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List of Abbreviations and Acronyms

ARA	American Relief Association
BATNA	Best alternative to a negotiated agreement
ICBM	Intercontinental ballistic missile
INF Treaty	Intermediate-Range Nuclear Forces Treaty
MAD	Mutually assured destruction
MGIMO	Foreign Ministry's Diplomatic Academy and Moscow State Institute of International Relations
NATO	North Atlantic Treaty Organization
New START	New Strategic Arms Reduction Treaty
NSA	(United States of America) National Security Agency
Nuclear Test-Ban Treaty	Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space, and Under Water
Open Skies Treaty	Treaty on the Open Skies
RSFSR	Russian Soviet Federative Socialist Republic
SALT	Strategic Arms Limitation Talks
SDI	Strategic Defensive Initiative
SORT	Strategic Offensive Reduction Talks
Soviet Union	Union of Soviet Socialist Republics
SSR	Soviet Socialist Republic
Star Wars	Strategic Defensive Initiative (SDI)
START	Strategic Arms Reduction Talks
START I	Strategic Arms Reduction Treaty I
START II	Strategic Arms Reduction Treaty II
START III	Strategic Arms Reduction Treaty III
UNCLOS	United Nations Convention on the Law of the Sea
United States	United States of America
USA	United States of America
USSR	Union of Soviet Socialist Republics

Chess Versus Video Games: How Russian Negotiation Strategies Reflect Their Soviet Legacy and Influence Modern Russia-American Negotiations

I. Introduction

In 1986, United States of America (United States) Army Lieutenant General Edward Rowny, a special advisor to five United States presidents and a negotiator of the first Strategic Arms Reduction Treaty (START I), published an op-ed titled "10 'Commandments' for Negotiating with the Soviet Union" in *The New York Times*.[1] In the article, Rowny draws ten maxims regarding how American negotiators can most successfully negotiate with negotiators working on behalf of the Union of Soviet Socialist Republics (Soviet Union).[2] The maxims are as follows:

1. Above all, remember the objective.
2. Be patient.
3. Keep secrets.
4. Bear in mind the differences in the two political structures.
5. Beware of "Greeks" bearing gifts.
6. Remember to the Russians form is substance.
7. Don't be deceived by the Soviet "fear of being invaded."
8. Beware of negotiating at the 11th hour.
9. Don't be deceived by words.
10. Don't misinterpret the human element.[3]

[1] START I was a treaty between the United States and the Soviet Union. START I was the result of the first phase of the Strategic Arms Reduction Talks (START) between the United States and the Soviet Union. These talks took place between 1982 and 1991 and were a successor to the Strategic Arms Limitation Talks of the 1970s. The talks were aimed at substantially reducing both countries' stockpiles of nuclear weapons. The effort survived the collapse of the Soviet Union to result in the successful, comprehensive reduction of nuclear arms by both the American and Russian governments. START I expired in 2009 and was followed by START II (which was never ratified by the United States), START III and the Strategic Offensive Reductions Treaty (SORT), and the New START. The last entered into force in 2011 after negotiations between then United States President Barack Obama and current President of the Russian Federation Vladimir Putin. START II, START IIII, SORT, and New START all continued the legacy of START I in reducing the global stockpile of nuclear arms. The most successful of these negotiations, however, remains START I, for which negotiation was completed between then United States President Ronald Reagan and General Secretary of the Communist Party of the Soviet Union, Mikhail Gorbachev. Lawrence Freedman, "Strategic Arms Reduction Talks," *Encyclopaedia Britannica*, July 20, 1998, https://www.britannica.com/event/Strategic-Arms-Reduction-Talks.

[2] The Union of Soviet Socialist Republics was an empire in northern Eurasia consisting of fifteen "Soviet Socialist Republics" (SSRs): Armenia, Azerbaijan, Belorussia, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan. The Soviet Union was famously formed during the October Revolution of 1917 and dissolved under Mikhail Gorbachev in December 1991. During its tenure, the Soviet Union was the largest country in the world and covered 8,650,000 square miles, an area two and a half times that of the United States and nearly one sixth that of the Earth's surface. Martin McCauley et al., "Soviet Union," *Encyclopaedia Britannica*, July 26, 1999, https://www.britannica.com/place/Soviet-Union/.

[3] Edward Rowny, "10 'Commandments' for Negotiating with the Soviet Union," *The New York Times*, January 12, 1986.

