

CONFORMITY: THE POWER OF SOCIAL INFLUENCES

(CASS R. SUNSTEIN)

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In *Conformity*, Cass Sunstein takes common sense about how decisions are informed, and distorted, by social pressure and makes it both better and worse. Better, because he shows why common sense is confirmed by logic and experiment. Worse, because he makes it feel pedantic. But if you reflect on the discussions in this book, and apply them to current events and your own thinking, you can get some interest and excitement back into your brain, and maybe benefit yourself and society as well.

I like Sunstein, who many years ago taught me Administrative Law. Yes, for a modest-seeming man, he too often believes his own press, and Tyler Cowen's blurb description of Sunstein as an "arch non-conformist" is silly. No stated opinion of Sunstein's has ever strayed far from the then-current consensus of the Left, and this book is no exception, although it is not an overtly ideological book. But he is certainly thoughtful, and manages to avoid seeming like a knee-jerk leftist, even though his main difference from the social justice warriors isn't in political ends, but in methods. For example, Sunstein is big (in other writings) on what he calls "nudging," which means Big Left Brother starting by telling you what to do gently, without you noticing, rather than starting by telling you you'll lose your job if you don't comply with his latest insane dictates. Small blessings, I guess.

Sunstein begins by noting that social conformity can be either good or bad. Some amount of conformity is both beneficial and necessary. Very little of the information we act on is gained from first-hand knowledge; most is gained by figuring out what others think. This is true of facts—how do you know Napoleon existed at all except by taking someone else's word for it? It is also true of opinions and moral beliefs. Sunstein's goal is not to encourage us all to spend our days fighting the Man on every front, like a bunch of dirty hippies or filthy Antifa who are so non-conforming that they are radically conformist. Rather, it's to explore where, and under what circumstances, we should try to resist the effects of conformity in order to make better decisions. Most of Sunstein's focus is on political decisions; he occasionally refers vaguely to business decisions, but he obviously knows nothing at all

about business; he has always been an egghead who has never needed to make a payroll.

According to Sunstein, two basic principles explain conformity. First, what people do provides information to others about what is true and what is right. Second, what other people do signals what you need to do to stay in their good graces, aside from what is true and what is right. Combined, these principles mean we all tend to default to acting and thinking as do our neighbors. In the modern world, of course, our neighbors are no longer our physical neighbors, but a broader and necessarily more heterogeneous group. And if there is one overriding effect of conformity on which Sunstein focuses, it is that deliberation among any group tends not to converge on the median opinion, but to make the average opinion more extreme. This is true for political conclusions (e.g., the existence and importance of global warming) and for legal decisions (e.g., what level of punishment to impose on a convicted criminal).

Sunstein first discusses how conformity works. He cites numerous experiments to prove three commonsense points: confident people sway others (the “confidence heuristic”); unanimity among others in your group is difficult to contradict even if you disagree; and those not like us influence us less. These things are true, with variations, across cultures. Conformity will lead, in some instances, to people endorsing falsehoods they know to be false, or to taking actions they believe to be morally wrong. In experiments, the tendency to conformity can be alleviated by increasing incentives to maintain objectivity, such as tying financial rewards to accuracy of statements, or by actively discouraging unanimity, or by trying to make groups heterogeneous, with fewer “affective ties.”

The mechanisms of conformity are not as simple as we are sometimes told; Sunstein has a nuanced view of the famous Milgram electric shock experiment, for example. He ascribes behavior there not just to obedience to authority, but to the “informational signal” sent by the expertise of the man running the experiment to the person being asked to give shocks to the test subject. That is, when the moral course of action is not clear, people will usually defer to experts—unless the expert’s opinion is countered by a non-expert perceived as reasonable. This analysis is more complex, and more useful, than “people will do bad

things due to social pressure to conform.” In general, all this discussion is very good, although with a few false notes. For example, Sunstein thinks that democracy reduces conformity. This, of course, confuses democracy with freedom of expression and the ability to dissent; there is no necessary connection between the two.

Next Sunstein turns to social cascades, in which the principles are similar, but the result is not social stability, but social change. Cascades result from people ceasing to rely on private information and instead starting to rely on external signals from those with their own private information. Thus, music that is publicly shown as being a popular download is far more likely to be downloaded by others. Doctors are far more likely to prescribe a medicine that is potentially harmful if they see that other doctors are prescribing it for other patients. As with conformity, the more authority those seen to be making choices have, the more likely others will ignore their private information and follow the leader; as more people do this, others are more likely to make the same choice.

