How do people influence each other? What are the social functions of dissenters, malcontents, misfits, and skeptics? How do the answers to these questions bear on social stability, on the emergence of social movements, on law and policy, and on the design of private and public institutions? For orientation, consider three sets of clues.

1. A few years ago, a number of citizens from two different cities were assembled into small groups, usually consisting of six people. The groups were asked to deliberate on three of the most contested issues of the time: climate change, affirmative action, and same-sex unions. The two cities were Boulder, known by its voting patterns to be predominantly left of center, and Colorado Springs, known by its voting patterns to be predominantly conservative. Citizens were first asked to record their views individually and anonymously, and then to deliberate together in an effort to reach a group decision. After deliberation, individual participants were asked to record their postdeliberation views individually and anonymously. What do you think happened?

As a result of group deliberation, people from Boulder moved to the left on all three issues. By contrast, people from
Colorado Springs became a lot more conservative. The effect of group deliberation was to shift individual opinions toward extremism. Group “verdicts” on climate change, affirmative action, and same-sex unions were more extreme than the predeliberation average of group members. In addition, the anonymous views of individual members became more extreme, after deliberation, than were their anonymous views before they started to talk.

As a result, deliberation sharply increased the disparities between the citizens of Boulder and those of Colorado Springs. Before deliberation, there was considerable overlap between many individuals in the two cities. After deliberation, the overlap was a lot smaller. Liberals and conservatives became more sharply divided. They started to live in different political universes.

2. Ordinary citizens were asked to say, as individuals, how much a wrongdoer should be punished for specified misconduct. Their responses were measured on a scale of 0 to 8, where 0 meant no punishment at all and 8 meant “extremely severe” punishment. After offering their individual judgments, people were sorted into six-person juries, which were asked to deliberate and to reach unanimous verdicts. When the individual jurors favored little punishment, deliberating juries showed a “leniency shift,” meaning a rating that was systematically lower than the median rating of individual members before they started to talk with one another. In other words, juries ended up more lenient than their own median juror in advance of deliberation.
But when individual jurors favored strong punishment, the group as a whole produced a “severity shift,” meaning a rating that was systematically higher than the median rating of individual members before they started to talk. Thus, deliberating juries turned out to be more severe than their own median juror. The direction and the extent of the shift were determined by the median rating of individual jurors. When individuals started out with lenient ratings, groups became more lenient still. When individuals started out with severe ratings, groups became more severe still. It is worth emphasizing the latter finding: if group members are outraged, groups end up becoming even more outraged.

3. In the United States, a large number of judicial votes and decisions were investigated to see if judges on federal courts of appeals are influenced by other judges with whom they are sitting on three-judge panels. It is tempting to speculate that judges will vote in accordance with their views about the law and will not be influenced by conformity pressures. But this suggestion turns out to be wrong.

A Republican-appointed judge sitting with two other judges appointed by Republican presidents becomes much more likely to vote in a stereotypically conservative direction in cases that involve civil rights, sexual harassment, environmental protection, and much more. Perhaps more remarkably, a Democratic-appointed judge sitting with two Republican appointees also becomes more likely to vote in a stereotypically conservative direction. And something important happens when three Republican appointees sit to-
together: the likelihood of a stereotypically conservative result skyrackets. Democratic appointees show a similar pattern. When three such appointees sit together, a stereotypically liberal leaning is highly likely.

In short, how Democratic appointees and Republican appointees vote is very much dependent on whether they are sitting with one or two judges appointed by presidents of the same party. There is an unmistakable pattern of conformity: when sitting with Republican appointees, Democratic appointees often vote like Republican appointees, and when sitting with Democratic appointees, Republican-appointed judges often vote like Democratic appointees.

