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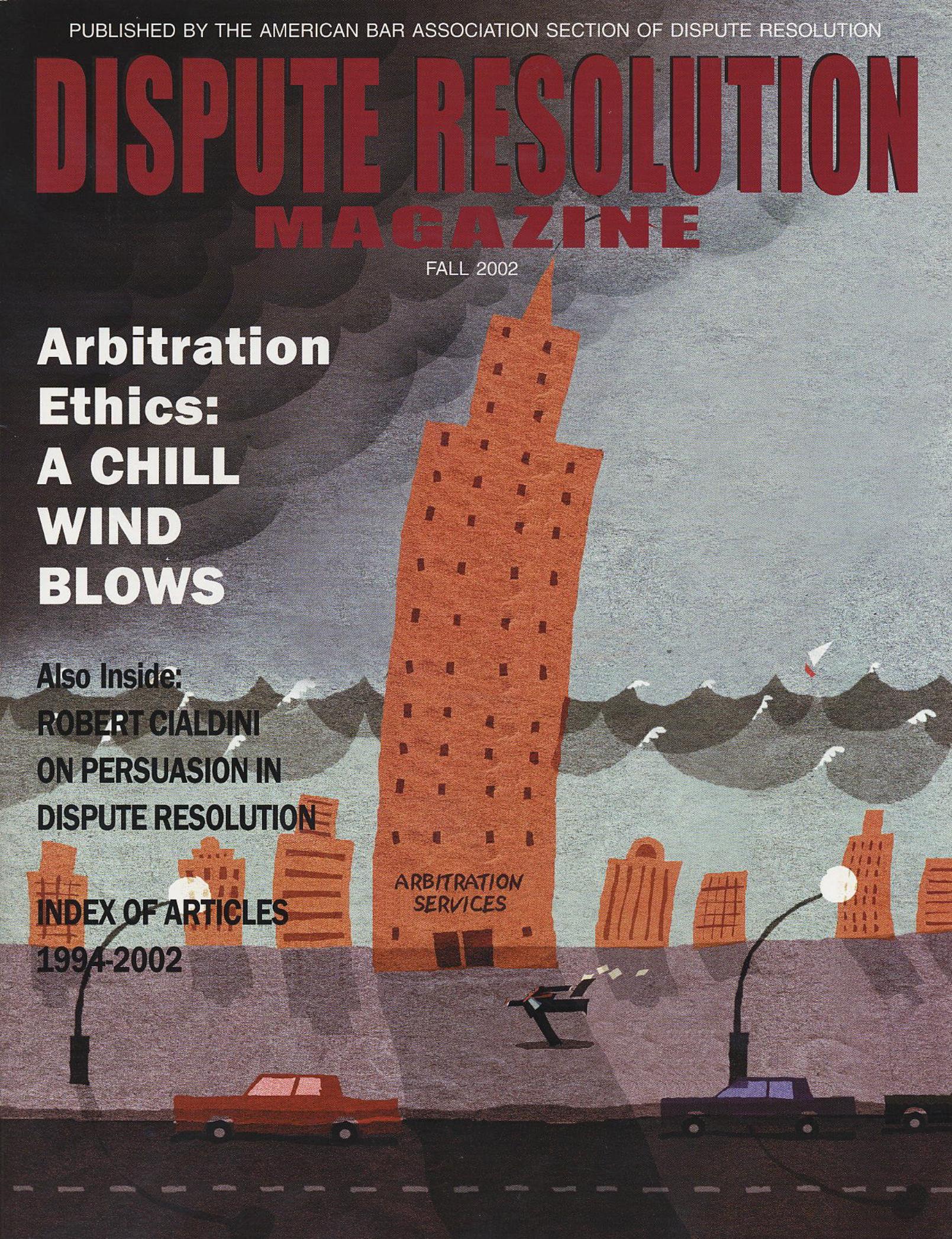
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Arbitration Ethics: A CHILL WIND BLOWS