Both conformity and cascades can be good or bad, says Sunstein, depending on what results. That is, for Sunstein, conformity due to social pressure or a cascade that is based on false information is fine, if the political goal reached is desirable.

To prevent cascades based on false information (when that’s the goal), Sunstein suggests that free speech is a panacea. As with Sunstein’s claims about democracy, that seems incorrect, since free speech can easily spread false information, and in fact Sunstein immediately contradicts himself, demanding Facebook and other social media censor more in order to avoid cascades based on false information. However, other less ideological approaches to reducing cascades work in experiments, such as tying financial rewards to a correct group decision, making it more likely individuals will rely on their own private information as determinative. As with conformity, internalizing benefits for those making decisions makes it more likely that dissenters will speak out, in this case potentially breaking a cascade (although Sunstein is at pains to distinguish dissenters from contrarians, those who simply want to swim against the tide and who should be ignored—the reader suspects this has a political basis, meant to cast the Left as dissenters and the Right as contrarians, but since he gives no examples, we can’t be sure).

Sunstein cites the “The Emperor’s New Clothes,” and recommends that organizations encourage “malcontents and misfits” to disclose not just private facts, but also private opinions—at least if the goal is maximum efficiency and maximum accuracy, as opposed to group bonding or mere group enjoyment. We can be confident, though, that he doesn’t encourage organizations to allow people to, say, wear a MAGA hat. That would be “contrarian” and not a useful signal.

The remainder of the book is repetition and expansion on conformity and cascades, with a particular emphasis on the tendency of groups to move toward extremes (which is, I agree, an important point). Sunstein also offers some interesting application of his frame to the Constitution, as originally created, claiming that the Founders were aware of the dangers of conformity and deliberately set up elements of the Constitution as a result, including rejecting the right to instruct representatives (thereby requiring independent thought), bicameralism, and federalism itself.

Sunstein seems unable to decide if he’s writing a book on social phenomena generally, or for lawyers, since he bounces around between matters of broad interest and matters of technical legal import, such as conformity due to the composition of panels on the federal Courts of Appeal. And he falls into a few odd errors, such as claiming that “Communism was long able to sustain itself in Eastern Europe not only because of force but also because people believed, wrongly, that most people supported the existing regime.” That’s flatly false, as anyone who knows any history can tell you (or who, like me, traveled in Communist countries under Communism). The vast majority of people knew at the time that support for Communist regimes was minimal; you only had to look at the 1956 Hungarian Revolution to know that. I know how Sunstein got the idea in his head, though. Many of the Communists themselves thought the people supported the regime, as strange as that seems. Hence their concern in the first semi-free elections, in Poland in 1989, that the Communists might to do too well, discrediting the result. No need to worry about that, in retrospect. But after Communism, those same Communists became the ruling class in Eastern Europe, and it’s those people that liberals in the West spent all their time with, and lionized, not those who struggled against Communism for decades, who were mostly relegated to the sidelines. The former Communists

shared many principles with the liberal democrats of the West, and naturally they intertwined themselves with the Left in the West, lavishly funded by cretins such as George Soros. American liberals one step removed, such as Sunstein, understandably thought (and apparently still think) these people were representative of normal people in formerly Communist countries, and took their lies at face value, including their claiming, as an excuse for their own participation in Communism, that they thought everyone supported Communism, whereas the reality is they were part of the regime, and happy to be part of the *nomenklatura*, then and now. All this in part explains their rage now at men like Viktor Orbán, who are fond of pointing out the truth about their past. All this is also opaque to Sunstein.

Anyway, Sunstein tends to alternate talk of experiments with talk of philosophy, and on the latter, he spends most of his time channeling John Stuart Mill. Not for his harm principle (the First and Only Commandment of Sunstein's sometime paramour, Martha Nussbaum), but, more interestingly, for his claim that dissent is an unalloyed good, beneficial for those living and those yet to be born. In particular, he enthusiastically quotes Mill that we must struggle "against the tyranny of the prevailing opinion and feeling; against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them." To his credit, Sunstein notes that Mill's argument was self-serving, since Mill was on the receiving end of such social opprobrium when he abandoned his wife for a married woman, who also broke her vows. "In his writing, Mill celebrated freedom from social convention and 'experiments of living.'" I bet he did. Sunstein describes this as "practicing what he preached." I call it abominable behavior richly deserving of social censure. The failure of this analysis is that it tends to conflate dissent about factual matters with the necessary need for society to impose rules of conduct. When you fail to impose rules of conduct, it is destructive of society, which a glance around will show you. In Sunstein's mind, though, they are one and the same, and wonderful too, like ice cream, only longer-lasting.

