

Cass Sunstein and Adrian Vermeule on Conspiracy Theories

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Abstract

I criticise Cass Sunstein and Adrian Vermeule's influential critique of conspiracy theories in "Conspiracy Theories: Causes and Cures". I argue that their position depends on an equivocation over the meaning of the term 'conspiracy theory'. This equivocation reflects a widespread assumption that conspiracy theories tend to be false, unjustified and harmful, and that, as a result, we can speak as if all conspiracy theories are objectionable in each of these three ways. I argue that this assumption is itself false, unjustified, and harmful. There are many true, justified, and/or beneficial conspiracy theories. This is because people often conspire, we often have good reason to believe that people are conspiring, and there is often a significant public benefit in exposing their conspiracies. I compare conspiracy theories to scientific theories, arguing that just as most of us regard bad scientific theories (i.e. false, unjustified and harmful ones) as an acceptable price to pay for good scientific theories, we should regard bad conspiracy theories as an acceptable price to pay for good conspiracy theories. I go on to argue that Sunstein and Vermeule's proposed 'cure' for conspiracy theories is unlikely to work and is inconsistent with the values of liberal democracy.

Keywords: Cass Sunstein, Adrian Vermeule, conspiracy theories, conspiracies.

1. Introduction

In this paper I will criticise Cass Sunstein and Adrian Vermeule's work on conspiracy theories. There are several reasons I think such a critique is worthwhile.¹ First, their original essay on the subject appeared in a highly prestigious philosophy journal, *The Journal of Political Philosophy*. Second, Sunstein is not *merely* another academic contributing his two cents worth to philosophical debate. He was until recently a senior government official of the most powerful country in the world. He was a close friend and advisor to a

¹ I think their work on this subject would, to borrow a phrase from Hume, be "little worthy of serious refutation" (Hume, 1967/1748: Sec. 10) in a rational political culture. Because our political culture is not entirely rational I think it is worthy of serious refutation.

president of the United States and Head of the Office of Information and Regulatory Affairs, where his responsibilities included overseeing policies relating to “information quality”. His philosophical mistakes have the potential to cause very serious harm. Not only is he in an unusually good position to propagate errors and confusions, he is, as we shall see, in a position to influence some really terrible public policy as a result of those errors and confusions. This will not be the first work of philosophy to critique Sunstein and Vermeule on this subject,² but it will be the first to do so in the kind of depth which, given the above points, it seems to merit.

I will not be presenting my own definition of ‘conspiracy theory’ or any related terms. I will consider only Sunstein and Vermeule’s definition(s).³ The reason for this is simply that I do not believe there is such a thing as the right definition of ‘conspiracy theory’, or even that there are any good definitions. I am committed to the normative, indeed the ethical thesis, that we should refrain from using the term ‘conspiracy theory’ or any of the terms associated with it (such as ‘conspiracy theorist’, ‘conspiracist’, ‘conspiracism’, and so on), and that we should discourage others from doing so as well.⁴ Why? The fact that these terms are multiply ambiguous has been well documented.⁵ This fact is not on its own, however, an adequate reason for not using them. Many, arguably most, of the words and phrases we use are ambiguous. The words ‘conspiracy’ and ‘theory’, for example, are both somewhat ambiguous, but I certainly wouldn’t argue that they should not be used. In most contexts it is clear, or at any rate clear enough, what they mean. By contrast, the terms ‘conspiracy theory’ and ‘conspiracy theorist’ are routinely used equivocally, and arguments that these theories and/or theorists are a problem that need addressing are routinely guilty of the fallacy of equivocation. Of course, I cannot hope to make a particularly convincing case for this in this article; I will be content to alert the reader to the fallacious equivocations of Sunstein and Vermeule, and allow him or her to find similar equivocations in the writings of other authors.

2. Sunstein and Vermeule’s Argument

In their original paper Sunstein and Vermeule (rather tentatively) define a conspiracy theory as “*an effort to explain some event or practice by reference to the machinations of powerful people, who attempt to conceal their role (at least until their aims are accomplished)*” (Sunstein and Vermeule, 2009: 205). I will not be discussing here the pros and/or cons of this particular definition, since as I noted before, I do not believe there is such a thing as a correct (or even a good) definition of this term. Rather, I will accept their definition for the sake of argument and I will even lapse into the practice I criticised earlier of using (rather than merely mentioning) the term ‘conspiracy theory’. When I do so, I simply mean ‘the things which fit Sunstein and Vermeule’s definition of a conspiracy theory’.

