



REVIEW: Cass R. Sunstein, *Conspiracy Theories and Other Dangerous Ideas*

**Author(s):** Ori Freiman

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#### EDITORIAL OFFICES

Institute for the History and Philosophy of Science and Technology  
Room 316 Victoria College, 91 Charles Street West  
Toronto, Ontario, Canada M5S 1K7  
[hapsat.society@utoronto.ca](mailto:hapsat.society@utoronto.ca)

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## REVIEWS

# Cass R. Sunstein. *Conspiracy Theories and Other Dangerous Ideas*. 304 pp. Simon and Schuster<sup>\*</sup>

Ori Freiman<sup>†</sup>

Harvard Law School professor Cass R. Sunstein is a prolific author known to the law community mostly for his writings on administrative law and public policy. In fact, he is so prolific that similar to Erdős number in the field of mathematics, the term *Sunstein number* was coined in legal scholarship to reflect the degrees of separation an author is away from collaborating with Sunstein (Edelman and George 2007). Sunstein (and sometimes his co-authors) were highly regarded in certain sub-fields for developing and using concepts and ideas such as cascades, group polarization, libertarian paternalism, and more, which penetrated the vocabulary of those realms. To the general public, he is probably most known as the administrator of the White House Office of Information and Regulatory Affairs (2009 to 2012).

This book is a collection of eleven previously published works, revised for this publication. Such revisions make his ideas easier to read and thus more accessible. Being a collection of essays, this book's weaknesses are also its strengths: some of the ideas are explained more than once. Furthermore, besides the two ending chapters, all other chapters deal with distinct issues which do not always internally relate. Taken as a whole, this collection provides an overview of the different realms Sunstein dealt with which raised criticism and dissent. Each of the chapters, even if read separately, can be an intriguing read in and of themselves.

The first chapter, "Conspiracy theories," originally co-authored with Harvard professor Adrian Vermeule (Sunstein and Vermeule 2008), is probably the most revised article in this collection. The controversial article is now so revised that Vermeule's name was removed from this chapter,

<sup>\*</sup> Received March 19, 2013. Accepted April 13, 2014.

<sup>†</sup> Ori Freiman is a Ph.D. student at the Graduate Program in Science, Technology, and Society at Bar-Ilan University, Israel. He works in social- and techno-epistemology, philosophy of science and philosophy of technology. His dissertation deals with the relationship between knowledge and technology. He is also interested in the social epistemology of rumors, urban legends, gossips, and conspiracy theories.

though he is deeply thanked and credited for the development of the central argument. The revision, now containing a bit of humor, traces the mechanisms of how conspiracy theories arise and spread, and suggests actions that can be taken to prevent their dissemination. It argues that when we are able to know how conspiracy theories arise, we will be able to understand the dynamics of the dissemination of other kinds of false rumors and false beliefs. Sunstein argues that groups which advocate conspiracy theories ought to be infiltrated and undermined by government agents. This idea garnered controversies and critical responses were raised (e.g. Hagen 2010; Coady 2012; Griffin 2010). Besides being provocative, this chapter can be used as an introduction to his thoughts on rumors and speculations, the concepts of group polarization, and of information, reputation, availability, and emotional cascades.

The chapter “The Second Bill of Rights” (Sunstein 2004) recommends connecting social rights with laws and policies while balancing between free markets and government interventions. In the chapter “If ‘misfearing’ is the problem, is cost-benefit analysis the solution?” (Sunstein 2013), a defense of the criticized (mainly by the left) process of cost-benefit analysis, is offered. The defense is based on dealing with the *problem of misfearing*—when people, policy makers, and the ordinary political dynamics reflect fear of trivial risks and neglect serious ones. This problem generates misallocations of public resources—when they are devoted to the wrongly-focused problems.

