

Book Review for *Trial News*

Influence - The Power of Persuasion

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By Robert B. Cialdini, Ph.D.

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Do you want to know why you say “yes” when you would rather say “no”?

Do you want to know why you are more easily persuaded by people you like?

Would you like to have a better understanding of how and why you decide to do something, even when available contrary evidence suggests you may be better off otherwise?

Robert B. Cialdini’s book *Influence – The Power of Persuasion* provides answers to these questions and more.

Cialdini’s theme is this: We humans exhibit behavioral “tendencies” in many aspects of our daily lives. To a large extent these “tendencies” can fairly help to predict the responses and behaviors of people in certain situations.

We exhibit these fairly predictable behavior “tendencies” because as humans we have “capacity limitations”, limitations that in this exceedingly fast-paced world of modern life lead us to the

use of shortcuts. *“Shortcuts” in this sense are nothing more than a retreat from time-consuming and fully informed decision making in favor of a more primitive, automatic, “single feature” type of response.*

This is not to say that shortcuts are a bad thing *per se*. In fact, according to the author, shortcuts are a necessary feature of our daily lives. For the most part, we tend to operate quite well on intellectual autopilot and likely would never be able to function efficiently without the ability to make shortcut decisions, filtering out the immense amount of data that is so prevalent in our lives.

But as the author points out, shortcuts can lead to vulnerability and, ultimately, exploitation if one puts too much reliance on only a single piece of relevant information.

As trial lawyers our twin objectives are to influence and to persuade, whether it be the judge, the jury, our client, the opposing attorney or even public opinion. A thorough working knowledge and understanding of the basic human behavior principles set forth in this book can give us great persuasive power and help ensure that our message has greater influence and the greater likelihood of acceptance than that of our opponents.

What follows are what Cialdini calls the “Weapons of Social Influence”, seven fundamental principles that social psychologists believe govern and predictably influence human behavior.

Remember, we are talking about “tendencies” of human behavior and one must keep in mind that there may be exceptions.

Weapons of Social Influence have the capacity to influence and persuade because they tend to generate “automatic” responses and trigger “predictable” behaviors. For example, social psychologists have proved experimentally that people tend to believe and be more influenced by a statement or request if the statement or request is followed by a “reason because”. *And this seems to hold true even if no statement of reason follows the word “because”.*

Another example cited by the author is the principle of “perceptual contrast”, best illustrated in the context of making damages requests to judges and juries. In making damages requests, you might present the highest value damage item first, followed by the next lowest and so on. Each successive item will appear smaller by contrast (and thereby more readily acceptable) to the judge or jury.

Reciprocation: The Old Give and Take ... and Take

Cialdini’s first principle of human behavior is “Reciprocation”, the tendency to feel obligated to repay in kind what another has provided to us. This “triggered” feeling of indebtedness can be very powerful, *obligating us even when the gift or favor is uninvited or of little value.* Social psychologists have learned that once this sense of obligation has been triggered within us we may agree to make substantially larger return favors and gifts, *merely to relieve ourselves from the obligation.* And this appears to be so because we have become socially conditioned to feel that obligation and indebtedness produce internal discomfort and external shame, conditions to be avoided.

The companion notion of “reciprocal concession” also has practical application in the negotiation setting because we tend to feel obligated to make a concession to one who has already made a concession to us.

Consistency and Commitment: Hobgoblins of the Mind

Cialdini’s second principles of human behavior are “Consistency and Commitment”. The author believes that there exists a strong tendency and desire among human beings to appear consistent with what we have already done and said. Once we have taken a stand or made a choice we feel as if we must behave in accordance, *even when doing so would be against our best interests*.

Obtaining a commitment is the key to engaging the force and power that can bring consistency pressures to bear. Even small commitments can be used as leverage. For example, small requests and trivial commitments, once made, can produce inner changes such that the individual begins to rationalize and build a system of new justifications for having made the commitment.

The author also cites experiments tending to prove that the act of putting something in writing will lead the writer to believe in and act in a more consistent manner with that which was written and interestingly, others will also tend to believe that the writing reflects the maker’s “true” attitude toward that which was written. There are a number of reasons why Cialdini believes this to be so. Most notably among them is this: written commitments require more work and more effort than verbal ones. The more effort that goes into making a commitment, the greater is its ability to influence because we tend to place a greater value on things that are attained with

greater effort. Also, a written commitment is more easily made public, and the more public the stand taken, the more reluctant we tend to be to change that stand.

Social Proof: Truths – R – Us

“Social Proof” is that principle of human behavior whereby we tend to determine what is or is not correct by examining the actions of others. In other words, we assume that an action or way of thinking is more correct if others are doing or thinking it, or even if we are *told* that many others are doing or thinking it. This principle operates most powerfully when we are observing the behavior of people we perceive as “more like us”. However, we must always be on the lookout for “pluralistic ignorance”, the phenomenon sometimes known to exist when we humans place an inordinate amount of trust in the collective knowledge of the crowd, because often enough the crowd is mistaken.