The purpose of Rowny's article was to advise American negotiators in an attempt to improve their negotiation outcomes with Soviet negotiators. To this end, he thoroughly explains each of his ten maxims. First and foremost, Rowny reminds American negotiators that "Soviet society is closed and secretive," Soviet compliance is hard to verify, and Soviets "view compromise as a weakness."[4] Soviet leaders do not have to worry about the ratification process subsequent to signing in the same way American leaders do.[5] To the Soviet parties and negotiators, everything is negotiable, and in turn, all elements of the negotiation, including celebrations accompanying the proceedings, can become part of the deal. Soviet parties and negotiators believe in size, the bigger the better, and will always strive for a better deal, even if negotiators have already reached an agreement with which they are satisfied. Likewise, they like to wait until the very last minute to sign agreements (even if an agreement can be met early) to put pressure on the other side, whom they know is accountable to a domestic public. Lastly, Soviet negotiators display a tremendous fidelity to their Communist ideology. Don't underestimate them, Rowny advises. Soviet negotiators are well-trained in international negotiations, especially those with American negotiators, and will go to extreme lengths to get what they want. These lengths are past those of a man motivated by individual glory or a job well done, but instead are those of a small

[4] Rowny, "10 'Commandments'" (n 3).

[5] While the Soviet Union did possess a ratification process for international agreements, according to a foundational Soviet treaty theorist, Eugene Korovin, the Soviet Union "recognize[d] ratification solely as a technical function of the government, generally employed for reasons of international reciprocity," not for the purpose of practicing a separation of powers, as is done in the United States. Eugene Korovin, "Soviet Treaties and International Law," *The American Journal of International Law* 22, no. 4 (1928): 753, 753-54, doi: 10.2307/2188430. (alteration in original). Under Article 1 of the Constitution of the Union of Soviet Socialist Republics, "the supreme organs" of the Soviet Union, namely the Supreme Soviet, the Presidium of the Supreme Soviet, the Council of Ministers, and eventually even the fifteen Union Republics themselves, were tasked with concluding "political and other treaties." Only authorized Soviet representatives of these organs were allowed to sign such international treaties. The Council of the People's Commissars, according to regulations adopted in November 1923, was tasked with examining treaties and confirming those which did not require ratification. Those treaties requiring ratification were outlined in Article 2 of the decree of the Central Executive Committee of May 21, 1925, and included only peace treaties, treaties modifying frontiers, and treaties signed with countries who themselves required ratification. To ratify these treaties, the relevant body, either the Congress of the Soviets of the Union or the Central Executive Committee, had to pass a resolution or "grant prior approval." The Council of People's Commissars confirmed treaties that did not require ratification. Ratification was rarely ever refused. *Id*. While over time, the Soviet treaty ratification process evolved to become more sophisticated (or at least more akin to that of the West) and a "useful means of exercising formal checks and controls over treaty negotiations and negotiators," it remained more a technicality than a principle. Jan Triska, "The Soviet Law of Treaties," *Proceedings of the American Society of International Law at Its Annual Meeting (1921-1969)* 53 (1959): 294, 294-96. Soviet treaty confirmation, the less formal option available to the Council of People's Commissars, also evolved to became a "flexible, efficient, and effective substitute for ratification." *Id*. at 296, 301.

cog in a large, glorious machine that must progress, regardless of individual inconveniences.[6]

For all his myriad advice, underneath each of Rowny's separate maxims is a foundational theory: Soviet negotiators view negotiations as only one part of a larger effort. Soviet negotiators are patient, willing to wait years, "often decades, even centuries," for their negotiation strategies to reach fruition, and place their negotiations within a larger context than American negotiators do, waiting for advantageous shifts in the "correlation of forces."[7] According to Rowny, "Russians play chess; we play video games."[8] In other words, Soviet negotiators play the long game while American negotiators think only in terms of four-year election cycles.

Rowny's advice is by no means unique. Over the years, countless scholars, practitioners, and commentators lent their own "commandments" to the literature surrounding how American negotiators could best negotiate with the Soviets. American negotiation scholars and practitioners alike were so preoccupied with the specter of Soviet victory during the Cold War that this advice became plentiful and easy to obtain. Indeed, contemporaneous American negotiators benefitted from a plethora of guidance regarding Soviet-American negotiations.[9]

Now, the situation is not so. The Cold War is over, and the Soviet Union is gone.[10] American negotiators negotiating with counterparts from Moscow, Saint Petersburg, and Kazan now face individuals operating under the banner of the Russian Federation. But unlike past negotiations with their Soviet counterparts, modern

[6] Rowny, "10 'Commandments'" (n 3).

