

Tweak, Fiddle, Nudge

Abstract

A decade ago Thaler and Sunstein expounded their influential theory of the “nudge”: the practice of coaxing persons presumed to be passive and somewhat empty-headed into making better decisions. There’s no compelling reason why motivated decision-engineers would stop short of attempting to guide the thoughts, as opposed to the mere behavior, of others. I propose that the code-words of academic orthodoxy—words like *diversity*—do just this: they nudge you to think given thoughts, both by restricting the meaning of the term with special qualifiers and by keeping these restrictions off the table and out of view. In principle, persons initiated into code-words like *diversity* are taught not only to accept their doctored meaning but, more fundamentally, to accept orthodoxy itself. Several examples of rigged terms like *diversity* are given in this paper, some of them locutions which appear to have no meaning at all except for one decreed by their inventors, and which serve as placeholders for academic orthodoxy. Also given is an example of a disciplinary proceeding slanted by the language governing it. Behind the use of academic code-words lies the assumption, similar to that which inspires nudging, that people in general need to be led by those who know better. I conclude that the attempt by the enforcers of orthodoxy to steer thought and rig language represents a form of paternalism and, therefore, a reversal of the liberal tradition in which the value of diversity was originally rooted.

1. Nudges

Beginning about fifteen years ago, the innovative behavioral researcher Brian Wansink published a slew of studies purporting to show that simple cues could influence both children and adults to eat better. He got children to eat apples by putting Elmo stickers on them, and adults to eat smaller portions by deploying smaller plates. The media had an appetite of its own for these juicy findings, celebrating them, amplifying their message, and making an academic star of the author. It later emerged that Wansink’s studies were worthless, vitiated by the methodological fallacy of picking out “significant” data after the fact, as well as other

questionable practices. The retraction of his papers, one after another, by such journals as *JAMA* was covered by some of the same media sources that trumpeted his findings to begin with. In the end, what the disgraced scientist showed the world was not how easy it would be to get Americans to improve their notoriously bad eating habits if only you modify this or that variable, but how tempting the notion is that your fellow citizens need help making even the most elementary decisions. The help itself has acquired a name and a classic text: Thaler and Sunstein's *Nudge* (2008), in which Wansink is acclaimed as the author of one "masterpiece" of research after another.¹

As explicated by Thaler and Sunstein in their study of the theory and practice of the maneuver, nudging is the attempt to improve others' choices without actually violating their liberty. If I can get you to do things by slanting the decision, then maybe I don't *need* to violate your liberty. Wansink alleged that he got children to eat apples by putting an endearing sticker on the apples, not by forcing apples upon the children. (Of course, if I replace my plates with smaller ones in an attempt to nudge myself and rewire my eating habits, I don't violate my own liberty.) But violating liberty isn't the only way of misconducting oneself. Nudging represents a revival of the art of "engineering consent" once professed by the public-relations specialist,² now with more theory and higher motives attached, and like its predecessor it lends itself to many dubious uses.

Nudgers can leave liberty untouched while still being presumptuous, and if they're really presumptuous, they may well carry nudging beyond the effort to mold behavior. The scenario that most concerns me isn't that nudgers will apply to their fellow citizens the same theories and methods that inspire the enlightened use of Elmo stickers, or even that terms of the

nudging art like *libertarian paternalism* will lose their Orwellian sound and pass into common usage, but that at some point the nudgers will no longer be content to guide behavior and will go to work on thoughts, perhaps on the theory that thought predicts behavior. Nudging, after all, rests on the quite explicit assumption that the thinking that guides our daily decisions is feeble, flawed or non-existent (all too much like that of a child who is drawn to an apple with a sticker, but not otherwise); why then would a nudger refrain as if on principle from doing something about it? It would actually be surprising if committed nudgers, possessing as they do a well-honed method of influencing decisions without necessarily appearing to do so, limited themselves to molding behavior in the belief that it would be somehow unethical to do the same to thought. Thought is if anything a more alluring target than behavior—the bull’s-eye itself. If the nudger knows what thoughts you ought to be thinking, why exactly would he or she desist from helping you to think them, all the more if he or she happens to be an academic ideally positioned to show you what and even how to think?

