THIS IS YOUR BRAIN ON THE BAT SIGNAL

We are exiting a season strong with signals. Christmas lights on snow covered houses. Lit trees sparkling behind windows that are shuttered or draped for the other 11 months of the year. The luminous march of Menorah lights on an 8-day trek. The tinkling drone of Salvation Army bells coming and going on winter winds. Do we notice these things? And even if we don't think we see all the signals, do they impact us anyway?

As soon as I saw the title of this fun little study, I knew I had to share it. It reinforces, perhaps, a lesson we need repeated to us as advocates and advocacy teachers: Very little escapes the open eyes of the courtroom. The study involves the question of prosocial behaviors.[1] Loosely, those are behaviors that have some sort of benefit to small or large segments of society. Prosocial behaviors can include something as positive as acts of altruism and things as neutral as simple adherence to social customs.[2] This study in particular tests whether Batman's presence—or, really, just a man in a cheap Batman costume—would trigger a prosocial behavior. Which behavior? Giving up a seat on a subway for a pregnant woman.

Here's the set up: A researcher sporting a prosthetic pregnant belly would enter a full subway car. The tests were only performed where the subway car seats were full and no more than 5 additional passengers were standing. The latter requirement for the test was there to ensure that passengers would be able to see the pregnant woman as well as the caped crusader, who would enter the same full car shortly after the pregnant woman. The male researcher wore a Batman costume and cape but would not wear a mask to avoid scaring any passengers. When Batman entered the subway cars as the test was repeated, he would always stand approximately 3 meters away from the pregnant woman. There were 70 control observations conducted and 68 experimental observations with Batman present. Other plain-clothes researchers were positioned near the pregnant woman to record whether a subway-stranger would offer up a seat. Those same researchers would follow up with the kind souls who offered up their seats to ask them two key questions: Why did you give up your seat, and did you happen to notice that Batman was in the in the subway car with you.[3]

And now, the results. "In the control condition, the chances that a passenger would leave their spot were 37.66%, while when Batman was there, the chances increased to 67.21%."[4] Women were more likely than men to give up their seat under both conditions, but their sympathetic benevolence increased only slightly when Batman was present.[5] Thus, Batman's presence seemed to have the biggest impact on whether men would let the pregnant woman take a load off her feet. But here's the really fascinating part of this experiment: though clearly moved to give up their seat while Batman was present, none of those offering their seat attributed their act of kindness to Batman. In fact, 43.75% of those who gave up their seat reported not even *noticing* Batman was in the subway car with them![6]

Jules and I will sometimes finish these blog pieces by bringing them back around to some practical application for trial practice or for advocacy generally. I need not belabor the point I made above: Assume everything you do in a courtroom will be noticed by someone. There is one more lesson, however. The only other logical conclusion we can reach from this study is that we all need to purchase a Batman costume before our next courtroom or classroom appearance.

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[1] Francesco Pagnini et al., *Unexpected events and prosocial behavior: the Batman effect,* Nature (2025), https://www.nature.com/articles/s44184-025-00171-5 (last visited Jan 2, 2026).

[2] *Id.* at 1.

[3] *See id.*

[4] *Id.* at 2.

[5] *Id*.

[6] *Id.*