual domination.

Deficient practices of inquiry alone, however, are not dispositive indicators of conceptual domination. Bad reasoners, after all, need not be cynical: I can reason badly and still be in the business of aiming at the correct or best view. Conversely, one can also be a good reasoner and engage, at least on the surface, in overall virtuous practices of inquiry and nonetheless be a conceptual dominator. To reiterate the line from the previous section, the most effective dominators will likely be those who can convince others to take them up as engineers (since this can help to avoid alienating target audiences and deflect criticism). But while we cannot conclude from their overall deficient practices of inquiry that we are, without question, dealing with conceptual dominators here, we do have good initial evidence here that these speakers are engaged in conceptual domination. Again, we are looking to make informed, not decisive judgments.

Further evidence that these speakers are not simply engaging in inquiry-driven conceptual engineering or conceptual ethics is the fact that they exploit their formal institutional authority to try and settle the conceptual dispute. Rather than, for example, engaging with the relevant expert speakers or opening the question to public debate, the authors of the Memos attempt to settle the question of how to think and talk about the concept of torture via the authority of the executive branch and behind closed doors. Genuine inquirers are typically willing to subject their views to public and peer scrutiny.

We should distinguish two relevant sources of evidence for assessments of conceptual domination here: first, the exploiting of institutional authority to bypass or block forms of inquiry; second, a lack of engagement with peer speakers. Even if those advancing the Bush administration's view did not rely on their institutional authority, their unwillingness to engage with peer speakers – their unwillingness to subject their work to the scrutiny of their peers – also point to their not being motivated by or committed to arriving at the correct or best view of this concept; it suggests that they are instead driven by other, non-inquiry-related interests.

This case also helps to give a broader sense of the non-inquiry interests that can drive conceptual domination. Much more discussion of the relevant historical context would be needed, but consider, for example, the following first-hand accounts of a U.S. Army psychiatrist carrying out the interrogations that the Memos were concerned with: “[A] large part of the time we were focused on trying to establish a link between al Qaeda and Iraq and we were not successful in establishing [this] link...The more frustrated people got in not being able to establish that link...there was more and more pressure to resort to measures that might produce more immediate results” (Landay 2009).¹⁴ With this evidence in mind, the short term non-inquiry interest driving the need to impose this view of the concept of torture was allowing for any interrogation methods that would help fabricate a link between Al Qaeda and Iraq. But this link itself mattered to the Bush administration

¹⁴ I came across this reference in Chomsky (2009).

to provide a justification for the U.S. invasion of Iraq. We might read this case, then, as one of speakers aiming to impose a view of the concept of torture because it serves the imperial interests of American foreign policy. Other readings may of course be plausible, but the important point for our purposes is that we have a case where the suspected conceptual dominators are driven by a wider range of non-inquiry interests.

There is a further interesting wrinkle to this case. Bybee himself denies that he concocted the Memo's view of 'torture' in the service of a political agenda: "I believed at the time, and continue to believe today, that the conclusions were legally correct'[...]. In that context, we gave our best, honest advice, based on our good-faith analysis of the law" (Lewis 2009). Such a self-understanding, however, is *not* incompatible with Bybee being a conceptual dominator in my sense. I have emphasized throughout that dominators have a vested interest in appearing as inquiry-motivated engineers.

Suppose, however, that Bybee *is* sincere – that any lapses were made in what seemed to him to be "good-faith" and that his self-image was one of being driven by the goal of arriving at the "legally correct" view. Even so, the fact that a speaker self-identifies and self-interprets as being an inquiry-driven conceptual engineer does not mean they are. Extensive empirical evidence and good philosophical armchair argument has made the case for the fallibility of and lack of any first-person privileged access in our judgments concerning the nature of our own mental states. But we do not need any elaborate philosophical machinery here. As anyone who has attended a few talk therapy sessions can attest, we often discover that they we are (or were) wrong about what was motivating us at a given time or for a given decision. And as long as we can be mistaken in this straightforward sense about what drives our activity, then we will also be fallible in judging our own motivations in the context of conceptual disputes. The fact, therefore, that a speaker insists that they are an engineer and not a dominator is only one piece of evidence that must be weighed against all others when making a determination.

