



by David E. Zulawski CFI, CFE and Douglas E. Wicklander CFI, CFE

Wicklander and Zulawski are partners in the investigative and training firm of Wicklander-Zulawski & Associates, Inc. (www.w-z.com). They are also the authors of *Practical Aspect of Interview and Interrogation* 2nd Edition, CRC Press, 2001. They can be reached at 800-222-7789 or dwicklander@w-z.com and dzulawski@w-z.com.

© 2005 Wicklander-Zulawski & Associates, Inc.

Creating a Persuasive Argument

Part I: "What's in It for Me?"

Ever try to get your way? Get a better deal? Change someone's mind? Ask for a raise? Get someone to confess?

Remember how we used to do it as kids? Those times as a child where we just had to have or do something, and if we didn't get it, we would just...well, certainly perish. It was then that we offered our best and most carefully reasoned arguments against the fortress that was our parents. Only to be told..."No!"

In our young minds we reasoned that our parents' uninformed opinions could be changed by simple repetition of our persuasive pleas. They had just not listened carefully enough we thought, so repeating the argument would be helpful to their clouded minds. When this proved unfruitful, a change in tactics was in order, which often led to begging or a well-timed tantrum from those of us having a theatrical bent.

However, the mystery that brought us back to the battle over and over was that tantalizing "Yes, you can," delivered just often enough to make us try again. But the mystery was, and is, what caused the change in position?

One answer was we just wore our parents down. Those of us with children know that can be a distinct possibility. There is one young man of our acquaintance who stayed at a car dealership all day until the sales manager broke and sold the car to him at an unbelievable price just to get him out of the showroom. So patience and persistence can win over a skilled and a determined opponent. But then it was also the end of the month...so just maybe there was a need by both parties that culminated in that excellent deal.

So, perhaps a persuasive argument requires some benefit be derived for each party *before* there can be a change of position or an accommodation made. "What's in it for me?" If there is no benefit for a change in position, what is the impetus for change? These are complicated questions that will require several issues of this column to fully discuss.

The Mind

Not long ago in the evolution of the method, we changed a suspect's position using rationalizations. As the interviewer, we told stories and offered illustrations that minimized the seriousness of the incident and focused the individual's attention on its resolution. This seemed too unstructured, and we wondered whether there might be a better way to

understand the process and/or to increase the effectiveness of its presentation. To begin to understand what was happening during the decision-making process, we needed to look at the human mind, even in the limited way it is now understood.

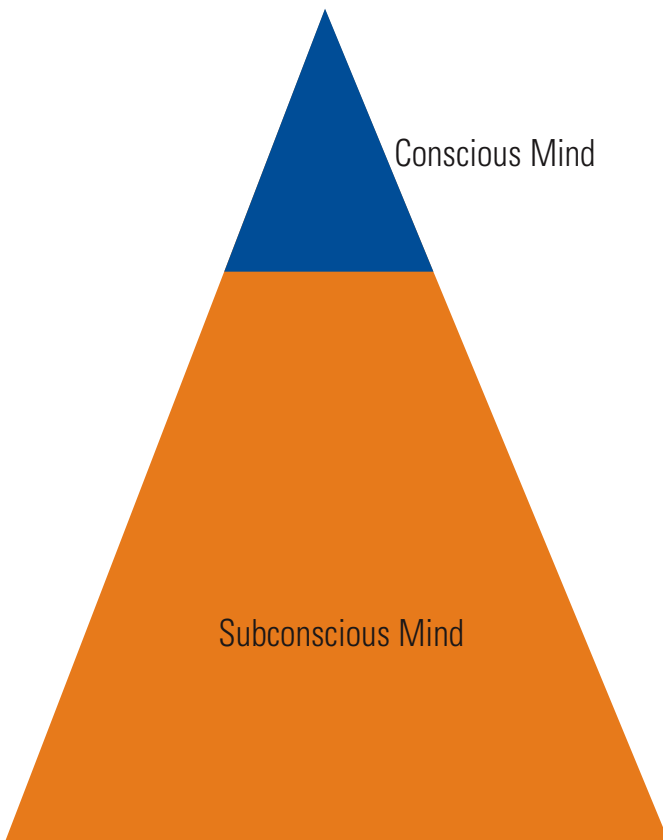
The human mind is a wonderfully mysterious and complicated organ that is poorly understood and capable of things not yet imagined. The mind is made up of a conscious, rational-thinking portion and intuitive subconscious part that combine to make us who and what we are. These two parts of the mind are partners, but hardly equal in making decisions.

