SWAY: THE IRRESISTIBLE PULL OF IRRATIONAL BEHAVIOR[1]

REVIEWED BY MAJOR MICHAEL D. O'NEILL[2]

"What I tell you three times is true."[3] This line from a Lewis Carroll story largely sums up the cautionary tale behind *Sway: The Irresistible Pull of Irrational Behavior*, a book by Ori Brafman and his brother, Rom Brafman. Plucking from a myriad of anecdotal and scientific evidence, these two brothers attempt to persuade, or "sway," the reader into believing that even the most capable of minds are all too willing to accept perception over reality whenever emotions are involved.[4] This is the "irrational" behavior noted in the book's title. I would contend, however, that much of what the authors term irrational is, in fact, quite rational in a world of limited facts and functional necessity. If we did not act on our perceived realities and instincts, our world would come to a screeching halt.

The Brafman brothers are not new to the study of human behavior. Ori is a self-proclaimed "organizational expert" and his brother Rom holds a doctorate in psychology.[5] This book is not, however, an original study by the brothers. Rather, *Sway* gathers a broad range of behavioral studies performed by others and presents them with simple summaries, free of scientific jargon and complexity. While not perfect, *Sway* is a quick and enjoyable read that provides several keen insights for anyone called upon to lead, manage, or counsel. Whether you are a parent or a staff judge advocate, you would be wise to allow some sway in your beliefs regarding how you interact with others and how you process your daily judgments.

Sway states its purpose up front. It is intended to make the reader reflect on our natural tendencies to quickly "label a person or a situation."[6] Once labeled, according to the authors, we will have shackled ourselves to that initial perception which then becomes our

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[1] ORI BRAFMAN & ROM BRAFMAN, SWAY, THE IRRESISTIBLE PULL OF IRRATIONAL BEHAVIOR (2008).

[2] U.S. Army. Written while assigned as a student, 57th Judge Advocate Officer Graduate Course, The Judge Advocate Gen.'s Legal Ctr. & Sch., U.S. Army, Charlottesville, Va.

[3] LEWIS CARROLL, THE HUNTING OF THE SNARK 4 (1876).

[4] BRAFMAN & BRAFMAN, *supra* note 1, at 22.

[5] *Id*. at inside back cover.

[6] *Id*. at 7.

reality; objectivity is lost and irrational thoughts can win the day. The Brafman brothers assert that virtually all of our daily judgments are influenced by this "irrational" bias.[7]

The authors never clearly define what it means to be "irrational" in this context, but it is clear that any decision tainted by emotion or bias could fall into that category.[8] We must assume, in contrast, that a "rational" decision is the type of decision that would be made by an intelligent computer or Mr. Spock from *Star Trek* fame.[9] One could argue that much of what the authors label as "irrational" is merely risk-taking gone bad. I would suggest that, had the risk-takers succeeded, we would praise their judgment, rather than label it "irrational."

Sway begins the way it ends, by introducing the reader to a wide range of counterintuitive case studies performed over the years. These studies typically fall into two broad categories: hindsight analysis of real life decision making or academic experiments with unwitting subjects and control groups.[10] What most of these studies have in common is the advantage of being detached from the emotional decision-making process experienced by the subjects of the study. By looking in from afar, the observers can avoid the emotional ties that have driven a particular decision. No matter the reader's opinion on this type of second guessing, the outcome of these experiments will likely be a surprise.

Most startling were the studies that showed how powerful a placebo effect can be. A placebo effect is the "beneficial effect in a patient following a treatment that arises from the patient's expectations concerning the treatment rather than from the treatment itself."[11] The placebo cited in *Sway* was not a sugar pill substituted for a prescription drug, but false information passed off as authentic to the test subjects.[12] As with drug placebos, informational placebos seem to tap into the healing power of the human mind. *Sway* introduces the reader to a new

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[7] *Id*. at 180.
[8] *See generally id*. at 6 (discussing the effect of "diagnosis bias" experienced by emergency room doctors when dealing with the same patients day after day).
[9] When Mr. Spock was able to suppress his half-human side and rely on his logic-driven Vulcan side. *See Star Trek* (NBC television broadcast Sept. 8, 1966–Sept. 2, 1969).
[10] *See generally* BRAFMAN & BRAFMAN, *supra* note 1, at 9–24 (discussing an aircraft collision and experiments with customers buying eggs).
[11] WEBSTER II, NEW COLLEGE DICTIONARY 861 (3d ed. 2005).
[12] *See* BRAFMAN & BRAFMAN, *supra* note 1, at 97.

twist on the placebo effect—namely, the potential influence of simply being told that you are either elite or substandard without any objective basis for doing so.