² See, for example, Coady 2012 Chapter Five, and Pigden 2016.

³ Sunstein 2014 offers a slightly different definition of conspiracy theory in his later version of the paper. The difference appears to be purely verbal.

⁴ For this reason this article can be understood as a contribution to the growing field of applied philosophy of language.

⁵ See, for example, Coady 2006 and Coady 2012: Chapter 5.

It should be clear that, on Sunstein and Vermeule's definition, conspiracy theories are not necessarily, or even typically, bad things. They are simply a form of explanation, a form that is often essential to understanding a wide variety of political and social phenomena, from the assassination of Julius Caesar to the 2003 invasion of Iraq. We all believe many conspiracy theories (in that sense are all conspiracy theorists) and there is nothing wrong with that, because many conspiracy theories are true. Sunstein and Vermeule appear to concede much of this. More specifically, they concede that *some* conspiracy theories are true (2009: 206). They also acknowledge that they can be justified (i.e. people can be justified in believing them) (2009: 207). Finally, they acknowledge that conspiracy theories are not necessarily harmful (2009: 206).

Despite their admission that not all conspiracy theories are objectionable in any of these three ways, they brush these points aside, and say that they will "narrow their focus" to conspiracy theories that have each of these objectionable characteristics; that is, they say they will concentrate on "false, harmful, and unjustified" conspiracy theories (2009: 206). Why do they focus just on such objectionable conspiracy theories? They do not say. Not only do they not say, they repeatedly refer to conspiracy theories as if they are all false, harmful and/or unjustified. For example, they say that "conspiracy theories [not merely the false, harmful, and unjustified ones] are a subset of the larger category of false beliefs" (2009: 206). Now, obviously they cannot form a subset of the category of false beliefs if some of them true. Similarly, they say that "conspiracy theories [not just the false, harmful and unjustified ones] are the product of crippled epistemologies" (2009: 224).⁶ Now it seems pretty clear that this generalisation cannot be true if we are justified in believing some of them.

The error of Sunstein and Vermeule's approach can perhaps most clearly be seen if we imagine someone writing in a similar way about another group of theories which has a better reputation than conspiracy theories, namely scientific theories. Sunstein and Vermeule's original article is called "Conspiracy Theories: Causes and Cures", so imagine, if you will, that someone had written an academic paper called "Scientific Theories: Causes and Cures". Before even reading the paper a good referee would object that in seeking the causes of scientific theories the authors appear to be assuming absurdly that scientific theories are all false and unjustified. This is because we do not normally refer to the cause of a true theory (or true belief), not because true theories (or beliefs) do not have causes but because their cause is usually too obvious to mention. The cause is the fact believed. For example, the Copernican theory that the earth revolves the sun was caused by the fact that the earth does indeed revolve around the sun. It is clear that no adequate causal explanation of the theory (or of its eventual acceptance) can leave this fact out. The same goes for justification. We do not normally refer to the cause of a justified theory (or belief). Again, this is not because they do not have causes, but because the cause in such cases is obvious. The cause is the available evidence, along with the people in question's capacities for evaluating that evidence.⁷ The reference to

⁶ This is a condition they define as "suffering from a sharply limited number of relevant information sources" (Sunstein and Vermeule 2009: 204).

⁷ Of course there are some other ways in which we talk about the causes of people's true theories (or beliefs). We sometimes talk about the sociological or historical causes of true or justified beliefs. For example, Louis Pasteur's discovery of the principles of microbial

'cures' in Sunstein and Vermeule's title is at least as problematic, suggesting as it does that the theories in question (whether they are conspiracy theories or scientific theories) are actually diseases.

I submit that our imaginary article would most likely be immediately dismissed as unscientific (indeed anti-scientific). If our imaginary referees got far enough into the paper to read the part where the authors say they are going to focus on bad scientific theories, i.e. the ones that are false, unjustified, and harmful, they would presumably insist that the authors stop referring to 'scientific theories' when they really mean 'bad scientific theories'. That, for example, they make it explicit that their portentous sounding claim that scientific theories are a subset of the set of false beliefs really amounts to nothing more than the tautology that false scientific theories are a subset of the set of false beliefs.