With paternalism back in style now that students are demanding protection from unsafe words and ideas, the paternalistic tendency of nudging suddenly finds itself in tune with the times, at least on college campuses. I suggest that code-words like *diversity* that rule academia and its suburbs act like nudges in their own right. Unlike an “environmental factor” such as a large plate in a Wansink study,³ however, academic code-words really do environ the student; that is, they are more or less everywhere. They govern the academic universe from the Ivy League on down (which is not to say that they rule unopposed). And they stand to thought as nudges do to decisions.

2. Implicit Qualifiers

Significantly enough, one of Thaler and Sunstein's first examples of an expert who shapes another's choices comes from a profession with a strong tradition of paternalism that came into question only in recent decades: medicine. "If you are a doctor and must describe the alternative treatments available to a patient," write the authors, "you are a choice architect" (p. 3). Taking this observation to heart and citing Thaler and Sunstein, two investigators have outlined a common situation where a doctor might appropriately nudge a patient toward a treatment. Their analysis of guided behavior will provide us with a template or model for the guiding of thought. After all, the doctor shapes the patient's choice of treatment in the manner of a choice architect only insofar as she (the doctor) shapes the patient's thinking in the first place—and this she does by carefully rigging her language.

Say a patient presents with lower-back pain refractory to treatment with ordinary non-prescription painkillers and physical therapy. Should a doctor recommend acupuncture for the patient's condition because it has been found superior to doing nothing, even though the clinical trial that gave this result also found that acupuncture was *not* superior to a fake procedure involving "superficial needling"? (Considering the therapeutic value of touch, the acupuncture ritual in and of itself could presumably yield placebo benefits that have nothing to do with the theorized flow of energy inside the human body.)

Invoking the concept of the nudge as expounded by Thaler and Sunstein, the investigators contend not only that the doctor should recommend acupuncture, but that she should encourage the expectation of successful treatment by concealing the awkward finding

that acupuncture is not superior to placebo.⁴ When I say the doctor in this hypothetical case will take care to rig her language, I mean, then, that she will give the impression that acupuncture is a valid medical procedure without frankly lying. Perhaps an equivocation like “Many patients with your problem find that acupuncture helps them” or “We don’t know why acupuncture works, but it does appear to help many patients with back problems” will do the trick. Doctors prescribing placebos have been known to resort to phrasing like this.⁵

When I was a kid we used to signal fibs by crossing our fingers behind our back. I imagine the doctor in this case flashing the signal privately as she nudges the patient to try acupuncture, all the while taking care not to mention that the procedure fails the test that distinguishes an evidence-based medical treatment: a trial running it against placebo. Some would argue that the doctor does no harm to anyone or anything with her nudge, and in fact helps the patient. What happens, though, when untold thousands begin to play doctor, using code-words with implicit qualifiers, provisos, restrictions and riders in order to help the less knowing think approved thoughts?

Powerful code-words that rule academia, such as *diversity*, work like the doctor’s recommendation; that is, they have implicit strings attached. Just as the doctor refrains from mentioning that acupuncture is most likely a placebo lest she depress the expectations on which successful treatment depends, academics who celebrate *diversity* take pains to leave certain associated things unsaid lest they ruin the term’s incantatory effect.

To begin with, though the lay or consensual meaning of *diversity* is variety, diversity as practiced in academia often excludes variety of viewpoints. While it’s not exactly a secret that institutions of higher learning lean left, the actual levels of left-wing predominance can be

shocking. According to one estimate published in 2016, New England colleges and universities have 28 liberal professors for every conservative.⁶ A campus with half that figure would still be a village of the left. Yet if the academic champions of *diversity* were to make it clear that their ideal presupposes the virtual exclusion of non-left views, not only would *diversity* begin to look like uniformity but the innocence of *diversity* would be lost, and a term that seems wonderfully unlimited and uplifting would be revealed as slanted. And where nudgers play on inertia because “people have a strong tendency to go along with the status quo or default option” (Thaler and Sunstein, p. 8), the slanting of *diversity* exploits the strongly favorable pre-existing connotations of the word—the nuances that have built into it over the century and a half since Mill argued for diversity as a good, with specific emphasis on diversity of opinion.