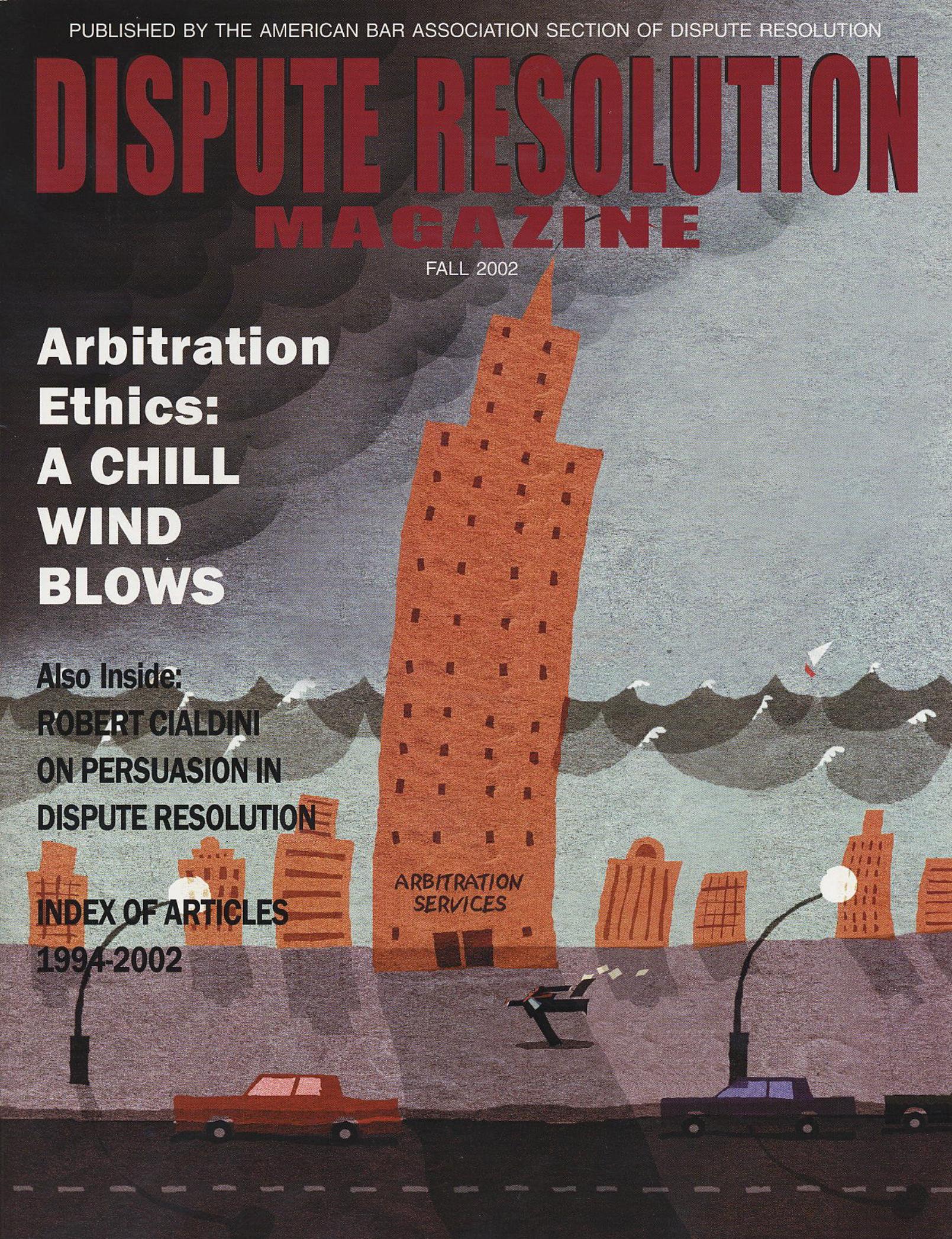
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The Science of Influence

*Using six principles of persuasion
to negotiate and mediate more effectively*

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Over the past several decades, behavioral scientists have conducted studies on the process of social influence

— the ways in which people can influence others' attitudes and actions. Now a substantial body of systematic research demonstrates that certain interactions can lead people to accept a proposal or comply with a request that they might otherwise reject.

This research has identified six fundamental principles of influence. These principles do not involve the merits of the proposal or request itself, but the way in which it is communicated.

In the pages that follow, we describe the six basic principles of influence. In addition, we offer suggestions for how mediators and negotiators can harness these principles effectively and responsibly. The applicability of the science of social influence to mediation and negotiation is corroborated by the overlap between the research outcomes and the practices that have emerged as successful in these settings.

I. The Principle of Liking

Although it may be fairly obvious that people are more easily influenced by those they like, social science research on the topic can help us employ this straightforward principle to become more influential in our professional interactions. Research has uncovered several factors that affect how much one person will like another (e.g., physical attractiveness, compliments and cooperative efforts). But one factor stands out as the most powerful and the easiest to implement: similarity.

In a simple but telling demonstration of the effects of similarity on influence, researchers mailed a set of surveys to random individuals. These surveys were accompanied by a cover

letter, which for some of the recipients was "signed" by a researcher with a name designed to be similar to the recipient's (e.g., Patty James might receive a letter signed Patricia Jones). Although identical in all other aspects, the surveys sent with similar names were completed twice as often as the others.