Our imaginary referees would also presumably insist that the authors provide some justification for focussing on bad scientific theories, rather than scientific theories in general. It is possible that the authors could meet this challenge. They might argue, with some plausibility, for example, that scientific theories are treated with undue respect (indeed awe), and that there is a tendency in our culture (sometimes called 'scientism') to ignore the fact that quite a lot of scientific theories turned out to be false and unjustified (for example phlogiston theory) and quite a lot turned out to be very harmful as well (for example the theory of phrenology).

Could Sunstein and Vermeule offer a similar justification for focussing exclusively on bad conspiracy theories? It is clear that they could not, since conspiracy theories are not usually treated with undue respect. They are not treated with any respect at all. People disagree in fundamental ways about exactly what conspiracy theories are, but there is widespread agreement that, whatever they are, they are bad things. To call something 'a conspiracy theory' is standardly to label it (amongst other things) as 'false' and 'unjustified' (in fact more than unjustified, it usually implies that the theory in question is crazy). It is true that people do not necessarily think of conspiracy theories as harmful. Indeed Sunstein and Vermeule are trying to convince readers who just assume that conspiracy theories have the first two bad characteristics, that they also have the third of them. They are warning those who think of conspiracy theories as merely silly, that they are in fact sinister and, as Sunstein puts it in a recent book, "dangerous".⁸

There is another way in which Sunstein and Vermeule might justify focussing on bad conspiracy theories. Perhaps non-bad conspiracy theories are rare and unimportant, so rare and unimportant that we can ignore them. In fact, they do seem to think this. The examples of paradigmatic conspiracy theories they give at the beginning of their article are all false and unjustified, or at any rate they clearly believe that they are false and unjustified and they clearly expect their readers to agree.

Sunstein and Vermeule do not explicitly say it, but they strongly imply that conspiracies by powerful people, and hence true conspiracy theories on their

fermentation was caused (in part) by the demands of the French wine industry. But this is not the cause of Pasteur's discovery, and any attempt to explain how Pasteur arrived at his theory that leaves out the fact that it is true and justified will obviously be inadequate.

⁸ Sunstein's book is called *Conspiracy Theories and Other Dangerous Ideas*.

definition, are rare and unimportant. Insofar as they present an argument for this view, however, it applies, not to conspiracy theories in general, but to a particular subset of conspiracy theories: those which involve governments of so-called “open societies”. Such conspiracy theories, they assert, typically fail to consider “the abundant evidence that in open societies government action does not usually remain secret for very long” (Sunstein and Vermeule 2009: 208-9). Sunstein and Vermeule do not define “open society”, but they do give three examples of allegedly open societies: the United States, the United Kingdom, and France. They claim that the free press and the diversity of institutional checks that characterise such societies are such that “conspiracy theories will usually be unjustified” (2009: 210). They do not explicitly say so, but presumably they are also committed to the view that in open societies, like the US, the UK, and France, conspiracy theories are usually false. After all, if there really is abundant evidence that most conspiracy theories (of the type in question) are unjustified, that must be because there is abundant evidence that most of them are false. So Sunstein and Vermeule’s position appears to be that conspiracy theories about the US government (almost all the conspiracy theories they mention are about the US government and none are about the governments of the UK or France, so I will put them aside) are usually unjustified and false, and that we know this because of the abundant evidence that actions by the US government do not usually remain secret very long.

There remains some unclarity about the way the argument is supposed to work. After all, Sunstein and Vermeule’s definition of a conspiracy theory does not say anything about the powerful people in question keeping their role secret “very long”. It only says they must “*attempt* to keep it keep it secret ... at least until their aims are accomplished”. It seems best, therefore, to interpret “very long” as meaning “until the aims of the conspirators are achieved”. So their position seems to be that conspiracies by the US government usually fail to remain secret long enough for the conspirators to fulfil their aims. Why should this mean that most conspiracy theories involving the US government are unjustified? The idea seems to be that we can be confident that the US government rarely conspires because (a) government agents are unlikely to fulfil their aims because they have good reason to believe that they will be exposed by the institutions of their free society before those aims are achieved, and (b) they are aware that if any conspiracies they took part in were exposed, they are likely to be punished.