Note as well that this means that the fact that many philosophers may self-identify as being conceptual engineers does not necessarily mean they are. Philosophers are not somehow immune

from fallibility in their judgments about their own motives. And it is not difficult to imagine alternative interests unrelated or even actively hostile to inquiry that could be the drivers of a philosopher's view of a concept or their criticisms of alternative views: the desire for professional success, the desire to ingroup and outgroup certain members of the philosophical community, the desire for material gain (if one is dealing with a concept that could serve the material interests of certain actors), etc. Furthermore, philosophers have all kinds of institutional authority (both formal and informal) that they can utilize to prevent dissenting views from receiving a fair hearing or even from receiving a hearing at all on the basis of these non-inquiry motives: journal editorships, positions of authority over graduate students and junior members of the profession, conference and publication invitations, perceived stature and prestige in the discipline, credibility excesses on the basis of belonging to a privileged social group, etc. Philosophers may not realize that they are engaging in conceptual domination – it may seem to them that all of their actions and views are the appropriate outcome of their inquiry-driven conceptual engineering – but, again, such first-personal judgments are hardly decisive.¹⁵

For speakers to make a good case that they are indeed conceptual engineers rather than dominators, it will help to proactively demonstrate that they do *not* meet the conditions I have laid out here and the additional condition I point to in the following section. That is, it will help make the case that speakers are engineers if they invest in the quality of their practices of inquiry, if they engage with relevant peer speakers, and if they avoid bypassing inquiry by exploiting their formal or informal institutional authority. All of these measures, though not decisive, will provide compelling evidence that speakers are the conceptual engineers they claim to be.

¹⁵ To take a similar line of thought from a different direction, Nietzsche argues that while claiming to be the product of a selfless “drive to knowledge”, much of philosophy is better read as a series of epiphenomenal and *ex post facto* justifications for the “unconscious” and “basic drives” of philosophers that “would like only too well to represent just *itself* as the ultimate purpose of existence and the legitimate *master* of all the other drives. For every drive wants to be master – and it attempts to philosophize in *that spirit*” (1886/1989, 13-14). Of course, we need not agree with Nietzsche's diagnosis of philosophical psychology here, but the point is that avowals from a speaker that they are engaged in inquiry-driven conceptual engineering – including from those who claim to specialize in and particularly prize this activity – do not settle the question. The speaker may be entirely sincere, but there are all kinds of interests – ranging from straightforward material interests all the way to Nietzsche's crucible of subterranean desires – that may in fact be driving their activity and that have nothing whatsoever to do with the pursuit of inquiry.

IV.

The second case study I will consider is an attempt by various parties to impose a view of the concept of a pyramid scheme. The details of the case require a brief overview of the global Multi-Level Marketing (MLM) industry. MLMs are companies that sell “products or services through a network of salespeople who are not employees of the company and do not receive a salary or wage...[but] are treated as independent contractors, who may earn income depending on their own revenues and expenses” (FTC 2018). Individuals who have purchased the products and right to sell them from the MLM are eligible to receive compensation for their sales and for recruiting other individuals to become distributors themselves. Examples of MLMs include Amway, Herbalife, and Avon.

MLMs have long been a target of consumer advocates for their predatory practices and deceptive advertising (e.g., Fitzpatrick and Reynolds 1997). One recent study found that 99% of participants in MLMs lost money, despite these companies promising participants enormous and easy-to-achieve financial success (Taylor 2012). Consumer advocates argue that underlying MLMs’ more egregious practices is the fact that their business structures are often indistinguishable from that of pyramid schemes. MLM experts William Keep and Peter J. Vander Nat explain that “[i]n general economic terms, a pyramid scheme is an organization that hinges on the continual recruitment of new members, all of whom need to recruit others to recoup their own investment” and generate any income (2014, 196). Because the pyramid model requires an infinite pool of potential new recruits, and given that such a pool obviously does not exist, this structure plunges those not at the very top of the pyramid (those initiating and first to participate in the scheme) to financial losses when recruitment inevitably dries up. This fraudulent structure is supposed to be illegal in the U.S.

Superficially, MLMs do not appear to be pyramid schemes because they involve product sales. But Keep and Vander Nat explain that despite efforts by certain MLMs to obscure their pyramid, recruitment-driven structure, courts (most notably in *FTC v. Koscot*) have found that an MLM can be judged to have a fraudulent, pyramid structure “[i]f all purchases/sales were internal to

the MLM (no sales outside this network)” (197). In other words, a key factor in determining whether MLMs have a fraudulent, pyramid structure is whether there are purchasers of the product who are not in any way affiliated with the MLM itself. If the products are purchased only by individuals who have signed up as distributors for the MLM, then this means the company structure is not genuinely involved in or driven by sales but by recruitment. Such a structure is indistinguishable from a pyramid scheme’s because this “ongoing recruitment would doom the vast majority of participants to inevitable losses” since “monetary rewards would be critically tied to an ongoing ability to recruit others into the same venture; i.e. others who pay fees and buy product, who in turn recruit others who pay fees and buy product, indefinitely” (197).