This endorsement of personal freedom, whatever the costs to society or to others to whom duties are owed, is the crux of how conformity, especially in morals, is viewed. If atomized freedom is the highest goal, social conformity is viewed with great suspicion. It can only be allowed

if the result is more atomized freedom, not a restriction of it. Thus, for Sunstein, conformity that limits sexual practices is bad and irrational. But conformity that celebrates previously restricted sexual practices is good and rational, and best of all is a cascade that quickly results in global conformity that forbids any objections and punishes any dissenters. We can call this the “Mill Test”—any conformity that suggests Mill’s personal life was deficient in any way is bad, any conformity that finds nothing wrong in it is good. Look around, and you will see this fault line explains much.

Still, in the abstract, what Sunstein has to say is fairly interesting, and is a reasonable demonstration that conformity can result in less-than-well-considered decisions in many areas of life. Therefore, perhaps we should examine the principles Sunstein lays out as applied to some of today’s actual political thought.

Sunstein, no surprise, tries to make his claims politically neutral, although he is not always successful. He would be more convincing if, a single time, he gave an example that suggests the Left is wrong about something. Thus, he talks of “reactive devaluation,” “by which people devalue arguments and positions simply because of their source.” He might have benefited by pointing out the most obvious example of this is the Left’s dismissal of the sole major non-Left media voice, Fox News. But he didn’t, either because it didn’t occur to him, or it might offend his readership. Similarly, the vast majority of his examples of bad conformity are Right, and of good cascades Left. I suppose that doesn’t make his underlying points wrong, but it’s vaguely annoying.

As a general matter, Sunstein’s frame maps onto both Left and Right. Nobody is immune from the flaws in reasoning that he discusses. But a little thought shows that conformity is today far more of a problem in connection with pet issues of the Left. No doubt if you pick a random person and analyze his decision-making, it is heavily influenced by what others close to him think. But in addition to this, since the Left controls nearly all the news media (and all the media that decides what is news), academia, all major corporations, and the entertainment media, a person on the Right is going to have far more pressure to conform to the Left view of things than vice versa, in order to avoid the widely broadcast contempt of others. Similarly, since Left views are presented universally as the choice made by others who are sophisticated and

in-the-know, cascades in favor of Left policies (especially social policies) are far more likely. Both these effects tend to move politics in a Left direction. These defects in rational decision making are, of course, a desired end of the Left, not a flaw.

Given this, it is a wonder there are as many conservatives still as there are. Probably it is only because, as Sunstein says, "Freedom of association is especially noteworthy here, because it allows people to band together in groups in which the ordinary incentive to conform might be absent or even reversed." This, of course, is the reason the Lords of Tech are so eager to deplatform any conservative who is not merely a compliant shill; it interferes with the attempt to impose Left views on society by creating conformity and encouraging cascades. When freedom of association is forbidden for conservatives, then Left victory will be at hand.

For example, let's take the imposition of additional gun control, a perennial goal of the Left. Since the Left is unable to get more gun control through rational persuasion, their entire plan of attack is to demand conformity and create a cascade. To do this, they begin by pretending that we do not already have extremely aggressive gun control by historical standards (for nearly a hundred years, gun control in America has become more and more strict). The goal is to create conformity to the myth that "everybody knows" we have lax gun control. They deliberately suppress information that allows rational discussion of the benefits and costs of guns. Then, when some person kills several people, the Left rushes to demand a suspension of what rationality remains and create a cascade, by making it seem like everyone else is making the choice for more gun control. The goal is to ensure that any discussion is not rational yet must happen quickly, and come to a more extreme position than the median position, in a handy demonstration of all of Sunstein's key principles. And, of course, any association of gun owners is demonized in the most extreme terms, in an attempt to destroy free associations that might counteract conformity.

This is true all across the political board; the same analysis could be used for action against global warming or using "they" as the universal definite pronoun (the latest Left campaign, just unveiled), and many other matters. Despite what seems like success, though, I'm not sure these campaigns are actually successful. As under Communism, the

rulers don't see that masses of people resent being forced into conformity, and they see actual agreement where there is none, blinding their strategic vision, and making them ignore the pockets of resistance growing in supposedly conquered territory. I suspect, again like Communism, their wake-up call is coming. Let's hope—and work aggressively together to make it happen.