With that in mind let us consider whether there really is abundant evidence for the claim that US government action does not usually remain secret very long. Sunstein and Vermeule cite two examples of such evidence: first that the Bush administration illegally spied on American citizens without court orders⁹, and second that, since September 11, the CIA has been torturing prisoners in secret “black sites”.¹⁰ These do not constitute good evidence that US government actions do not remain secret for long, since in both cases they remained secret for many years, long enough to cause a lot of harm, and, at least arguably, for as long as the government wanted them to remain secret.

⁹ James Risen and Eric Lichtblau, “Bush Lets U.S. Spy on Callers without Courts”, *New York Times*, December 16, 2005, A1.

¹⁰ Jane Meyer, “The Black Sites: a Rare Look Inside the C.I.A.’s Secret Interrogation Program”, *New Yorker*, August 13, 2007.

Furthermore none of the conspirators involved have been punished in any way, and, at least in the case of the CIA's torture programme, the only person who was punished was a CIA whistleblower who was jailed for exposing the conspiracy.¹¹

At this point Sunstein and Vermeule could retreat to the more modest claim (often made by conspiracy baiters) that examples of this kind at least give us some assurance that conspiracies will eventually be exposed. But their examples do not support even this much more limited claim. There is a clear selection effect operating on the available data. The only conspiracies we can cite as examples (unless we are in on them) are ones that have already been exposed. To the extent that long-term secrecy is essential to the success of conspiracies, the ones we know about will be the unsuccessful ones. There is no reason to believe these are representative of conspiracies in general or of conspiracies by the US government in particular.

As noted, Sunstein and Vermeule concede the truth of some conspiracy theories (i.e. they concede that powerful people sometimes conspire), including some involving the US government. This is the passage in which they make this concession:

The Watergate hotel room used by Democratic National Committee was, in fact, bugged by Republican officials, operating at the behest of the White House. In the 1950s, the Central Intelligence Agency did, in fact, administer LSD and related drugs under Project MKULTRA, in an effort to investigate the possibility of "mind control." Operation Northwoods, a rumored plan by the Department of Defense to simulate acts of terrorism and to blame them on Cuba, really was proposed by high-level officials (though the plan never went into effect) (Sunstein and Vermeule 2009: 206).

Somewhat to their credit, Sunstein and Vermeule's list of real conspiracies (i.e. true conspiracy theories) is longer than that of most conspiracy baiters, who, if they acknowledge the reality of conspiracy at all, typically use Watergate as their one and only example. Even with this example, however, Sunstein and Vermeule understate both the number and the significance of the conspiracies involved. The Watergate Hotel was not merely bugged by Republican officials; it was burgled on more than one occasion, and that was only a small part of the conspiracy. Nixon's downfall was brought about, not so much by the burglaries themselves, but by the conspiracy to cover-up the burglaries, and by numerous domestic and foreign conspiracies which the investigation into the cover-up brought to light.

Sunstein and Vermeule's second example suffers from similar problems. The CIA did not merely administer LSD and other drugs to people (which sounds like it might have all been in good fun), they administered them forcibly to a wide variety of vulnerable people, including mental patients, prisoners, drug addicts, and prostitutes, and anyone else who, in the words of one of one agency officer, "could not fight back".¹² Furthermore, the primary goal of MKUltra was not, as Sunstein and Vermeule would have us believe, to "investigate the

¹¹ See http://www.huffingtonpost.com/2014/12/10/cia-torture-prosecution_n_6298646.html (accessed on October 12, 2016).