The authors label this effect "value attribution." If the studies presented are to be believed, "value attribution" not only engenders bias in the attributor, but enhances or detracts from the actual performance of the subject of the attribution.[13] In other words, simply being identified as elite can cause the subject to perform at higher levels on an objective test than he or she may have otherwise.[14] In the reverse, being identified as substandard may cause subjects to perform worse.[15]

One given example of such an "attribution" effect involved Israeli soldiers who were randomly identified to their new military trainers as having "command potential" that was "high, regular," or "unknown."[16] Neither the trainees nor their trainers had any knowledge that the designations were phony, but after fifteen weeks of training, those identified as having higher command potential performed "much better" on diagnostic tests.[17] This type of study highlights what has been called the "Pygmalion effect": higher expectations lead to higher levels of measurable performance.[18]

The Pygmalion effect is fascinating because it has the potential to provide a simple mechanism for any group leader to increase performance levels. It also raises questions as to what really drives one group to perform in a superior fashion as compared to others. Is it the training or the reputation? Are U.S. Marines renowned warriors because of their training or simply because that is what is expected of them? Are U.S. Army Rangers really more capable than Regular Army infantry, or are they just trying to live up to their reputation?

All group leaders should take this effect into account when communicating with subordinates. Set high expectations and stroke egos. According to the Brafmans, if you consistently tell subordinates that they are "the best," they will likely come to believe it. The same lesson can be applied to child rearing, as well. Foster a positive sense of

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[13] *Id*. at 55.
[14] *See id.* at 99.
[15] *Id*.
[16] *Id*. at 98.
[17] *Id*. at 99.
[18] *See generally id.* at 97 (referencing multiple studies on the Pygmalion effect).

self-worth in your children and you may create a self-fulfilling prophecy. This, of course, raises the question as to what kinds of praise—or derision—will have the greatest effect. There is also some evidence that not all "value attributions" will have a similar effect. The phenomena outlined in *Sway* seem, in fact, to run counter to the findings in another book that has drawn favorable comparisons: *Freakonomics*.[19]

Chapter six in *Freakonomics* explores the effect of children's names on their development. In one case, a father named two of his sons "Winner" and "Loser."[20] Applying the Pygmalion effect, "Winner" should have led a more successful life than "Loser." Just the opposite turned out to be true, however; "Winner" was a loser and "Loser" was a winner.[21] How could this happen? Although this study seems to conflict with *Sway*, the two findings may not be as incompatible as they may seem. *Sway* focuses on what types of expectations are placed on a child or individual. It is unclear that someone's name alone sets other's expectations. More likely, other personality factors would quickly overcome any preconceptions associated with one's name.

Sway also highlights our human need to feel that we have been treated fairly in our dealings with others. As the authors point out, "[w]e don't typically think of fairness as an irrational force, but it dramatically affects our perceptions and sways our thinking."[22] According to the cited studies, "when it comes to fairness, it is the *process*, not the *outcome*, that causes us to act irrationally."[23] In this context, clients could be considered "irrational" if they are fully satisfied with a service, in spite of not receiving what would objectively appear to be the best possible outcome.[24]

One would think, for example, that a convicted felon would be bitter about the process that put him in prison, but *Sway* tells us this is not always the case. In surveys with convicted felons, researchers found that the time spent with their lawyers mattered greatly in shaping whether the criminals felt that they were treated fairly.[25] This was true "regardless of

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[19] *Id.* at back cover ("A breathtaking book that will challenge your every thought, *Sway* hovers above the intersection of *Blink* and *Freakonomics*.").
[20] STEVEN D. LEVIT & STEPHEN J. DUBNER, FREAKONOMICS 179 (2005).
[21] *Id*. at 180.
[22] BRAFMAN & BRAFMAN, *supra* note 1, at 128.
[23] *Id*. at 118 (emphasis added).
[24] *Id*. at 120–21.
[25] *Id*. at 120.

the crime they committed or the punishment they received."[26] Here we see the importance of due process in practice, not simply in name.