[7] *Id*.

[8] *Id*.

[9] Throughout this paper, I frequently describe negotiations as "Russian-American," "American-Russian," "Soviet-American," or "American-Soviet." The order of hyphenation does not matter.

[10] The Cold War refers to a period between the end of World War II in Europe in 1945 and the dissolution of the Soviet Union in 1991 during which the United States and the Soviet Union fought ideologically, politically, and economically for influence worldwide. Through propaganda and proxy wars, the two countries competed to advance the ideologies of capitalism and democracy (the United States) and of communism (the Soviet Union) globally. The build-up of nuclear weapons was a particular point of tension throughout the period as both countries increased their stockpiles and improved their capabilities. START and the various START treaties were major steps to overcoming this tension and ensuring that the two superpowers would not destroy each other through the mutual, reciprocal use of nuclear weapons, a possibility popularly termed "MAD" (mutually assured destruction). The Editors of Encyclopaedia Britannica, "Cold War," *Encyclopaedia Britannica*, July 20, 1998, https://www.britannica.com/event/Cold-War.

American negotiators face a dearth of anecdotal advice regarding these contemporary, Russian-American negotiations.[11]

This dearth has shown itself to be consequential through the increasingly hostile and unsuccessful nature of the current Russian-American negotiating relationship. This relationship is so fraught that some believe the two countries have begun a "new Cold War."[12] In August 2013, for example, then United States President Barack Obama canceled a planned summit with Russian President Vladimir Putin "citing a lack of progress on a variety of negotiations" relating to Russia's decision to grant Edward Snowden temporary asylum, exemplifying how "walking away from negotiations that seem fruitless may be your best BATNA."[13] In November 2018, current United States President Donald Trump abruptly cancelled a planned meeting with President Putin "citing the unresolved naval standoff between Russia and Ukraine" and "underscor[ing] just how fraught the Russian-American relationship has grown despite the president's concerted effort to make friends."[14] Add to these

[11] My decision to examine mostly anecdotal literature is an attempt to examine only primary sources, or summaries of those primary sources. When the sources become theory, they are too attenuated to use as primary sources. I term first-person accounts "anecdotal" not to indicate any measure of truthfulness, but to imply first-person impressions and accounts.

[12] See, for example, Robert Kaplan, "A New Cold War Has Begun," *Foreign Policy*, January 7, 2019, https://www.cnn.com/2016/12/26/us/2016-presidential-campaign-hacking-fast-facts/index.html.

[13] Edward Snowden is a former National Security Agency (NSA) contractor who between 2013 and 2014 leaked over seven thousand illegally downloaded, "top-secret" documents concerning the NSA's surveillance of domestic and international communications. Paul Szoldra, "This is Everything Edward Snowden Revealed in One Year of Unprecedent Top-Secret Leaks," *Business Insider*, September 16, 2016, https://www.businessinsider.com/snowden-leaks-timeline-2016-9. Snowden has since sought asylum in Russia, where he has resided for the last six years and plans to remain "for years to come." His presence in Russia is an ongoing source of tension between Moscow and Washington. Ewen MacAskill, "I Was Very Much a Person the Most Powerful Government in the World Wanted to Go Away," *The Guardian*, September 13, 2019, https://www.theguardian.com/us-news/ng-interactive/2019/sep/13/edward-snowden-interviewwhistleblowing-russia-ai-permanent-record.

Pon Staff, "Top International Negotiations: Canceled Talks Between the United States and Russia," *Harvard Law School Program on Negotiation Daily Blog*, February 14, 2017, https://www.pon.harvard.edu/daily/international-negotiation-daily/top-10-international-negotiations-of-2013-canceled-talks-between-the-u-s-and-russia/.

A BATNA, or "best alternative to a negotiated agreement," is a term commonly used by negotiation scholars to describe what will happen if a party chooses *not* to reach a negotiated agreement. In other words, a BATNA is the party-specific alternative to a negotiated agreement. Scholars advise negotiators and parties to determine their BATNAs prior to the beginning of a negotiation so they will be prepared with perspective via a well-reasoned alternative to the negotiated agreement when that agreement is proposed. If the value of the propose agreement to the party is less than that of the BATNA, the party should not accept the agreement.

