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Introduction

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Special issue: Persuasion Part I

Introduction

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Advocacy is often regarded as the pinnacle of persuasion. There are texts old and new, slim and thick, which lay out for the advocate those techniques of persuasion upon which winning outcomes depend.

Yet persuasion is exercised in all facets of life. Do the techniques that make an advocate persuasive apply in those other areas? Do other disciplines use different principles and apply different techniques?

The convenors (two barristers who teach advocacy and a legally qualified social psychologist) wondered whether we could draw on those other disciplines to enhance our own knowledge, and at the same time provide an opportunity of real multidisciplinary value.

Thirty-five persuasion practitioners took the gamble with us that a workshop would be useful rather than useless. They gathered on a cold Canberra July weekend to discuss a baker's dozen of their approaches. How did they persuade? Were there any ethical issues to consider? Lawyers and negotiators were joined by social psychologists, political scientists, a speech writer, newspaper editor, preacher, film maker and critic, lobbyist, classicist, marketer, and a former elite athlete turned sports coach.

Thankfully the outcomes were useful.

Common themes quickly emerged: some expected, some less so. Knowing your audience was the most oft repeated. Advocacy texts focus upon method: how to question, how to address, how to prepare the case, and very occasionally how to prepare the witness. The audience, be it one or more judges or a jury, is taken to be a target which will be persuaded because of that approach. Too many persuaders carelessly think that we can paint a persuasive picture for audiences with little or no understanding of, or attention to, audience preferences and dislikes.

Other disciplines know their audience very well. Broad assumptions and generalisations are not enough. How can you achieve your desired outcomes if you haven't found the way to connect with those who will make those outcomes occur? Why does a Canberra newspaper need to report the West Australian AFL results? Why does a jury advocate need to understand the conditions in the jury room? Why did Cicero use a vestal virgin as a prop? Why does a preacher need to distinguish between the repeat attendee and the chance arrival?

The persuader and the audience must connect. Being a member of the same crowd, the 'in-group', even if temporarily, induces a sense of belonging which brings audience trust and acceptance of the persuader. We must be one with our judges, our purchasers, our elected officials. The long term coach and the athlete have shared experiences. Successful brands are immediately recognisable and comfortable. A demonstrated understanding suggests a common cause. 'Out group' persuaders don't succeed.

We also create that connection through how we communicate. We should deliberately choose words which meet the needs of each audience member. I 'see', 'picture', 'describe', 'map out', 'notice' for those with a dominant visual sense. I 'hear', 'listen', 'tap', 'strike' for those with a strong auditory sense. For others I 'feel',

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'reflect', 'consider', 'touch', 'empathise'. We use metaphor and analogies.

Once accepted as a 'credible messenger' we must show the audience the path to follow, moving step by step, revealing the argument and the story, but leaving them to fill in the punch line. We persuade by letting them persuade themselves.

How well we succeed depends upon our training, our experience, and our preparation for the specific case. The Ancients studied rhetoric and some classified each element of the process in extraordinary detail. Today's best negotiators have a repertoire of responses to counter opponents' moves. The sermon acknowledges both the cynic and the long converted. Our best lobbyists have a detailed plan of action, which reflects on past efforts and re-evaluates as the current campaign progresses.

Preparation means being ready for anything. Along with a mastery of technique, law and policy there must be mastery of the facts. That mastery enables selecting from all the material just those bits that matter for best effect, leaving all the rest in reserve. When the audience requires something from that reserve then it must be quickly found and supplied.

The medium will also vary. The appellate advocate blends the necessary written material with oral argument to highlight and capture interest. The marketer and the filmmaker use images, colour and sequence. The internet suits some needs; other needs are better met by radio or the newspaper.

Audiences need to be regularly reminded in clever, interesting ways of what we have already told them. They want to feel 'at home' with us and with our ideas. They want to feel that we belong with them. They want to see that our ideas and arguments make sense on the page and are expressed just as they would express them.

While all of this is necessary it is not sufficient. Ethics and creativity are essential.

We must never lose sight of our ethical obligations. It affects our professions, our reputation, our acceptance by our audience.

We must never forget that spark of creativity, that inexplicable capacity of some people to sculpt their communication into breathtaking forms. We see it in advertising. We hear it in lyrics, poetry and music. We see it in dance, in art, in sculpture and film. It reaches us as it always has. Cicero had the gift of reaching his audience by, for example, calling upon the emotions that attach to family. In the film *Goodfellas*, Martin Scorsese used our attachment to family to help us learn to love gangsters even as we fear them. It's an extraordinary achievement. We are persuaded by the power of his manipulative images and of our own emotions: a fateful combination.

Isn't that what we persuaders all desire? To have our audience accept our facts, our interpretation, our conclusion through *our* technical and creative skill and yet think *they* did it themselves? To get there more quickly, enjoy the articles in this special 2 part issue. ●

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Graeme Blank, barrister and communications trainer;
Dr Mark Nolan, lawyer and social psychologist.

Part 2 of this special issue will appear in the next issue of ADR Bulletin.

contributions

Contributions to the **ADR bulletin** for **2007** are welcome.
Submissions should be presented as a Word file, attached to an email.
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