If something as trivial as similarity of names can affect compliance with a request, imagine how much more compelling a meaningful commonality, such as a shared interest, group membership, or goal, might be. Thus, a mediator or negotiator should spend the time necessary to locate such parallels among relevant parties and bring them to the surface.

Applications

To emphasize the parties' similarities, negotiators and mediators can point out the interests the parties have in common. For example, in a contract case, a negotiator could mention that both parties have expressed an interest in maintaining their business relationship, minimizing negative publicity, and avoiding the uncertainty and cost of trial. In a domestic relations case, a mediator could note that both parents have said they want to resolve the dispute quickly and to work out residential and visitation arrangements that would be least disruptive for the children.

II. The Principle of Authority

People are more easily influenced by those they perceive to be legitimate authorities. This response makes great sense because legitimate authorities have typically attained their positions by virtue of greater knowledge or skill or experience in the matter at hand. But for all their specialized knowledge, these experts frequently act like novices in the

domain of social influence by assuming that their expertise is self-evident.

For instance, physical therapists at one hospital were concerned about their patients' compliance with their prescribed treatment plans. After being discharged from the hospital, many patients discontinued their therapy exercises, no matter how much the therapists stressed their importance. However, a simple intervention solved the problem. By hanging their numerous awards, diplomas and certifications on the walls of their clinic, the therapists were able to raise compliance by 34 percent.

In general, genuine authorities should establish their expertise *before* launching any influence attempt (e.g., in a letter of introduction). To be optimally persuasive, however, expertise is not enough; a communicator also must establish that he or she is a trustworthy source of information.

Applications

In materials distributed prior to the session, mediators should inform parties of their mediation experience (e.g., the number of cases they have mediated or years they have served as mediators; the mediation training or certification they have received). In preliminary conversations with the other side, negotiators could mention their expertise in the subject matter of the dispute. Besides conveying their expertise, one way that negotiators can demonstrate their trustworthiness is by raising not only the strengths of their case but by also acknowledging some weaknesses.

III. The Principle of Scarcity

Of all the automobiles sold last year, which brand do you think most exceeded its sales projections? It was Oldsmobile—a car so poor on its merits

that General Motors had announced that it would no longer be manufactured. But that announcement had an unexpected effect, spurring droves of buyers into Oldsmobile showrooms to get one of the cars before they were gone.

We can explain this otherwise odd behavior in terms of the principle of scarcity: Items and opportunities become more desirable as they become less accessible. As a result, an effective mediator or negotiator should never fail to describe the unique or otherwise unattainable advantages of any recommendation or offer.

Moreover, research on the principle of scarcity has demonstrated that, in situations characterized by uncertainty, presenting these unique advantages as what stands to be *lost* by a failure to take action is more persuasive than emphasizing what stands to be *gained* by taking the action.

Applications

Mediators can emphasize the unique benefits of mediation that the parties will lose if they do not mediate or if they do not settle in mediation (e.g., the parties would lose the assistance of a neutral third-party to resolve the dispute, they would miss the chance to discuss certain issues that would not be relevant at trial, they would lose the opportunity to design a resolution tailored specifically to their needs and interests, they would spend more time and money on the dispute, and they would miss certain personal or business opportunities if the lawsuit were still pending).

Negotiators can point out the unique advantages of each proposal that will be lost if it is not accepted (e.g., the party would not get the prompt payment of some of the money owed or would not have the benefit of a confidentiality provision in the agreement).

IV. The Principle of Consistency

When a popular restaurant was having trouble with large numbers of patrons who failed to honor their reservations, the owner devised a simple plan that nearly eradicated the problem. After the receptionist took a reservation over the telephone, instead of ending with the usual request, "Please call if you have to change your plans," This new line

prompted the patrons to commit to calling if they needed to change the reservation, dropping the unannounced no-show rate from 30 percent to 10 percent immediately.

The success of this small wording change illustrates the effectiveness of the principle of consistency: People have a strong desire to be consistent with their previous opinions, assertions and actions. Consistency can be used quite effectively when setting rules for people to Follow. The key is to prompt them to make an initial public commitment that is consistent with the rule.

Written commitments to a desired form of action are particularly effective in this regard. especially when the written commitment is then shown to others. In one study, participants were somewhat more likely to stay loyal to their initial decisions if they wrote down the decisions privately. But they were far more likely to remain loyal to those decisions if they wrote them down and then showed them to others.

In general, research indicates that individuals are likely to live up to commitments that are active, public and voluntary (i.e., uncoerced).