Even with disfavored views held to a minimum, the diversity ideal requires much policing: another reality that could sour the happy connotations of *diversity* if acknowledged too openly. In recent months alone we have seen the suppression or attempted suppression of published articles,⁷ the disinvitation of speakers, the vilification of wrong-thinking faculty—in all, an impressive display of the enforcement powers of the diversity apparatus. In a case documented recently by Jeffrey Flier, former dean of Harvard Medical School, a peer-reviewed study of “Rapid-Onset Gender Dysphoria” published by an MD at Brown was officially repudiated in the name of *diversity* by the dean of Brown’s School of Public Health.⁸ Among the study’s troubling findings is that teenagers claiming Gender Dysphoria may lie about their symptoms or history and that their support culture advises doing so.⁹ (Hence doctors who always believe the maker of favored claims, as progressive orthodoxy demands, may arrive at an unfounded diagnosis of Gender Dysphoria.) In her public condemnation of the study, the

dean maintains that its “conclusions . . . could be used to . . . invalidate perspectives of members of the transgender community,” which implicitly presupposes the point called into question by the study itself: namely, that teens who allege a history of Gender Dysphoria deemed by their parents to be fictitious are nevertheless really “transgender.” A more radical and chilling presupposition is that claims of Gender Dysphoria are simply not to be subjected to the kind of critical scrutiny they receive in the study of “Rapid-Onset Gender Dysphoria.” Considering that the study’s actual Conclusion section ends, “More research is needed to better understand rapid-onset gender dysphoria, its implications and scope,” the dean’s censure of its conclusions can only mean, indeed, that Rapid-Onset Gender Dysphoria is not to be investigated. And considering that the study centers on parents’ doubts of the history of Gender Dysphoria reported by teens whose symptoms appeared at the same time as their friends’ (hence the subtitle, “A Study of Parental Reports”), the dean’s censure of the study implies a novel variant of paternalism: one in which a university stands *in loco parentis* not just in the sense of serving as protector and guardian in the parents’ place, but in the sense of displacing the parents and invalidating their judgments. In short, the dean’s condemnation of the study is loaded or overloaded with tacit messages.

Tacit messages are also a feature of academic code-words, as with the implicit qualifiers linked to the term *diversity*. Flier notes that implicit in the understanding of *diversity* held by enforcers like the Brown dean is that in any conflict between diversity and other principles (such as academic freedom), *diversity* takes precedence and shall prevail. According to Flier, the public letter by the dean censuring the conclusions of the study in question does not, therefore, say what the author of the letter really means, namely, that in a university there

exists “a hierarchy of principles, with diversity on top, academic freedom underneath.” Why doesn’t the dean actually state that everything, including academic freedom, must yield to *diversity* (in the special sense of the term, of course) if that’s what she truly believes? Why leave the point implicit? Possibly because announcing that *diversity* transcends everything could jeopardize the aura of reasonableness or consensus that sustains the diversity regime. Where the doctor in the acupuncture example recommends a placebo but avoids mentioning that it *is* a placebo in order to preserve its medical credibility, the dean extols *diversity* but keeps silent on an inflammatory corollary of the diversity ideal that could easily damage its own credibility. As noted, the upholders of *diversity* also prefer not to avow the relative exclusion of non-orthodox viewpoints in the name of *diversity*. In both cases the silence is as tactical as the doctor’s.

3. “Victim”

Just as the word *diversity*, in academic parlance, poses a threat to academic freedom because it implicitly outranks it (and insofar as this ranking remains implicit it is shielded from dispute), the very usage of the word *victim* can imperil due process.