¹² <http://www.nytimes.com/1999/03/10/us/sidney-gottlieb-80-dies-took-bsd-to-cia.html> (accessed on October 12, 2016).

possibility of mind-control” (which makes it all sound as though it was motivated by far-fetched, indeed kooky, goals),¹³ rather it was to research ways to “interrogate resistant sources” (Klein 2006: 47) or, in plainer language, “torture”. There is much that we do not know about MKUltra, due a large scale conspiracy to cover it up led by former CIA Director Richard Helms who ordered that all MKUltra files be destroyed.¹⁴ We do not know, for example, how many people were experimented on and we do not know how many people died as a result of it, but we do know that there were deaths; the most infamous of which was the death of the biological warfare scientist Frank Olsen, who, after telling colleagues that he did not want to be involved in the US government’s germ warfare programme anymore, was given LSD by CIA agents without his knowledge and fell to his death from a New York City hotel room. This was officially designated suicide, but a subsequent autopsy found that the blunt force trauma to his head and chest had most likely been caused in his room before the fall, and described the evidence as “rankly and starkly suggestive of homicide”.¹⁵ No one involved in MKUltra has ever been brought to justice.

Sunstein and Vermeule’s third example of a true conspiracy theory, Operation Northwoods, is equally filled with evasions and half-truths. To start with, they are wrong to describe it as a “rumored plan”, since, as they concede, it was not merely rumoured, but actually proposed by high level officials, in fact it was endorsed by the Joint Chiefs of Staff. Moreover, the plan was not merely to “simulate” acts of terrorism (whatever that might involve), but also to actually carry out acts of terrorism, though it should be noted that the Joint Chiefs of Staff did express a desire to minimise civilian casualties wherever possible.¹⁶

I could go on at length about other long-running US government conspiracies. In many cases, they remained secret for as long as the conspirators wanted, and in most cases the conspirators have escaped all punishment. Here I will confine myself to one such conspiracy, the FBI programme known as COINTELPRO, which was authorised by every American president from Eisenhower to Nixon. This programme aimed at infiltrating, disrupting and discrediting a variety of political organisations on the political left, including the civil rights movement, the anti-war movement, and a wide variety of feminist, and anti-colonial organisations. Most infamously it led to the FBI’s murder of Fred Hampton and, not only the illegal surveillance of Martin Luther King, but also a well-documented attempt to drive him to suicide. This particular plot did not succeed, but COINTELPRO appears to have been more successful with another of its targets, the actress Jean Seberg, who appears to have committed suicide as the result of an elaborate plot to discredit her.¹⁷ Sunstein and Vermeule do not mention COINTELPRO, perhaps because it does not fit well with their narrative, because it was eventually exposed, not by the fearless

¹³ Alfred McCoy (2006: 21-59) has argued, quite convincingly, that the CIA conspired to focus media attention on the ridiculous side of the programme to make it appear less sinister.

¹⁴ https://www.cia.gov/library/center-for-the-study-of-intelligence/kent-csi/vol44no4/html/v44i4a07p_0021.htm (accessed November 6, 2016).

¹⁵ <http://www.frankolsonproject.org/Articles/LondonMail.html> (accessed November 6, 2016).

¹⁶ <http://nsarchive.gwu.edu/news/20010430/northwoods.pdf> (accessed November 6, 2016).

¹⁷ For details of the COINTELPRO programme see Blackstone 1988.

investigative reporters of the free press or any other institution of the open society, but by a group of leftist “conspiracy theorists” called the “Citizens Commission to Investigate the FBI”, which burgled the offices of the FBI and stole documents relating to the programme.

We have seen that Sunstein and Vermeule’s implicit assumption that conspiracy theories are false and unjustified is itself false and unjustified. We have also seen that their argument that conspiracy theories are unlikely to be justified when they posit conspiracies on the part of the governments of so-called “open societies” is unsound. What about the alleged harmfulness of conspiracy theories, the third of the trifecta of objectionable qualities of conspiracy theories? Most conspiracy baiters are content to dismiss the theories they call “conspiracy theories” as false and the people they call “conspiracy theorists” as irrational. Sunstein and Vermeule go further, portraying both the people and the theories as positively harmful, so harmful that they require a public policy response. Sunstein and Vermeule cite some examples of false conspiracy theories that have done harm. But anyone can play this game with any category of theory (or for that matter with any category of person). I could give you plenty of examples of false scientific theories that have caused considerable harm. Both phrenology and scientific race theory caused great harm to people whom they wrongly categorised as inferior. Trofim Lysenko’s theories of environmentally acquired inheritance held back Soviet science and agriculture for decades, which caused real harms to every citizen of the Soviet Union. But no one would claim that there is some general problem with false (or unjustified) scientific theories. Rather we recognise that false, unjustified, and positively harmful scientific theories are the price we pay for true, justified, and beneficial scientific theories, and this seems, all things considered, to be a price worth paying. I submit that this is equally true of conspiracy theories. In both cases you cannot have the wheat without the chaff.