Applications

So that the parties' need for consistency with their earlier statements will work to facilitate rather than to impede settlement, mediators and negotiators should avoid having parties state their "bottom line" positions. Instead, they should encourage parties to specify their underlying interests and to agree publicly to consider a wide range of options. Mediators and negotiators should then be sure to note

and mediators should assure that the parties actively and voluntarily choose to accept the settlement. Mediators also should have each party commit to the

Six Principles of Effective Influence

1. Liking: People are more easily influenced by those they like.
2. Authority: People are more easily influenced by those they perceive to be legitimate authorities.
3. Scarcity: Items and opportunities become more desirable as they less accessible.
4. Consistency: People have a strong desire to be consistent with their previous opinions, assertions and actions.
5. Reciprocity: People give back what another has given them.
6. Social Proof: People often decide what to do by looking at what similar others have done.

agreement in front of the other party, as well as in writing.

V. The Principle of Reciprocity

When you go into the office tomorrow, try smiling at as many people as you can. You'll find that almost everyone will return the smile.

Aside from brightening your day, you've given yourself a simple demonstration of the principle of reciprocity: People give back what another has given them. Although reciprocity is usually thought of as governing the exchange of money,

The principle of scarcity explains why General Motor's announcement that it would no longer manufacture Oldsmobiles spurred droves of buyers to get one before the cars were gone. Mediators can apply this principle by emphasizing the unique benefits of mediation the parties will lose if they choose not to mediate.

when a given proposal is consistent with a party's previously stated interests.

In addition, to increase the likelihood that parties will comply with their agreement, negotiators should avoid using threats or pressure tactics,

goods or services, as just illustrated, it does not apply only to the material or monetary.

When participating in a conversation or discussion, by providing others with attention, information,

concessions and respect, you will likely receive the same from them in return.

Applications

Negotiators can increase the likelihood that the other side will adopt a collaborative approach if they

To the extent that these individuals demonstrate effective skills, techniques, or other productive behaviors, we are likely to do so, too.

Thus, when training others, we should highlight the successes and productive practices of those already in

should not be employed separately. They are best applied in combinations and strings that multiply their impact. Effective practitioners will be aware of influence opportunities that allow the principles to be employed conjointly or sequentially.

Second, the science of social influence, like any powerful technology, can be commissioned for good or ill. One needs to understand the acceptable versus the objectionable use of the process. Just because we can employ the lessons of that science to influence others doesn't mean that we are entitled—or even wise—to do so.

Using these principles to trick or trap others into assent has significant ethical and practical downsides. As the best influence professionals have long realized, to the extent that dishonest or high pressure tactics work at all, they work only in the short run. Their long-term effects are malignant—undermining trust and damaging the reputation of the practitioner who employs them. Thus, the deceptive or coercive use of social influence principles within professional relationships is not only ethically wrong, it's pragmatically wrongheaded.

Yet the same principles, if engaged appropriately, can influence decisions in a positive way. When the similarities are authentic, the windows of opportunity truly closing, the authority legitimate, the commitments freely made, the obligations genuine, and the social proof real, the resultant choices are likely to benefit everyone.

The principle of reciprocity suggests that negotiators can increase the likelihood that the other side will adopt a collaborative approach if they themselves are courteous and forthcoming rather than combative and uncooperative during negotiations.

themselves are courteous and forthcoming rather than combative and uncooperative during negotiations. Mediators can build on the felt obligation to reciprocate by encouraging each side to be responsive to the other side's concessions and to exchange similar amounts and types of information.

VI. The Principle of Social Proof

One fundamental way that individuals decide what they should do in a situation is to look at what *similar* others have done. Hence, the "proof" of what is correct isn't grounded in the physical environment but in the social environment: "If a lot of people like me are doing it, it must be the right thing to do."

This tendency to look to and follow the lead of similar others will be strongest in situations characterized by uncertainty. For instance, have you noticed how frequently we look to our colleagues and coworkers to determine how we should behave in a new setting?

the situation. And when advising others, we might illustrate the positive consequences of certain decisions by discussing what has happened to successful others in similar situations.

Applications

If parties cannot agree on the dollar value of damages, negotiators could point to typical verdicts or settlements in similar cases. If parties cannot agree on how to fashion the settlement to adequately resolve a particular issue, mediators could note the types of settlement provisions that have worked well in similar cases.

Using the principles wisely

This article describes six influence principles and the fundamental ways by which the influence process proceeds under each one. Two related issues, however, require additional elaboration.

First, although the six principles can be treated separately (as we have just done for the purpose of clarity), they