The history of how MLMs have largely managed to avoid categorization by the U.S. as pyramid schemes is fascinating.¹⁶ The industry has an extraordinarily powerful lobbying arm and has made enormous donations to politicians from both U.S. political parties. For the purposes of this discussion, I want to look at a specific piece of proposed U.S. legislation – H.R. 3409, the “Anti-Pyramid Promotional Scheme Act of 2017”. Despite its title, the bill was in part drafted by lobbyists representing the interests of MLMs (Vandersloot 2017). The bill would make it the case that virtually no MLMs – especially those that consumer advocates take to engage in the most egregious practices – could be legally categorized as pyramid schemes (Vander Nat 2017).

On the surface, the bill seems to have a laudatory aim: “It shall be unlawful for any person to establish, operate, promote, or cause to be promoted a pyramid promotional scheme” (Blackburn and Veasey 2017). But we then learn that the bill advances a specific view of how political institutions should think and talk about the concept of a pyramid scheme: “Pyramid promotional scheme’ means any plan or operation in which individuals pay consideration for the right to receive compensation that is based upon recruiting other individuals into the plan or operation rather than primarily related to the sale of products or services to ultimate users”. This view sounds promising. As we saw above, one of the chief worries consumer advocates have for MLMs is that they mainly

¹⁶ See, e.g., Taylor (2014) and Perlstein (2013). See also episode 10 of *The Dream* podcast. Episode 11 covers H.R. 3409 and is how I first learned of the bill.

or exclusively incentivize recruitment, rather than sales of products to genuine consumers. Because the bill's definition requires MLMs to structure compensation around sales rather than recruitment, it seems to prevent them from having a pyramid, recruitment driven structure.

But the bill explains that the term 'ultimate user' invoked in the definition of 'pyramid scheme' should also be understood and used in a specific way: "‘Ultimate user’ means, with respect to a product or service sold by a plan or operation, an individual who consumes or uses the product or service, whether or not the individual is a participant in the plan or operation". The final clause here is the crucial one. If it does not matter whether the person buying the product is "a participant in the plan or operation", then a business can avoid being categorized as a pyramid scheme, according to this view of the concept, *even if* all of the company's sales of its products are to sellers within the MLM. That is, an MLM will not count as a pyramid scheme even if there is not a single sale to anyone outside the company – which, as Keep and Vander Nat explain above, is a standard way of characterizing pyramid schemes that courts have relied on. As Vander Nat puts it, "Make no mistake about this: if HR 3409...is enacted into law, the authority of the Federal Trade Commission (FTC) to prosecute pyramid schemes will be essentially nullified" (2017).

Now given that the bill was written with substantial input from lobbyists representing the MLM industry, it will hardly seem surprising that the bill advances views of terms and concepts that surreptitiously promote the interests of this industry. But lobbyists and defenders of MLMs do not self-describe as engaging in this kind of self-interested enterprise. On the contrary, they publicly argue that this is the correct or best view of the concept of a pyramid scheme:

- ➔ From representative Marsha Blackburn, one of the two co-sponsors of the legislation:
H.R. 3409 establishes a "definition [for] federal law so that direct selling participants will better understand the difference between a legitimate business and a predatory scheme. Principally, it will define a pyramid scheme as an organization where participants are primarily compensated from recruiting new members, not from selling actual products" (Blackburn 2017).

- ➔ From professor of marketing at Northwestern University, Anne Coughlan, who has previously conducted research subsidized by the MLM industry: “[T]he legislation clearly defines an illegal pyramid scheme as a plan offering participants compensation for recruiting others without regard to sales[...]With these provisions, and contrary to the opinions held by some long-time critics of the DS industry, the bill’s classification of a participant’s personal consumption as an ‘ultimate user’ sale makes perfect economic sense. It is commonplace for people to join DS companies as distributors after first trying and enjoying the products” (Coughlan 2017).

- ➔ From president of the Direct Selling Association, the main lobbying group for MLMs, Joseph Mariano: “The Anti-Pyramid Promotion Scheme Act of 2017, H.R. 3409...is bipartisan legislation that provides a clear definition of pyramid fraud, making it easier to identify and prosecute these pernicious schemes” (Mariano 2017).