[14] On November 25, 2018, in "the first overt armed conflict between the two sides since the beginning days of the conflict in 2014, when Russian special forces occupied Crimea," Russia seized three small Ukrainian naval vessels and twenty three sailors, wounding at least three in an armed standoff near the Kerch Strait north of the Black Sea, Russia's actions were purportedly in response to "Ukrainian violations of Russian territorial waters." In response to Russia's actions, NATO increased its military

general negotiation breakdowns the United States' recent withdrawal from the Intermediate-Range Nuclear Forces Treaty (INF Treaty), probable withdrawal from the Treaty on the Open Skies, and likely failure to renew New START, and it is clear this dearth in anecdotal literature is wreaking destructive consequences on the ground. [15]

This need is thus greater than that typical of many international negotiations: beyond better business outcomes, strengthened cross-cultural cooperation, or even increased human rights, we need this dearth to be filled to increase the safety of the

presence in the area to purportedly defend the United Nations Convention on the Law of the Sea (UNCLOS). UNCLOS is an international maritime convention that allows for unimpeded shipping through any strait. Moscow suffered heated international criticism for its actions, many European countries calling for increased sanctions on Russia. Neil MacFarquhar, "Russia-Ukraine Fight Over Narrow Sea Passage Risks Wider War," *The New York Times*, November 26, 2018, https://www.nytimes.com/2018/11/26/world/europe/russia-ukraine-kerchstrait.html?auth=login-email&login=email.

Peter Baker, "Trump Cancels Meeting With Putin, Citing Naval Clash Between Russia and Ukraine," *The New York Times*, November 29, 2018, https://www.nytimes.com/2018/11/29/us/politics/trump-putinmeeting-g20.html (alteration in original).

[15] The Trump administration formally withdrew from the Intermediate-Range Nuclear Forces Treaty (INF Treaty) with Russia in August 2019. The INF was signed in 1987 by United States President Ronald Reagan and General Secretary of the Communist Part of the Soviet Union Mikhail Gorbachev, and banned all non-sea-launched missiles with short and medium ranges. Beginning in the late 2000s, there has been a breakdown in cooperation between Russia and the United States regarding the treaty. Russian President Putin declared the INF Treaty as no longer serving Russia's interests in 2007, and in 2014 United States President Obama declared Russia to be in breach of the treaty after they allegedly tested a violative missile. NATO later formally accused Russia of breaching the treaty. "INF nuclear treaty: US pulls out of Cold War-era pact with Russia," *BBC News*, August 2, 2019, https://www.bbc.com/news/world-us-canada-49198565. The United States claiming the rising threat of President Putin to American security, and Russia claiming that the United States exhibited bad faith negotiations in the original INF Treaty negotiations, United States Senator Edward J. Markey said the INF Treaty breakdown was "a tragedy that makes the world less safe" and "pave[s] the way for a dangerous arms raise." David E. Sanger and William J. Broad, "U.S. Suspends Nuclear Arms Control Treaty With Russia," *The New York Times*, February 1, 2019, https://www.nytimes.com/2019/02/01/us/politics/trump-inf-nuclear-treaty.html (alteration in original). In discussing the Trump administration's arms policy, former United States Defense Secretary Jim Mattis said, "We have to give our negotiators … something to negotiate." *Id*. (alteration in original). Similar concerns are arising now in the context of New START, which expires on February 5, 2021, and the Treaty on the Open Skies (Open Skies Treaty)—signed in March 1992, entered into force in January 2002, and permitting parties "to conduct short-notice, unarmed reconnaissance flights over the others' entire territories to collect data on military forces and activities"—from which United States President Trump wishes to withdraw. Daryl Kimball, "The Open Skies Treaty at a Glance," *Arms Control Association*, May 2020, https://www.armscontrol.org/factsheets/openskies; Deb Riechmann, "Time running out on the last US-Russia nuclear arms treaty," *DefenseNews*, May 25, 2020, https://www.defensenews.com/smr/nuclear-arsenal/2020/05/24/time-running-out-on-the-last-us-russia-nuclear-arms-treaty/; Michael R. Pompeo, Secretary of State, United States Department of State, *Press Statement on the Treaty on Open Skies*, May 21, 2020, https://www.state.gov/on-the-treaty-on-open-skies/. With accusations of breach and bad faith coming from both Russia and the United States, as well as evidence that both are developing new, nuclear warheads, New START and the Open Skies Treaty look ready to find the same fate as that of the INF Treaty, and the results of Gorbachev and Reagan's hard-fought, ultimately successful negotiations will be for naught.