For each of us, conformity is often a rational course of action, but when all or most of us conform, society can end up making large mistakes. One reason we conform is that we often lack much information of our own—about health, about investments, about law, and about politics—and the decisions of others provide the best available information about what should be done. The central problem is that widespread conformity deprives the public of information that it needs to have. Conformists are often thought to be protective of social interests, keeping quiet for the sake of the group, while dissenters tend to be seen as selfish individualists, embarking on projects of their own. But in an important sense, the opposite is closer to the truth. In many situations, dissenters benefit others, while conformists benefit themselves.

In a well-functioning democracy, institutions reduce the risks that accompany conformity, in part because they ensure that conformists will see and learn from dissenters, and hence
Introduction

increase the likelihood that more information will emerge, to the benefit of all. A high-level official during World War II attributed the successes of the Allies, and the failures of Hitler and the other Axis powers, to the greater ability of citizens in democracies to scrutinize and dissent, and hence to improve past and proposed courses of action, including those that involve military operations. Scrutiny and dissent were possible because skeptics were not punished by the law and because informal punishments, in the form of social pressures, were relatively weak.

With this claim in mind, I will suggest that an understanding of group influences and their potentially harmful effects casts new light on a wide range of issues, including the nature of well-functioning constitutional structures; extremism; the rise of authoritarianism; the importance of the separation of powers; the problem of “echo chambers”; the prerequisites of a system of freedom of speech; the defining characteristics of liberal political orders; the vices and virtues of contemporary social media; the functions of bicameralism; the constraining effects of social norms; the sources of ethnic hostility and political radicalism; the importance of civil liberties in wartime and during social panics and witch hunts; the performance of juries; the effects of diversity on the federal judiciary; affirmative action in higher education; and the potentially large consequences of law even when it is never enforced.

Throughout I focus on two influences on individual belief and behavior. The first involves the information conveyed by the actions and statements of other people. If a number of people seem to believe that some proposition is true, there is
reason to believe that that proposition is in fact true. Most of what we think—about facts, morality, and law—is a product not of firsthand knowledge but of what we learn from what others do and think. This is true even though they too may be merely following the crowd. In life, that can be a massive problem. In law, this phenomenon can create serious problems for the system of precedent, as when courts of appeals follow previous courts that are in turn following their predecessors, creating a danger of widespread, self-perpetuating error. We can see these problems as important in themselves and also as a metaphor for many social phenomena.

It is also true that some people have far more influence than others, simply because the decisions of those people convey more information. We are especially likely to follow those who are confident (“the confidence heuristic”), who have special expertise, who seem most like us, who fare best, or whom we otherwise have reason to trust. It is worth underlining the phrase “most like us”; for better or for worse, those are the people whose beliefs often have the largest impact on our own.

The second influence is the pervasive human desire to have and to retain the good opinion of others. If a number of people seem to believe something, there is reason not to disagree with them, at least not in public. The desire to maintain the good opinion of others breeds conformity and squelches dissent, especially but not only in groups that are connected by bonds of loyalty and affection, which can therefore prevent learning, entrench falsehoods, increase dogmatism, and impair group performance. In the highest reaches
of government—including the White House—this can be a serious problem. We shall see that close-knit groups, discouraging conflict and disagreement, often do badly for that very reason. In any case much of human behavior is a product of social influences. For example, employees are far more likely to file suit if members of the same work group have also done so; teenage girls who see that other teenagers are having children are more likely to become pregnant themselves; the perceived behavior of others has a large effect on the level of violent crime; broadcasters mimic one another, producing otherwise inexplicable fads in programming; and lower courts sometimes do the same, especially in highly technical areas, and hence judicial mistakes may never be corrected.

We should not lament social influences or wish them away. Much of the time, people do better when they take close account of what others do. Some of the time, we even do best to follow others blindly. But social influences also diminish the total level of information within any group, and they threaten, much of the time, to lead individuals and institutions in the wrong directions. Dissent can be an important corrective; many groups and institutions have too little of it.