Once the human mind has committed to a position, it is remarkably resistant to another's persuasive arguments. The subconscious mind ignores arguments to the contrary and reverts to the previously decided matter, tenaciously refusing to accept change.

The conscious part of the mind is rational and handles those decisions, like balancing the checkbook, constructing a sentence, or carefully analyzing things, by weighing the pros and cons before coming to a well thought out conclusion. However, if the rational mind had to make every decision, no matter how small, it would overwhelm even the most intelligent of us. Just think about all the small things that must be decided just getting dressed in the morning. Which to put on first, the left or right sock? Which pant leg first? Where to start brushing the teeth? Use the left or right hand?

If we had to stop and think about each and everything we were going to do, we would never get dressed before lunch, or decide on lunch before dinner. The way to simplify things is to make a decision and move it to the subconscious mind so when the same question comes up again, the mind reverts to what was decided before. Our lives are simplified, and we can move on to more important questions.

continued on page 19



Commitment and Consistency

Using the subconscious mind provides consistency in our behavioral decisions, but can cause all sorts of problems when it comes to trying to change an unwanted behavior. This consistency offers a shortcut to a ready-made decision so we do not have to repeatedly review facts to come to the same conclusion over and over again. We refer to these ready-made decisions as habits—the cigarette with coffee, fries with a burger, or the brand of drink we prefer.

The rational mind made the decision initially and the subconscious mind thinks it must be correct so it continues the behavior. This is why it takes so long to change a behavior, because the subconscious continually reverts to its former decisions.

This tendency to use stored decisions also allows us to hide from difficult realizations. For example, religious cults that predict the end of the world have believers wait patiently for a spaceship to take them away, only to be disappointed. Surprisingly, instead of leaving the cult in disgust, they stay waiting for the next revelation from their leader.

Even in their disappointment, the conscious mind abdicates the conscious decision making to the previously decided event stored in the subconscious, which can be stubbornly resistant to change. When an individual has concluded that his position or decision is correct, to change he must admit that he was wrong in order to accept new views. So we are now dealing with changing the self-image of the individual who we are attempting to persuade to change positions.

continued on page 20

	SARBANES-OXLEY	COMPLIANT	
CARGO THEFT		HOMELAND SECURITY	EMBEZZLEMENT
	CORPORATE	WRONGDOING	

Know of a crime?
drop a dime...

dropadime.net
www.dropadime.net

Circle 10 on advertiser information form

INTERVIEW & INTERROGATION

continued from page 19

We have only to think about religious, political, or important issue discussions that take place at parties to see how resistant an individual is to changing his or her views. After such discussions, does anyone really change their positions on the issues?

Once the human mind has committed to a position, it is remarkably resistant to another's persuasive arguments. The subconscious mind ignores arguments to the contrary and reverts to the previously decided matter, tenaciously refusing to accept change. When an individual reaches a decision, it is trusted in full because the person decided it himself and there is no resistance to later accepting it as a solution to a similar problem. This consistency of response makes decisions more comfortable and resistant to change.

Let's consider how this consistency and commitment play out in our everyday lives before we look at the implications during an accusatory interview. For example, a company wants to increase sales of a particular product and then lengthen the time customers will purchase the item. How might the company manipulate us using the principle of consistency and commitment? Have you ever seen an offer of a great prize to the winner of a "50 words or less why I love the product" contest? Hmm...now each of the entrants has committed by detailing in writing, how wonderful the product is and why

they can not live without its attributes. Next time they need a product like that, which do you suppose might be chosen? The decision has been made, and now to be consistent the subconscious mind unthinkingly reaches for the product.... compliance through commitment.

Some salesmen use high-pressure selling tactics to convince people to buy things that they might later regret purchasing. To solve this many state legislatures stepped in to give the buyer a cooling-off period; a few days for the customers to cancel the contract they had signed without any penalty. This resulted in many sales contracts being canceled during this cooling-off period.

So, did the sales companies go out of business or shrink in size? No, what they did was to use a simple tactic—having the buyer fill out the sales contract, thus committing the individual to the sale in a very public way. What these companies found was that the individual's written commitment to the sale by filling out the sales contract was enough to avoid many cancellations...compliance through commitment.

In the next issue we will examine how subject commitment affects the accusatory interview in both positive and negative ways. Then we will consider other persuasive rules that have an impact on the interview and the subject's decision to confess. ■

It's all about **TRUST**

15 years of unblemished service.

The company of Choice, Results, and Service. For more information go to www.civilrecovery.com/crsadvantage



Circle 11 on advertiser information form