world's population a prevent a modern MAD. This dearth, and the critical need for its filling, therefore begs a solution faster than waiting for this dearth to be filled the conventional way: through the build-up of academic articles, op-eds from practitioners, and diplomats' memoirs. One way to shortcut this dearth is to impute the plethora of advice regarding negotiations with Soviet entities for the gap in literature regarding negotiations with Russian entities. This would be an easy fix. The question is, however, *would it be an appropriate fix, or are Russian negotiation behaviors in Russian-American negotiations too different from Soviet negotiation behaviors in Soviet-American negotiations?*

My goal in writing this paper is to determine the answer to this question. In doing so, I will answer three sub-questions:

1. Was there a paradigm to American-Soviet negotiations? If so, what was it?
2. Could American-Russian negotiations fit that same paradigm?
3. If they can, what are strategies for American negotiators to successfully conduct modern negotiations with Russian negotiators?

The implications of these answers, as mentioned above, are important. If the American-Soviet paradigm can be imputed for the dearth, American negotiators can, at least in part, assume the strategies that were successful in Soviet-American negotiations and look to a large, much-needed, and targeted body of anecdotal literature.

II. Paper Overview

I divide the remaining text of this paper into five sections. I first define the terms and delineate the concepts necessary to following my conceptual framework. Drawing from existing literature, I then evaluate the trends displayed and strategies used by Soviet negotiators in Soviet-American negotiations to draw a Soviet-American negotiation paradigm. (This section constitutes the bulk of the paper, as it is this paradigm which serves as the foundation for my advice to modern American negotiators in Russian-American negotiations.) In the third section, I briefly examine the literature that does exist discussing current Russian-American negotiations to determine whether the Soviet-American paradigm could still apply. In the fourth section, I use this conclusion to, in the spirit of Rowny's op-ed, devise a new set of ten "commandments" for modern negotiations with Russian entities. In the fifth and final section, I offer a prediction for the future of Russian-American negotiations.

III. Definitions

In this paper, I define *negotiations* as a discussion or a set of discussions between two or more parties who have the purpose of reaching a common solution to a *problem* or set of problems. These problems do not need to be the same cross-party, but are related enough to allow one coordinated solution.

I define a negotiation *session*, or *discussion*, as the part of a negotiation conducted within the temporal bounds of a finite interval, typically a day or number of hours. While some negotiations are composed of only one session, most negotiations are made up of multiple sessions. These sessions can be defined according to different temporal units. For instance, a week-long summit may be said to include one or multiple negotiation sessions every day, each session defined by a number of hours. As long as it does not comprise the entire negotiation, the week-long summit itself may also be said to constitute a single negotiation session.

I define *informal* negotiations, sessions, or discussions, as those which take place outside the traditional negotiation strictures mandated by the parties. Likewise, I define *formal* negotiations, sessions, or discussions as those which take place within them. Most negotiations include both informal and formal sessions. Informal sessions often take the form of preliminary communications and impromptu "backdoor" meetings, and often do not include all parties or negotiators. Formal sessions are typically the opposite, highly publicized, heavily planned, and include all parties and negotiators. Some negotiations are completed almost entirely within informal sessions, the formal negotiation then acting only as a formality by which the parties sign the written agreement.

I define *parties* as the represented entities negotiating with each other through their represented negotiators, whereas I define *negotiators* as the individuals actually in the room, negotiating. If a party is negotiating on behalf of itself, the negotiator and the party are one and the same. Parties and negotiators alike can be one person or a group of people acting together on behalf of one entity. To this end, parties can be, non-exhaustively, states, individuals, businesses, interest groups, coalitions, or representatives of those groups. Throughout this paper, I also call "negotiators" "practitioners" at times. Note that while the interests, goals, strategies, and trends of negotiators and parties can often be conflated, there is an important, conceptual

difference between negotiators and parties, as sometimes their interests, goals, strategies, displayed trends, and other characteristics cannot be conflated. In this paper, I exclusively discuss the following combinations of parties and negotiators:

1. American parties negotiating themselves or who are represented by American negotiators,
2. Soviet parties negotiating themselves or who are represented by Soviet negotiators,

And

3. Russian parties negotiating themselves or who are represented by Russian negotiators.

Any other combination, including *cross-combinations* for reasons of strategic advantage, such as, for example, Russian parties who are represented by American negotiators, is not discussed. As my examination of the literature does not indicate that cross-combinations or combinations involving non-national negotiators were or are significant in American-Soviet or American-Russian negotiations, especially in American-Soviet negotiations, this limitation should not exclude any significant amount of the aforementioned negotiations.[16]

I define the *result* of a negotiation to be the end consequence of a negotiation for a particular party. A result may include obligations to other parties, sanctions by an international body, or an enjoined action. Parties may, but often do not, enjoy identical results of a negotiation.