Sunstein and Vermeule, however, claim that conspiracy theories are special, because there are certain features of “false and harmful conspiracy theories that make them distinct from, and sometimes more damaging than, other false and harmful beliefs” (Sunstein and Vermeule 2009: 203-204). What are these features? Sunstein and Vermeule’s answer seems to be that conspiracy theories (again they do not specify just the false and/or unjustified ones) can have “pernicious effects from the government’s point of view, either by inducing unjustifiably widespread public scepticism about the government’s assertions, or by dampening public mobilization and participation in government led efforts” (Sunstein and Vermeule 2009: 220). Now, there is no doubt that conspiracy theories (and not just the false and unjustified ones), on their definition, will tend to harm governments in these ways, by making people less likely to believe what they say, or do what they tell them to do. It is striking, however, that Sunstein and Vermeule appear to be exclusively concerned with things that may be harmful from the government’s point of view, rather than with things that may be harmful from the citizen’s point of view. Nowhere do they consider the possibility that widespread public scepticism about government assertions might be epistemically and morally justified or that dampening public mobilization and participation in government led efforts might be a good thing. At one point Sunstein and Vermeule make their assumption that the state will always act benevolently (where benevolence is understood in broadly utilitarian terms) explicit:

Throughout we assume a well-motivated government that aims to eliminate conspiracy theories, or draw their poison if and only if social welfare is improved by doing so (Sunstein and Vermeule 2009: 219).

In fact, they appear to be assuming, not only that governments are well-motivated (in this sense), but also that they are virtually omniscient and perfect calculators of social welfare. Let us put the latter point aside and just focus on the assumption that government is well-motivated. Of course, if we could make this assumption we could also assume that all conspiracy theories (or at least those which portray the government as up to no good) are false and unjustified. Indeed we could dispense with Sunstein and Vermeule's argument about the value of an open society as well. We value an open society precisely because we know that governments are not always well-motivated, especially when it comes to acts carried out in secrecy, but as Sunstein and Vermeule's own examples (and an awful lot more beside) show, we cannot make that assumption. So why do they make it? All they say by way of defence of it is that "it is a standard assumption of policy analysis" (2009: 219). Well, it depends on the kind of policy analysis we are talking about. Policy analysis in the liberal tradition is premised on the observation that a government cannot be trusted to act in the public interest, rather than in its own interest, especially when it comes to actions that are carried out in secret.

Things get worse when we turn to Sunstein and Vermeule's concrete policy proposals for "curing" conspiracy theories. They describe their "main policy claim" as follows:

Governments should engage in *cognitive infiltration of the groups that produce conspiracy theories* (2009: 218).

In this way, they say, governments will be able to "undermine the crippled epistemology of believers by planting doubts about the theories" (2009: 219). For obvious reasons, government officials cannot be entirely open or honest about their participation in such programs; hence Sunstein and Vermeule recommend that "government officials should participate anonymously or even with false identities" (2009: 225). In short, Sunstein and Vermeule recommend that government officials engage in secretive and deceptive (i.e. conspiratorial) behaviour in order to stop people from believing that government officials engage in secretive or deceptive (i.e. conspiratorial) behaviour. Now there is something very odd about this recommendation. Suppose the targets of this cognitive infiltration were to find out that they had been cognitively infiltrated. Sunstein and Vermeule cannot dismiss this possibility, since, as we saw, they claim that "government action does not usually remain secret very long" in open societies like the US. If the targets of the proposed cognitive infiltration were to find out about it, they would then believe even more conspiracy theories (albeit true ones).¹⁸ This would of course be counterproductive from the government's point of view (i.e. Sunstein and Vermeule's point of view). The whole point of the exercise remember is to undermine belief in conspiracy

¹⁸ To believe in the conspiracies Sunstein and Vermeule recommend would be to believe a conspiracy theory, at least on their definition of 'conspiracy theory'.

theories. It is not absolutely clear what Sunstein and Vermeule would recommend in these circumstances. They do say that “as a general rule, true accounts should not be undermined” (2009: 206). Nonetheless, they regard it as an “interesting question” whether it is ever appropriate to undermine true conspiracy theories (2009: fn. 17).