It is worth highlighting what these speakers do *not* say – namely, that we should endorse the bill’s view of the concept of a pyramid scheme because it serves the financial interests of the MLM industry. They say we should endorse this view because it is the correct or best one given our mutual ends and commitments – because, for example, it correctly identifies pyramid schemes with recruitment and thereby clearly distinguishes legitimate from illegitimate business models. These speakers would therefore, if pressed (and exposed to the relevant literature), likely claim to be engaged in a form of inquiry-driven conceptual engineering, i.e., to be engaged in the project of arriving at the correct or best view of a concept in light of our critically examined shared ends and commitments. And if we knew nothing about their connections to this industry, then we might also be tempted to characterize their views in these terms.

How, then, can we decide if this case is in fact an example of conceptual domination? Recall the sources of evidence cited in the previous section and consider them in the context of this case.

First, we need to analyze whether the speakers are engaged in markedly deficient practices of inquiry. It seems clear that they are. The considerations each speaker raises above are utterly lacking. The view of the concept of pyramid schemes in the bill allows for a structure where there are no consumers outside the company itself – which, as we have seen, is an established standard for identifying pyramid schemes. The notion, then, that the bill provides a “clear” dividing line between fraudulent and non-fraudulent companies cannot be right, nor can the blithe dismissal that there is nothing worrying in the view of ‘ultimate user’ because it is “commonplace for people to join DS companies as distributors after first trying and enjoying the products”. This is hardly the worry consumer advocates have, which is not that some consumers will eventually become distributors after trying the MLMs’ products; the problem with the bill’s view of these concepts is that it allows for MLMs where there are no consumers outside the MLM itself.

The second source of evidence we should consider is whether the speakers attempt to exploit any formal or informal institutional authority they might themselves have or might have access to in order to settle the question of how the relevant concept should be understood. In this case, the speakers are not particularly deceptive about the fact that they are aiming to use institutional structures to enforce their preferred view of the concept of pyramid schemes. But they are deceptive in how they represent the nature of the bill and in smuggling in the most contentious parts of the bill, rather than foregrounding them (embedding the contentious definition of ‘ultimate user’ within the seemingly innocuous definition of ‘pyramid scheme’).

Third, we should consider whether these speakers are willing to defend their views to other peer speakers. Here the record is mixed. Mariano, for example, approached investigative reporters to defend the lobby’s support for H.R. 3409 and the bill’s view of the concept of pyramid schemes.¹⁷ He made his defense at length, responding to extensive challenges from the reporters. Such efforts are in addition to his public statements (such as the above). Writing public pieces such as op-eds (as Blackburn and Coughlan did) are also evidence of a certain willingness to publicly defend one’s views and subject them to scrutiny. However, it is far from clear that these speakers have taken the

¹⁷ See the conversation with Mariano on Episode 11 of *The Dream* podcast.

steps to engage in good faith with the arguments of the relevant experts, as we saw above. And just as meeting one of these conditions is not dispositive for a case counting as an instance of conceptual domination, failing to meet one or several of these conditions is not dispositive for a case counting as a form of conceptual engineering. In particular, we should expect that many conceptual dominators will relish opportunities to publicly broadcast their views and will do so under the guise of being inquiry-driven. This is because, if the speaker knows their audience cares about inquiry (i.e., is interested in arriving at a correct view of the concept in question), saying their aim is to get the audience to adopt their view because it serves the speaker's interests is extremely unlikely to move such an audience. Willingness to defend one's view to *peer* speakers, particularly where these peers are the relevant experts in the field in question (if there is one), is often a better source of evidence for determining whether we are dealing with an engineer or dominator. The dominator will instead tend to seek out platforms that are favorable to their views and where they can avoid interacting with relevant experts.

This case also brings to light a further crucial source of evidence for determining whether we are encountering an instance of conceptual domination: speakers' willingness to be transparent about the interests informing or potentially informing their view. Blackburn and Coughlan both fail this test of transparency. Blackburn does not disclose in her op-ed that she has received large donations and support from the MLM lobby.¹⁸ Coughlan similarly does not disclose in her op-ed that she has previously been paid by the MLM Herbalife for a paper arguing the company's structure is legitimate, nor that she currently has ties to the MLM lobby.¹⁹ These facts strongly suggest we are dealing with conceptual dominators aiming to generate and enforce widespread uptake for a view of these concepts because it serves their material interests that we do so.²⁰

¹⁸ Blackburn received both direct contributions from the Direct Selling Association and benefitted from independent expenditures by this Association on her behalf. See, e.g., <https://www.opensecrets.org/pacs/pacgot.php?cmte=C00078535&cycle=2014> and <https://www.opensecrets.org/pacs/pacgot.php?cmte=C00078535&cycle=2016>.