Suppose a student claims she was sexually assaulted. Administrators can slant an ensuing disciplinary hearing in the direction of conviction merely by designating the student a *victim* from the moment she comes forward. (Many, of course, contend that we are under a solemn obligation to accept every allegation of sexual assault at face value. See below.) The administrators don’t announce that investigation is unnecessary, which would openly affront

due process; they simply presume the truth of the accusation. Referring to a complainant as a victim expresses that presumption all but vocally. At many points in a heavily prescriptive 31-page letter regarding the handling of allegations of sexual assault and harassment sent in 2013 by the Civil Rights Division of the Department of Justice and the Office for Civil Rights of the Department of Education to the president and legal counsel of the University of Montana (where I taught for four decades), the term “victim” is used synonymously with “complainant” for a student who alleges a sexual assault.¹⁰ Because DOJ held up the text of the University of Montana “settlement” as a blueprint for the colleges and universities from coast to coast, the implications of such wording resonated throughout the land.

In *Missoula: Rape and the Justice System in a College Town*—an investigation of the same events that drew the attention of the DOJ and DOE to the University of Montana—Jon Krakauer not only uses the term *victim* for one who reports being sexually assaulted but demands that the police “believe the victim” from the moment a complaint of sexual assault is lodged, which presumes, of course, that the complainant *is* a victim. Krakauer, a relentless polemicist, assures us that the police can conduct an impartial investigation of a claim in which they have already invested belief (an investment now officially required in the city of Missoula and elsewhere); but given that the manipulation of default settings is a basic technique of nudging because of “the immense power of default options” (in the words of Thaler and Sunstein [p. 87]), switching the default condition from the presumed innocence to the presumed guilt of the accused can surely influence the conduct and outcome of an investigation. Different outcomes—specifically, more findings of rape—are exactly what Krakauer seeks. With the hand of a paternalist, he would like to wire the procedures, the

language and even the thinking of investigators inside and outside of institutions of learning in order to bring about that end.

A default presumption of guilt can also prejudice proceedings like those of a campus tribunal. In a case reported in painful detail by Krakauer, a University of Montana dean of students accepted as proof of rape facts that prove nothing at all unless you already believe the accused (the quarterback of the football team) guilty—for example, the fact that he had been disciplined a year before for being drunk and disorderly, and that on the night of the alleged rape he “initiated the meeting” with his accuser, to whom the dean referred as “the victim.”¹¹ The only thing such facts prove is that the investigator who deemed them evidence of rape presumed guilt. This, then, is a case in which the use of a slanted term (*victim*) both distorts thought and prejudices the outcome of a quasi-judicial proceeding. As it happens, the accused student was convicted in the campus tribunal but eventually, and to the outrage of Jon Krakauer, acquitted of the charge of rape by a jury in district court, where proceedings were governed not by an implicit presumption of guilt but the presumption of innocence. Krakauer’s interview with a juror distinctly suggests, moreover, that the jury took the latter seriously, falling back on it to decide a case in which the evidence was ambiguous.¹²

According to the ground rules recommended by the Obama administration in the interest of generating more on-campus convictions in cases exactly like those investigated by Krakauer, all that’s required for a disciplinary tribunal to convict is a preponderance of evidence—a soft standard meaning only that it’s more likely than not that the defendant committed the offense alleged. If, as members of the academic left, those who staff such tribunals have a disposition or default setting to see oppression, predation and violations of

innocence everywhere, then for them it's automatically more likely than not that sexual assault occurred. (Indeed, one who takes as gospel Krakauer's argument that true allegations of rape vastly outnumber false ones could easily conclude that any allegation of rape that comes before him or her is therefore automatically not just likely but overwhelmingly likely to be true.) Given the critical importance of default settings as explained by Thaler and Sunstein, the progressive mindset alone can surely make the difference between 49% and 51% of the evidence.