There is a glaring pragmatic inconsistency between Sunstein and Vermeule’s assurances that governments rarely get away with secrecy in open societies like ours and their advocacy of government secrecy (and indeed deception). Their own reasoning entails that the cognitive infiltration they recommend is unlikely to succeed because the institutions of the free society will bring it to light before it has achieved its goals. But this pragmatic inconsistency is the least of the worries raised by their paper. We should all be worried when someone recommends that government officials secretly and deceptively manipulate public opinion. We should be especially worried when someone like Sunstein, who was until recently himself a powerful government official, recommends that government officials behave that way. It is worth noting that the cognitive infiltration Sunstein and Vermeule recommend is not only immoral, it also appears to be illegal, under statutes which prohibit the government from engaging in “covert propaganda” which is defined as “information which originates from the government but is unattributed and made to appear as though it came from a third party”.¹⁹

To summarise, on the one hand, Sunstein and Vermeule reassure us that we do not have to worry about government conspiracy because we live in an open society. On the other hand, they recommend policies which could never be successful in a truly open society, and which, to the extent that they are successful, would make our society less open.

3. Conclusion

I said at the beginning that we should not use the terms ‘conspiracy theory’, ‘conspiracy theorist’ or any of the language associated with these terms. Each time we do so, we are implying, even if we do not mean to, that there is something wrong with believing, wanting to investigate, or giving any credence at all, to the possibility that powerful people (and especially governments or government agencies of Western countries) are engaged in secretive or deceptive behaviour. The net effect of the use of these terms is to silence people who are suspicious of or would like to investigate the behaviour of powerful people. These terms serve to herd opinion, or at any rate respectable opinion, in ways that suit the interests of the powerful, and make it more likely that they will be able to get away with secretive and deceptive behaviour. The use of these terms creates an environment in which people like Sunstein and Vermeule can offer us assurances that the government cannot be up to no good, because the institutions of our open society would prevent them from getting away with it, and that, at any rate, we can assume that the government is well-motivated, so that it would never engage in any nefarious deeds even if it could get away with them.

So one bad effect of these terms is that they contribute to a political environment in which it is easier for conspiracy to thrive at the expense of

¹⁹ <http://www.prwatch.org/node/7261> (accessed September 12, 2016).

openness. Another bad effect of them is that their use is an injustice to the individuals who are characterised as *conspiracy theorists* or whose beliefs are characterised as *conspiracy theories*. Borrowing Miranda Fricker's terminology, we may call this form of injustice a 'testimonial injustice' (see Fricker 2009). When someone asserts that a conspiracy has taken place (especially when it is a conspiracy by a Western government) that person's word is automatically given less credence than it should because of an irrational prejudice associated with the pejorative connotations of these terms. In fact, the use of these terms is sometimes a form of gaslighting; that is, an attempt to manipulate people into doubting their own sanity. I hope and believe that in the future these terms will be widely recognised for what they are, the products of an irrational and authoritarian outlook.

I originally intended to write about Sunstein's latest book *Conspiracy Theories and Other Dangerous Ideas*, but only one chapter of that book is on conspiracy theories (or rather the things he calls 'conspiracy theories'), and that is virtually identical with the article he co-authored with Vermeule. All the quotes I have used for this paper are still there, except for the quote in which they say their main policy proposal involves "cognitive infiltration". They have clearly (quite rightly) received some negative feedback for that proposal and Sunstein has now demoted it to one possible policy response amongst others (along with banning conspiracy theories and imposing a tax on them), and he is anxious to assure the reader that he is not advocating "1960s-style infiltration with a view to surveillance and collecting information, possibly for use in future prosecutions" and further that the cognitive infiltration he favours "must be consistent with domestic law" (Sunstein 2014: 28). But he gives us no reason for believing that things would be different from the 1960s in those ways and no reason for believing that his recommendations would be legal either. Once again Sunstein's message is that you can trust the government because it means well. In this respect, he is like other government propagandists. He is distinctive in that he has a further, rather more sinister, message: if you do not think the government means well, you are a problem and we are going to have to do something about it.²⁰

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