As we shall see, conformists are free riders, whereas dissenters often confer benefits on others. It is tempting to free ride. As we shall also see, social pressures are likely to lead groups of like-minded people to extreme positions. When groups become caught up in hatred and violence, it is rarely because of economic deprivation or primordial suspicions; it is far more often a product of the informational and reputational influences discussed here. Indeed, unjustified extremism
frequently results from a “crippled epistemology,” in which extremists react to a small subset of relevant information, coming mostly from one another.\textsuperscript{14}

Similar processes occur in less dramatic forms. Many large-scale shifts within legislatures, bureaucracies, and courts are best explained by reference to social influences. When a legislature suddenly shows concern with some formerly neglected problem—for example, unlawful immigration, climate change, hazardous waste dumps, or corporate misconduct—the concern is often a product of conformity effects, not of real engagement with the problem. Of course the new concern might be justified. But if social influences are encouraging people to conceal information that they have, or if the blind are leading the blind, serious problems are likely.

There is a further point. With relatively small “shocks,” similar groups can be led, by social pressures, to dramatically different beliefs and actions. When societies differ, or when large-scale changes occur over time, the reason often lies not where we usually look but in small and sometimes elusive factors.\textsuperscript{15} Serendipity is often the best explanation for major shifts; deep explanations about culture or the march of history are comforting but wrong.

An appreciation of informational influences and of people’s concern for the good opinion of others helps to show how, and when, law can alter behavior without being enforced—and merely by virtue of the signal that it provides. The central point here is that law can provide reliable evidence both about what should be done and about what most people think should be done. In either case, it can convey a
great deal of relevant information. Consider bans on public smoking and on sexual harassment. If people think the law is speaking for the view of most or all, potential violators are less likely to smoke or to engage in sexual harassment. Potential victims are also more likely to take the steps to enforce the law privately, as, for example, through reminding people of their legal responsibilities and insisting that violators come into compliance. The #MeToo movement of 2017 and 2018 had many causes, and it is closely connected with several of the phenomena on which I will focus here; the law, forbidding sexual harassment, helped make it possible.

In this light we can better understand the much-disputed claim that the law has an “expressive function.” By virtue of that function, law can even stop or accelerate a social cascade. Here too the areas of cigarette smoking and sexual harassment are relevant examples. And the #MeToo movement can be seen as a cascade. But if would-be violators are part of a dissident subcommunity, they might well be able to resist law’s expressive effect; fellow dissidents can band together and encourage one another to violate the law. Indeed, informational and reputational factors can even encourage widespread noncompliance, as, for example, in drug use and failure to comply with the tax laws. The law’s expressive power is partly a function of its moral authority, and when law lacks that authority within a subcommunity, its signal may be irrelevant or even counterproductive. The law may say “no!” but some people will want to say “yes!”

This book is divided into four chapters. In chapter 1, I develop a central unifying theme, which is that in many con-
texts, individuals are suppressing their private signals—about what is true and what is right—and that this suppression can cause significant social harm. In chapter 2, I turn to social cascades, by which an idea or a practice spreads rapidly from one person to another, potentially leading to radical shifts. Focusing on group polarization, chapter 3 investigates how, why, and when groups of like-minded people go to extremes.

Chapter 4 explores institutions. I urge that the principal contribution of the framers of the U.S. Constitution lay both in their endorsement of deliberative democracy and in their insistence that cognitive diversity is an affirmative good, likely to improve deliberation. This enthusiasm for cognitive diversity helps account for the systems of checks and balances and federalism. I also suggest that it is important to attempt to provide a mix of views on the federal bench; indeed, consideration should be given to increasing the likelihood that panels, on courts of appeals, contain judges appointed by the president of different parties.

The analysis of diversity on the federal judiciary is of interest in itself, but I intend it also as an example of a large number of contexts in which cognitive diversity is important and in which conformity can have baleful effects. I urge as well that in those cases in which racial diversity will improve discussion, it is entirely legitimate for colleges and universities to attempt to promote racial diversity.