



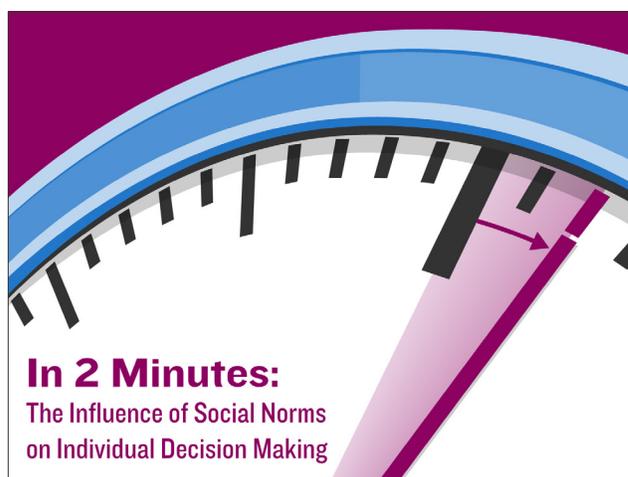
By James B. Stiff, Ph.D. | May 2017

The Science of Persuasion: The Influence of Social Norms on Individual Decision Making

An individual's attitudes, that is, a person's feelings or orientation of mind, serve to influence his or her day-to-day decision making and behaviors. An individual's mind frame is a fairly solid predictor of that person's subsequent behavior, but only when specific external conditions exist that align with that person's mindset. Many scholars who study human behavior recognize that individual decision making and behavior can be much less precisely predicted when an individual's attitudes conflict with social pressures and norms. In Chapter 3 of *Persuasive Communication*, Paul Mongeau and I discussed how social norms affect the otherwise predictable attitude-behavior connection evidenced in human decision making.

Social norms are those patterns of attitudes and behaviors that people generally experience from others in a societal or organizational group. When social norms align with a person's own internal standards, that person feels most confident and comfortable acting in accordance with his internal standards. He is much less confident in his actions when societal mores are not in agreement with his internal processes. Many times, behavior will be adjusted to conform to societal norms.

Let's look at a familiar scenario, a situation in a law office. A new associate with internal motivation to



work ceaselessly will easily get in line with the firm's expectation to work evenings and weekends. Another new associate, whose mindset is fixed on the notion that personal time is valuable and necessary, may, as well, work those long hours, but he will do so only by subordinating his own personal values so as to conform to workplace expectations.

In trial situations, judges and jurors are cognizant that the community at large often holds firm sentiments and expectations about how a court matter should be resolved. After the Boston Massacre of 1770, for

In August of 2016, Jim Stiff and Paul Mongeau published the third edition of *Persuasive Communication*. The book is a comprehensive review of the theory and research on persuasive communication that spans more than 80 years of academic work in the fields of communication and social psychology. This research note is part of a series that briefly discusses topics related to the science of persuasion. It describes the practical implications persuasive communication techniques offer to lawyers practicing their craft.

instance, John Adams understood all too well that his defense of British soldiers was going to be fraught with antagonism. The public's largely anti-British sentiments, adverse publicity against his clients, and the jury's marked antipathy toward his clients were the obstacles he faced. In the end, he succeeded in swaying jurors to consider evidence beyond the social propaganda, and he ultimately achieved acquittals for six of the soldiers. Adams inspired in these jurors a new set of internal attitudes, and the courage to hold fast to them, even though these personal standards were at odds with external social standards.

What factors cause a person to conform or go against social norms? In a courtroom, jurors motivated by social acceptance and conflict avoidance will tend to conform to the views of other jurors and the community at large. Others, however, will take a measure of pride in being a "lone wolves." These jurors will be comfortable defending a position that is at odds with the expectations of others.

The likelihood that some jurors will cleave to their own internal decision-making mechanisms will often depend on the type of case in which they sit. Jurors will be more likely to decide based on personal attitudes when a case involves a fairly mundane matter, one where the risk of social outcry is slim. Social norms may exert more weight on juror decision making when a case involves a high-profile civil and criminal matter.

The size of the trial venue is also likely to affect jurors' susceptibility to acquiesce to social norms. In very small venues, particularly when the case is high-profile, jury service may garner much attention from the public. Jurors may anticipate questions from the community about their verdict decision following trial. This expectation of social accountability will create pressure to conform to social norms.

Juror service performed in a large metropolitan area, on the other hand, is not as likely to render the fact-finder

accountable to public sentiment. In large venues, juror service will be completed without much social fanfare. Jurors, and the case, may benefit from the anonymity a large venue offers, because a fact finder will feel more at ease to decide the case autonomously. Jurors are more likely to make decisions based on the law and the facts in the case, without the influence of outside social pressures.

In cases where social norms are likely to have a strong influence on juror evaluation of the evidence and verdict decisions, it is important to inoculate jurors against such influences. Remind jurors, as John Adams did, that every person (or party) is entitled to a fair review of all the evidence, and then proper application of the law. Jurors should know that they are being charged with a special responsibility to evaluate evidence and to formulate a viewpoint or attitude concerning the implications of such evidence. Their highest duty is to render a final verdict consistent with the evidence.

In order to counteract the potential influence of social bias, lawyers should, as well, inform jurors during *voir dire* that they are being held to a higher duty than members of the community. This responsibility distinguishes them from ordinary citizens whose views and opinions were devised without the privilege of exposure to all of the evidence. Jurors likewise differ from the general public in that they have taken a solemn oath to follow the law. Elevating jurors to a position of greater knowledge and higher duty than others in the community can help to reduce the influence of social norms on the outcome of the trial.

James B. Stiff (JimS@thefocalpoint.com) is the Senior Director of Jury Consulting at The Focal Point and has over twenty years of experience specializing in complex litigation. He is an award-winning professor, and has authored more than 20 articles in academic journals and published two scholarly books, one on *Persuasive Communication* and another on the topic of *Deceptive Communication*.

The Focal Point LLC

Chicago | Dallas | New York | Oakland
www.thefocalpoint.com

TRIAL STRATEGY JURY RESEARCH GRAPHICS TECHNOLOGY