"Preponderance of evidence" therefore becomes code for "ambiguous evidence interpreted in favor of the accuser." Tacit assumptions, loaded terms, ground rules, default settings, lax standards, and the progressive narrative itself work to produce preferred outcomes, with a combined effect that is less a nudge than a shove.

4. Other Rigged Terms

It's now time to recognize that academic orthodoxy deploys not just a few isolated code-words like *diversity* or *victim* (as potent as these are), but an entire lexicon. When an academic uses a term like *justice* the chances are about 28 to 1 that the meaning is jury-rigged with a very particular set of presuppositions regarding the oppression of the members of a given group by privileged others. *Justice* in academic parlance is a nudge term. It teaches those whose thinking isn't yet formed that *it goes without saying* that the ideal in question is to be understood progressively and only progressively. It goes without saying because it does not, in fact, have to be said. The progressive understanding of justice is simply normative, like a default setting. And in the manner of a good nudge, the term *justice* with its academic

qualifiers delivers its lesson in a manner that doesn't appear to be coercive. The doctor who recommends acupuncture with fingers crossed makes sure not to mention that the procedure has no specific medical value. By not necessarily mentioning the presuppositions and small print attached to a grand abstraction like *justice* (an ideal impossible to oppose), the professor who orates about *justice* not only trades on the good reputation of *justice* and not only avoids spoiling the effect with too many particulars or polemics, but instructs the student to accept key words as given and to leave the specification of their meaning to the those who doctor their meaning. In short, the professor shows the student how an orthodoxy works.

Justice is a venerable word, of course. Plato's *Republic* discusses *justice*. Many academic nudge words are quite the reverse of venerable: they are awkward inventions, so awkward that you, the nudged person, are rendered dependent on the authorities who use them if you're to derive any meaning from them at all. Who can say what a vaguely inspirational slogan like "global engagement" or "cultural outreach" (or whatnot) actually means? And yet if you're exposed to such pompous locutions over and over on an ordinarily progressive campus, you learn not only that they're coin of the realm and therefore not to be questioned, but that they serve as placeholders for the campus's ruling ideals in toto. They mean "progressivism in action," no more and no less. Here, then, is an example of deliberate obscurity quite unlike the crimes against language exposed by Orwell, such as the use of a highly misleading abstraction ("pacification") to mask the horrors of something you would prefer not to describe (the destruction of a village from the air). In this case the code-word is not a term with any kind of established meaning; in fact, it attests to the power of the group who controls it to create an expression out of thin air and get others to accept it.

If nudging extends beyond guiding behavior in an enlightened way to the practice of guiding thought to enlightened conclusions, what does the concerted use of fabricated terms like “global engagement” teach?

Implicitly, it teaches submission. Because an uninstructed person couldn’t possibly divine what something as incomprehensible as *global engagement* really means, the initiate must wait to be let into the code that governs its meaning. The initiate therefore learns, as a kind of first principle of thought, deference to the clerisy that controls and patrols meaning. In other words, the term is designed to seem so lofty that we need the help of the enlightened to understand it.

Along with submission goes the restriction of debate. Because the qualifiers that determine the meaning of *global engagement* are implicit—off the table—they are exempt from dispute. The term therefore introduces you to the sort of limitations attached to a code-word like *diversity* and the sort of preconceived conclusions that authorize the use of *victim* almost without regard for the facts of the case. Where presuppositions and foregone conclusions are in effect, the debate ends before it starts.

The use of code-words like *global engagement* teaches, in short, that you should confine yourself to the opinion corridor that has been laid out for you by the guardians of opinion. You are to think as well as behave in a guided manner.