The chapter “The laws of happiness” (Sunstein 2008b) uses insights from recent work in the social sciences dealing with the nature of subjective well-being to offer suggestions to improve fiscal and regulatory policies and the legal system. “The rights of animals” (Sunstein 2003) discusses animal autonomy, asking whether animals are property. The argument is that representatives of animals (such as their owners) should be able to bring private lawsuits to ensure that anti-cruelty and related laws are actually enforced. The chapter “Marriage” (Sunstein 2005) presents an analysis of various issues regarding marriage and its interpretation through recent historical verdicts. It concludes that, in principle, there is no convincing constitutional defense of the ban on same-sex marriage. The chapter “Sex equality versus religious freedom?” (Sunstein 1999) settles the tension found between religious institutions and application of the law forbidding sex discrimination. The chapter “Climate change justice” (Sunstein and Posner 2008) is co-authored with Eric A. Posner—a respected University of Chicago Law School professor. It argues that contrary to common belief, the normal framework of distributive and contributive justice hardly fit to current solutions offered to the climate change problems. “A New Progressivism” (Sunstein 2006) presents Sunstein’s understanding of the appropriate role of government.

The only two obviously-related chapters, “Minimalism” (Sunstein 2008a) and “Trimming” (Sunstein 2009), deal with approaches of how to balance between various competing views. In “Minimalism,” the grounds of and limitations to avoiding broad pronouncements or theoretical ambitions in law, politics, and everyday life, are explored. The minimalists’ ways tend to leave the biggest and most foundational issues undecided, avoiding ruling on decisions that reach far beyond the case at hand. Minimalists tend to focus on solving only the particular issues in dispute, leaving remaining problems to be faced by posterity.

In contrast, trimmers decide now. The final chapter, “Trimming,” offers an attempt not to avoid, but to steer, between competing positions and extreme poles. While some trimmers steer to the middle by compromising, some preserve, evaluate and scrutinize what is essential to competing but reasonable positions. Although trimmers face problems and challenges, in some domains decision makers find trimming as the more attractive approach between the alternatives.

This diverse selection of articles includes those written for different audiences at different times. To those who are familiar with Sunstein’s writing, it will be no surprise to encounter his very clear style. The ideas, especially those which are explored in depth, are carefully built and phrased, offering understandable and down-to-earth lines of thought that can be implemented in real-life policy. Read as a whole or not, this book contains deep ideas in simple language.

Those who are interested in Sunstein’s biography will probably find the preface to the collection interesting. In the customary introduction of the various book chapters, Sunstein adds a personal account of various difficulties he encountered, such as the unexpected notoriety he faced during his position at the White House and the animosity that some of these articles originally generated. Moreover, in the past, Sunstein declined to answer reporters’ questions about views he expressed, and in this preface he justifies his decline by drawing a comparison between the administrator who works in the public sphere and the academic scholar. He also shares with the reader what he would have changed in the articles if he had written them from scratch. It would have been a great addition if Sunstein had added notes about each article’s criticism or dissent. But biographies of articles are probably material for a book in itself.

*Conspiracy Theories and Other Dangerous Ideas* is quite a tricky title for this collection. *Conspiracy theories*—the protasis of this title, derives from (probably the most) controversial article which became the opening chapter. The apodosis of the title—*other dangerous ideas*, derives from a description Sunstein received as “the most dangerous man in America” by Glenn Beck, a television and radio political commentator. With this

book's title, Sunstein embraced and reappropriated this nickname, turning the pejorative description into his own kind of wit: to him, probably, this collection contains nothing that could be labeled as a conspiracy or as a dangerous idea. In fact, it is easy to see Sunstein's perspective underpinning the different chapters in this collection: He considers the extreme views, and then locates his own ideas away from them. Though the ideas found in these various chapters are only supposedly-dangerous to anyone who is not extreme, they are, no doubt about it, challenging, debatable and provocative.

ORI FREIMAN

The Graduate Program in Science, Technology, and Society  
 Bar-Ilan University  
 Ramat Gan 52900  
 Israel  
 ori.freiman@biu.ac.il

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