This concept is crucial for every attorney, judge, or military leader to be aware of because it goes to the heart of unit morale and discipline. The lesson here is that commanders and their legal advisors need to ensure that military discipline is exercised in ways that are perceived to be fair, consistent, and predictable. Soldiers must feel that they have a voice and that their voices have been heard. Likewise, military attorneys should make special efforts when communicating with their clients. Whether we are talking about informal counseling or courts-martial, the process often matters more than the outcome.

This philosophy is formally acknowledged in the Army Command Policy regulation, which states:

> In addition to being mentally, physically, tactically, and technically competent, Soldiers must have confidence in themselves, their equipment, their peers, and their leaders. A leadership climate in which all Soldiers are treated with *fairness*, *justice*, and *equity* will be crucial to development of this confidence within Soldiers. Commanders are responsible for developing disciplined and cohesive units sustained at the highest readiness level possible.[27]

Such fairness in process extends beyond military discipline, as well. Fairness must also be applied to work evaluations, group plans, and projects. To that end, frequent assessments of progress and communication among members of a team can minimize feelings of uncertainty and surprise. This can be accomplished during the often overlooked performance counseling session.[28] As the authors put it, "rather than assuming the final product speaks for itself, it's good to remember to regularly engage and update members of our team during the process."[29] It seems that regular counseling may serve a useful purpose, after all, for those who had any doubts.

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[26] *Id*.
[27] U.S. DEP'T OF ARMY, REG. 600-20, ARMY COMMAND POLICY para. 1-5c(4)(c) (18 Mar. 2008) (emphasis added).
[28] *Id*. para. 2-3.
[29] BRAFMAN & BRAFMAN, *supra* note 1, at 129.

Another important lesson to take from *Sway* involves the positive impact of dissent in a group environment. Although the power of peer pressure is well-known, the authors point out how easily those pressures can be relieved by just a single "dissenting voice."[30] Such a voice gives others in the group an avenue to open up and share their own opinions.[31] This kind of dissent is crucial to the free flow of ideas in any small group environment. The "sway of group conformity" is very strong, but the studies provided show that any expressed counter-view, right or wrong, is often enough to break the grip of this irrational behavior.[32] The message in the military environment is to empower your staff to speak up and express their views, no matter how trivial they may seem. Rank or position must not inhibit contribution from all team members.

Sway is not without its faults, however. Many of the so-called "irrational" pulls are simply gambles that did not pay off. Is it always "irrational" to gamble? I would say no. The authors note that the University of Florida football program excelled in the 1990s because its new head coach, Steve Spurrier, was not afraid to play an aggressive "Fun-n-Gun" offense against more conservative coaches who were "playing not to lose."[33] The authors praise Spurrier for not being sucked into the "sway" of a loss aversion mentality, but had his offense failed, I must believe that the authors would be accusing him of an irrational emotional investment in a losing behavior.[34]

The authors made this accusation when presenting the case of an ill-fated decision (or gamble) by an experienced KLM pilot who broke with normal procedures and attempted to take off in the fog without waiting for a final clearance from the tower.[35] That decision ultimately resulted in the deaths of hundreds of passengers and aircrew when the pilot's Boeing 747 slammed into another taxiing 747 that had not yet cleared the runway.[36] The authors focused heavily on the fact that the pilot was preoccupied by an overriding concern about previous delays and the costs associated with another extended delay.[37] Thus, the authors

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[30] *Id*. at 155.
[31] *Id*.
[32] *Id*. at 154.
[33] *Id*. at 28.
[34] *Id*. at 30 (noting that "aversion to loss" is a "powerful" force that causes individuals to avoid change and to "[stay] the course").
[35] *Id*. at 11–16.
[36] *Id*. at 15.
[37] *Id*. at 11–12.

conclude, the pilot acted irrationally.[38]

The other side of the argument is that an experienced pilot took what he perceived at the time to be a relatively small risk. He likely assessed that the odds of another aircraft taxiing on the same runway were so slim as to be irrelevant. Had the pilot been correct, he may have avoided a further lengthy delay due to fog. The pilot, in this case, was the experienced head of KLM's safety program.[39] He was widely regarded as a "methodical" professional with a "spotless [safety] record."[40] If this professional pilot carried a burden of "loss aversion," it is just as likely that he had an aversion to breaking from established flight procedures as he did to incurring further flight delays.