¹⁹ Footnote 2 of Coughlan's (2012) reads: "This document was prepared with the financial and data support of Herbalife Ltd.". Coughlan also lists on her faculty page that she is a Direct Selling Education Fellow, a position that is part of an organization that self-identifies as the Direct Selling Association's "goodwill ambassador" (see <https://dsef.org/direct-selling-education-about/>). See Keep (2017) for an in-depth assessment of Coughlan's piece on this and other scores.

²⁰ But, again, while these details are good evidence in favor of a judgment of conceptual domination, it is also possible that such failures of transparency have alternative explanations compatible with these speakers counting as inquiry-

From analyzing these two case studies, we have therefore discerned four key sources of evidence for determining whether we are encountering an instance of conceptual domination:

- 1.) Do the speakers engage in markedly efficient practices of inquiry?
- 2.) Do the speakers exploit their institutional authority (whether formal or informal) to settle the conceptual dispute?
- 3.) Are the speakers unwilling to defend their view of the concept in question to other, relevant peer speakers?
- 4.) Do the speakers fail to be transparent about the interests informing or potentially informing their view?

Applying these conditions to the MLM case, it seems we have a clear instance of speakers who are engaged in the pursuit of conceptual domination. Despite the appearance of engaging in inquiry-driven conceptual engineering concerning the concept of a pyramid scheme, these speakers' deficient practices of inquiry, their failure to engage with the relevant experts, their failure to disclose their conflicts of interest, and their attempts to exploit institutional authority to have their preferred view imposed all give us very good reason to view these speakers as engaged in a form of conceptual domination.

V.

I want to conclude this discussion by considering what follows once we arrive at the judgment that speakers are engaged in a form of conceptual domination. When we encounter speakers we are certain are engaged in inquiry-driven conceptual engineering, it seems clear what kind of response is called for. If speakers say they have the correct or best view of a concept, and we have good reason to think they are sincere but take these speakers to have the wrong view, then the appropriate response will be to point out why we think they are wrong and argue in favor of our own view as rigorously as we can.

driven (such as, for example, a lapse in judgment in failing to make these disclosures). These possibilities seem implausible in this case, but we can concede to a skeptic that they cannot be ruled out because this concession does not prevent us from arriving at an informed judgment.

But given that conceptual domination is defined precisely by how it is *not* inquiry-driven, it may be pointless to offer arguments or considerations in favor of the view we take to be correct or point out what we take to be lacking in the dominators' practices of inquiry. The dominators ultimately have no interest in these arguments or considerations, so we will not move them in this way. Furthermore, given that the dominators have a vested interest in appearing as engineers, we may well make a costly mistake in engaging dominators as if they were engineers. In doing so, we give them plausible cover for claiming that they are themselves concerned with getting the concept in question right and therefore engaging with others in good faith.

Given dominators' lack of investment in inquiry, the appropriate response may be a distinctly non-philosophical one, such as, for example, investigative work to expose the dominators *as* dominators – to expose the non-inquiry interests driving their position. The kinds of interests we have observed behind instances of conceptual domination may also require political challenges to and organizing against those interests or efforts to change the relevant institutional structures to ensure that they do not prevent inquiry from unfolding and having a genuine impact on institutional life. Spending one's time attempting to demonstrate how dominators fail in their practices of inquiry may be time and resources that could be better spent organizing against the interests that are in fact driving their activity and their possible abuses of institutional power.

Various considerations, however, will determine how best to respond to dominators in context. Engaging with dominators as if they were engineers may be the best approach to take for a particular case. If, for example, there is an undecided audience to the dispute who would be persuaded by pointing out the deficiencies in the dominators' practices of inquiry, then a philosophical response might be the right one. It would therefore be a mistake to try and dictate any sweeping prescriptions for particular cases from the armchair.

My goal in this discussion has been to show that the emerging conceptual engineering/ethics literature risks skewing our understanding of the activities of conceptual articulation and conceptual dispute by envisioning them as taking place within an all too idealized space of reasons – one where speakers meet as equals, articulating and revising their view of concepts just as they ought. But

conceptual articulation and dispute – including what transpires exclusively within the halls of philosophy departments – will be shaped by a variety of complex motives, where inquiry may only be one driver among many or may be altogether spurned. Our practices of conceptual articulation and dispute are not animated inherently by a concern with correctness, even if they often show up to us as such. The question of how we will understand certain concepts is often a battle over whose understanding of the world will prevail and whose interests will be served.

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