5. Neo-Paternalism and the Liberal Tradition

In his classic investigation of the concept of liberty, Isaiah Berlin identifies what it is that led thinkers like Kant and Mill to oppose paternalism, even benevolent paternalism, strongly. Kant deems paternalism intolerably despotic because it “treat[s] men as if they were not free, but human material for me, the benevolent reformer, to mould in accordance with my own, not their, freely adopted purpose. This is, of course, precisely the policy that the early utilitarians [such as Bentham] recommended. . . . To manipulate men, to propel them toward goals which you—the social reformer—see, but they may not, is to deny their human essence, to treat them as objects without wills of their own, and therefore to degrade them.”¹³ Professing to guide or even manipulate others but not dictate their course of action, the nudger who swears by Thaler and Sunstein pleads innocent to these charges and even styles himself or herself a “libertarian.” But while the new paternalism gives the old paternalism a facelift, it is still wielded by people who are at once highly convinced of their own benevolence, highly convinced that the world around them in its entirety is sorely in need of reform, and highly convinced that others in general require “help.”

I once served as faculty advisor to a group that proposed that when a student paid fees, a few dollars would automatically go to their coffers unless the student applied for a refund. Even those who thought up this method of rigging their funding (knowing as they did that most students wouldn’t take the trouble to avail themselves of the nonpayment option) believed they were helping those on the paying end make the right decision. And much as the payers would be led to donate passively, you will think passively if nudge words like *diversity* or *victim* are set as your defaults. Quite lost on the nudger is the liberal principle that a human being “is most himself in choosing and not being chosen for; the rider and not the horse; the seeker of

ends, and not merely of means,” in the words of Berlin (p. 178). It’s precisely the distinction between choosing and being chosen for that nudging short-circuits. (Hence *libertarian paternalism*.) For the nudger, others aren’t riders or even horses but mules—creatures that tread the paths laid down for them. Nudging works, say Thaler and Sunstein, “because people tend to be somewhat mindless, passive decision makers” (p. 37). A more corrosive expression of contempt is difficult to imagine.

As Berlin phrases the liberal ideal under the influence of Mill (to whom he credits the horse-and-rider principle), each of us pursues ends of our own choosing in our own fashion, “with the corollary that the more various these fashions, the richer the lives of men become” (p. 178). The defense of diversity in which this passage is embedded conflicts so profoundly, both in letter and spirit, with what now goes by the name of diversity in our institutions of learning that it makes a reader wonder if academic usage hasn’t turned the word inside out. Maybe a term like *diversity* has special qualifiers and reservations attached because without all this baggage it would be understood solely in its lay or consensual sense, the only sense Berlin appeals to.

The academic appropriation of the term *diversity* represents, in fact, a comprehensive reversal of Mill’s usage in the essay *On Liberty*, the argument of which is that majority rule or popular sovereignty, while it certainly brings progress, does not solve all problems and in fact introduces new evils in the form of a pall of uniformity cast over the whole of life. (“Comparatively speaking, [people] now read the same things, listen to the same things, see the same things, go to the same places, have their hopes and fears directed to the same objects.”) As he tells unforgettably in his autobiography, Mill was brought up under the direct tutelage of

his strong-minded father. It was James Mill's conviction that popular sovereignty *does* represent the definitive solution of political questions. The son's eloquent dissent from this doctrine, and corresponding affirmation of diversity, make *On Liberty* an anti-paternalistic document if only in the sense that he thinks his own thoughts and reaches his own conclusions rather than defaulting to those of his father (or indeed his godfather Bentham). The new paternalism that has established itself in academia rolls back the liberal tradition that begins with Locke's critique of paternal rule in both of his *Treatises of Government*; includes Locke's contention that the human mind is so constituted that it cannot be compelled to believe anything (a principle directly challenged by those like Krakauer who insist that investigators and everyone else "believe the victim"); and informs Mill's critique in *On Liberty* "of what is called paternal government"¹⁴ as well as his plea on behalf of a principle of diversity completely foreign to his father's thinking.

Toward the beginning of the essay *On Liberty* Mill notes that society (as opposed to the state) assumes cognizance over "the details of life" as never before. If you really want to descend into the details of life, however, read *Nudge* with its shrewd analysis of popcorn buckets, soup bowls, door handles, logos, posters, and a thousand and one other minutiae. The goal of the new paternalists appears to be to establish themselves so convincingly that the implicit qualifiers they affix to terms like *diversity* will be accepted as naturally as one accepts the size of a plate, the shape of a door handle, or any of the other props and background details of life.