Liking: The Friendly Thief

The principle of “Liking” stands for the proposition that we tend to be more psychologically compelled to influence by those we know and like. It cannot be overstated - the strength of social bonds is enormous.

Factors that reliably cause “liking”, the author believes, are physical attractiveness, similarity, compliments, contact and cooperation, and conditioning and association. These characteristics, when positive, can lead to a “halo” effect whereby one positive characteristic of an individual dominates how that person is likely to be viewed by others.

Physically attractive people tend to have assigned to them such favorable traits as talent, kindness, honesty and intelligence. People we perceive as similar also tend to be more liked. Receiving a compliment and thus knowing that someone likes us is effective in producing return liking and compliance. The author also believes that we tend to be helpless in the face of praise and that we believe praise and like the provider of the praise, *even when clearly false*.

Lastly, we may also respond predictably to things we perceive as connected to one another. For example, we may dislike the person who brings us unpleasant information, even when the person did not cause the bad news. By contrast, positive associations occur all the time in our popular culture, through the use of celebrities for example. And interestingly, the connection need not be logical to work powerfully.

Authority: Directed Deference

The social principle of “Authority” probably arises from the deep-seated sense of obedience to authority which the author believes rests within all of us. Proof abounds of our extreme willingness to go to great lengths on the command of those we “perceive” as authoritative. And it is important to note that often the mere “appearance” of authority can be enough to trigger a sense of duty. As with all of the fundamental principles of human behavior there are, of course, real practical reasons why we can be motivated by perceived authority. For example, very early in our development we learned that obedience is right and disobedience is wrong. We learned that authority figures knew more than we did, were wiser and that they were in a position to control rewards and punishments.

“Symbols” of authority, such as titles, clothing and trappings can also lead to a kind of “automatic deference” whereby we become more susceptible to influence by the symbols themselves rather than the substance.

Of particular note here for trial lawyers is the author’s discussion about experts, trustworthiness and credibility. Generally speaking, we tend to believe that authority figures (i.e. experts) know what they are talking about. And for the most part this is true, with the result that we may then relax our credibility detection mechanisms. Know this about your juries and know also that we can be much more influenced by impartial experts and by those who establish their sincerity by arguing against their own interests. Be aware, however, of the expert who seeks to establish his or her basic credibility by using this trick, arguing against his or interest on “minor issues”. The bottom line, and a very important point I believe is this: there is no more credible combination, none more believable, than the demonstrated expert of proven sincerity.

Scarcity: The Rule of the Few

When the “Scarcity” principle is at work it plays on our fear of “unavailability”. Things and opportunities that on their own merits hold little appeal become decidedly more attractive merely because of a pending or perceived unavailability. We humans have a tendency to place a greater value on those things that are difficult to possess and when opportunities become less available we are likely to perceive a loss of “freedom”. As humans, we can become very threatened at the loss of our freedoms.

Another interesting point the author makes about the “Scarcity” principle is this: when an item is perceived to be scarce because of a demand, we then tend to value and rate that item highest of all. The bottom line is that we want an item more when it is scarce and we want it most when we are in competition for it.

One of the more interesting examples cited by the author to illustrate the “Scarcity” principle comes from research conducted by the Chicago Jury Project. The Project research team found that jurors who had been admonished to disregard certain evidence exhibited “psychological reactance” in that they tended to consider the evidence anyway, despite the admonition, and gave the evidence even greater weight. This boomerang effect is a product of what the author likens to a “commodity based” theory of persuasion.

In conclusion, the author reiterates his belief in the fundamental notion that we humans often make decisions about someone or something without first considering all of the relevant and available evidence. Rather, we take “shortcuts”, using only a single, representative piece of the total available data. The tendency to take “shortcuts” can lead to mistakes but quite often the pace and stress of modern life simply demands this of us. Each of the seven principles of human behavior by themselves may provide, for the most part, usually highly reliable cues with which to govern our behavior, but this “single feature” type of decision-making can lead to automatic, mindless compliance. Clearly we need to be aware of this tendency in ourselves and in others, but as lawyers we would also be well advised to master the art of leveraging these Weapons of Social Influence on behalf of our clients.

About the Author

Robert B. Cialdini, Ph.D. is an experimental social psychologist and Regents' Professor of Psychology at Arizona State University, conducting research studies and experiments in the field of psychological compliance, persuasion and change.

WSTLA EAGLE member **David Crump** is a Seattle Trial Lawyer who limits his practice to serious injury cases. He attended Gerry Spence's Trial Lawyers College in 1996 and Chairs *WSTLA*'s Demonstrative Evidence Section.