Viewed from this perspective, the only significant difference between the two risk scenarios is that Spurrier succeeded while the KLM pilot failed. This implies that risk-takers who fail have, by definition, been influenced by an "irrational pull." It seems the authors want it both ways. The reader is told that when we break free from the "pull" of conservative loss aversion and succeed (like Steve Spurrier) we will be rewarded, but when we break free from the "pull" of conservative loss aversion and fail (like the KLM pilot) we have displayed an irrational, emotional weakness.

The reality is that quick decisions made with limited facts are a rational necessity in our daily lives as a matter of efficiency. This concept is explored in more detail in *Blink*, a book by Malcolm Gladwell.[41] In what could be considered a counterpoint to *Sway*, *Blink*, distinguishes between our "conscious and unconscious modes of thinking."[42] In short, our "conscious" decisions are those decisions made with some forethought, while our "unconscious" decisions are much more "spontaneous" in nature.[43] *Blink* goes so far as to defend quick decisions as "every bit as good as decisions made cautiously and deliberately."[44]

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[38] *See id.* at 21 ("he tuned out . . . his common sense and years of training").
[39] *Id*. at 10.
[40] *Id*.
[41] *See* MALCOLM GLADWELL, BLINK, THE POWER OF THINKING WITHOUT THINKING (2005).
[42] *Id*. at 12 (citing psychologist Timothy D. Wilson).
[43] *Id.*
[44] *Id*. at 14.

This is possible because our unconscious decisions are not made without thought; they are simply calculated beneath a level of conscious recognition.[45] Interestingly, *Blink* points out that *more* information is not necessarily better.[46] The author recounts an experiment involving a group of psychologists who were asked to diagnose the case of a "war veteran."[47] Those psychologists took repeated diagnostic tests concerning the veteran with varying levels of information for each test.[48] Initially, the psychologists had very little information to work with, but their early diagnoses proved to be just as accurate as their later diagnoses made with much more information.[49] The only real difference between the early and later diagnoses was the level of confidence felt by the individuals making them—their confidence increased, even though the accuracy of their diagnoses remained the same.[50] It is a weakness in *Sway* to label impulsive decisions as irrational when they lead to failure versus success.

Despite this shortcoming, *Sway* excels in making the reader think about the power of human perception. It is a book that works best when it delves into the positive effects of value attribution, fair process, and group dynamics.[51] In these contexts, our human tendency to "irrationally" accept and act upon perception over reality can be a plus when properly fostered and applied. Leaders of all types should tap into this natural force by repeatedly reminding their teams of their special attributes. *Sway* also surprises in its exploration of process over outcome and the value of dissent.[52] Lawyers should realize that if simply spending a few minutes of additional time with a client can alter the client's perception of how he was treated, then that time is well spent.

This reviewer doubts, however, that our human inclination to take risks will ever change, nor is it clear that the authors are expecting as much.[53] As a practical matter, humans must frequently act on less than full and accurate information. When we do, we have to invoke our "gut"

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[45] *See id.* at 70.
[46] *See id.* at 139.
[47] *Id.*
[48] *Id.*
[49] *See id.* at 140.
[50] *Id.*
[51] *See* BRAFMAN & BRAFMAN, *supra* note 1, at 55, 120.
[52] *See id.* at 155.
[53] *See id.* at 88 (noting that knowledge of attribution bias is often insufficient to cause changes in process).

instincts and emotions to fill the informational gap. The authors seem to view these informational shortcuts as "rational" or "irrational" depending on the ultimate outcome. But, without the benefit of hindsight, the incorporation of emotion into our daily judgment is quite rational and often accurate.[54] That is exactly why its pull is so irresistible.

[54] *See* GLADWELL, *supra* note 41, at 14.