However, despite their efforts to lock up the language and impose their proprietary terms on the realm they govern and the world at large, the new paternalists do not rule

unopposed. As we have seen, medical journals have retracted studies held up by Thaler and Sunstein as masterpieces of libertarian paternalism; an MD at Brown (which presumably reflects the 28:1 composition of New England universities in general) has investigated the phenomenon of “Rapid-Onset Gender Dysphoria” with an independence that offended her dean; the latter’s subordination of academic freedom to *diversity* was in turn decried by the former dean of the Harvard Medical School, also located in New England; in the study that touched off this furor, some parents question the veracity of their child’s account of his or her history of Gender Dysphoria, in open defiance of the principle of never doubting a protected claim; and a jury in Missoula, Montana, delivered a verdict according to the evidence, rather than the one demanded by Jon Krakauer, in a much-publicized trial of a student-athlete for rape. Moreover, in the complicated procedural history of the case as detailed by Krakauer, a second dean of students at the University of Montana, using the “clear and convincing evidence” standard (rather than mere preponderance) much to the displeasure of both DOJ and DOE, acquitted the accused of sexual misconduct. In brief, the neo-paternalists’ hegemony is incomplete; and as long as this remains so, a live possibility exists that “somewhat mindless, passive decision makers” will decide not to submit to the determined efforts of others to mold their very thoughts.

¹ Richard Thaler and Cass Sunstein, *Nudge: Improving Decisions About Health, Wealth, and Happiness* (New York: Penguin, 2008), p. 43.

² See Stewart Justman, *The Psychological Mystique* (Evanston: Northwestern University Press, 1998), Ch. 2.

³ Brian Wansink and Matthew Cheney, “Super Bowls: Serving Bowl Size and Food Consumption,” *JAMA* 293 (2005): 1728.

⁴ Franklin Miller and Luana Colloca, “The Placebo Phenomenon and Medical Ethics: Rethinking the Relationship Between Informed Consent and Risk-Benefit Analysis,” *Theoretical Medicine and Bioethics* 32 (2011): 229-243.

⁵ See e.g. Jeremy Howick, Felicity Bishop, Carl Heneghan et al., “Placebo Use in the United Kingdom: Results from a National Survey of Primary Care Practitioners,” *PLOS One* 8 (3): e58247.

⁶ Samuel Abrams, “The New England Effect,” *New York Times*, July 3, 2016.

⁷ See e.g. <https://quillette.com/2018/09/07/academic-activists-send-a-published-paper-down-the-memory-hole/>.

⁸ See <https://quillette.com/2018/08/31/as-a-former-dean-of-harvard-medical-school-i-question-browns-failure-to-defend-lisa-littman/>.

⁹ Lisa Littman, “Rapid-Onset Gender Dysphoria in Adolescents and Young Adults: A Study of Parental Reports,” *PLOS One* 3 (8): e0202330: 34.

¹⁰ The agreement stipulates, for example, that University employees will be trained “in recognizing and appropriately responding to allegations and complaints pursuant to Title IX, including conducting interviews of victims of sexual assault” which is to say, persons alleging that they have been sexually assaulted. See DOJ Case No. DJ 169-44-9, OCR Case No. 1012600, letter dated May 9, 2013, p. 17.

¹¹ On this matter see my article in Quillette: <https://quillette.com/2018/10/06/when-believe-the-victim-backfires/>.

¹² Jon Krakauer, *Missoula: Rape and the Justice System in a College Town* (New York: Doubleday, 2015), pp. 302-5.

¹³ Isaiah Berlin, *Four Essays on Liberty* (Oxford: Oxford University Press, 1969), p. 137.

¹⁴ Elsewhere in *On Liberty*, however, Mill stipulates that his argument does not pertain to “backward states of society in which the race itself may be considered as in its nonage.”