[16] It is especially unlikely that Soviet or American parties would have used non-national negotiators in their negotiations with each other due to the immense distrust between the two countries during the Cold War. I can find no record of Soviet parties using American negotiators or American parties using Soviet negotiators in my examination of the literature. This trend has somewhat changed with regards to Russian-American cross-combinations due to the increased globalization and international economic cooperation of the twenty-first century, though not as much as it has changed with regards to countries with which the United States has more business dealings, such as Mexico or Brazil. A common method of cross-combination is that of large, international law firms. For instance, many American law firms have offices in Moscow and employ only Russian-trained, Russian-national lawyers. While much of these lawyers' business is internal only to Russia, some of it necessarily involves the representation of American entities who have dealings in Russia. When these dealings involve negotiations, these Russian nationals, working as negotiators on behalf of American entities, constitute a cross-combination.

I define a negotiation *outcome* as the set of results of a negotiation. All parties involved in a negotiation share the same outcome, but may view that outcome differently by virtue of their different results.

I define a negotiating *relationship* as the way parties interact with, behave toward, and think of one another. A relationship is developed over iterated negotiation sessions.

I define a negotiation *trend* as a general pattern in negotiating behavior or outcome. In contrast, I define a negotiation *strategy* as a concerted choice by one party during negotiations in pursuit of a specific result or outcome. The two interact closely but are not the same. As such, strategies may constitute a trend, but not vice versa. For example, one party may use a strategy, such as holding negotiations on their home soil, only speaking in a certain language, or starting with a general discussion before moving to specific terms, so often that they establish a pattern of using that strategy. This pattern constitutes a trend, but the trend itself does not constitute a strategy. Trends other than those of behavior may include those related to how often negotiations takes place, who attends the negotiations, and whether the negotiations result in successful outcomes. Trends may be specific to party, negotiator, session, negotiation, or relationship, but may also be broader, perhaps cross-negotiation or defined geographically or temporally.

I define *public negotiations* as those conducted between *public parties*: states or the organs of states. I define *private negotiations* as those conducted between *private parties*: individual or businesses entities, those not connected with the government. I define *hybrid negotiations* as those whose parties are both public and private. *Hybrid parties*, accordingly, are those entities with both public and private aspects.

Lastly, I use the adjective *Russian* in reference to the modern Russian Federation as a state, not in reference to the Russian ethnicity. I use *Soviet* and *American* in the same respect, though neither term brings about the same issues regarding ethnic and national connotations.[17]

[17] While "American" and "Soviet" are both used in reference to aspects of large, multi-ethnic and multi-national states with no titular nationality, and indeed, without the existence of their would-be titular nationalities, "Russian" has two translations, and therefore two connotations, within the

a. Is the Russian Federation the Soviet Union's "Successor?"

In determining whether an American-Soviet negotiation paradigm can apply to modern American-Russian negotiations, it is helpful to determine whether the Russian Federation is seen as the "successor" to the Soviet Union. This determination is necessary because, if Russian public negotiators see themselves as negotiating on behalf of a party successor to the Soviet Union, their behavior is likely to be similar to that of Soviet negotiators. Likewise, if Russian private negotiators see themselves as belonging to the successor state to the Soviet Union, their attitudes towards American negotiators could be more similar to that of Soviet negotiators than if not. Likewise, if American negotiators see themselves as negotiating with negotiators who are, essentially, successors to Soviet negotiators, they should employ similar strategies as their predecessors did when negotiating with the Soviets. In other words, if Russia is the successor to the Soviet Union, the Soviet-American paradigm is much more likely to apply to Russian-American negotiations.

Determining whether Russia is the Soviet Union's successor, however, is difficult for three reasons. First, it is effectively the egg in a chicken and the egg scenario, the chicken being the common paradigm.[18] If existent, does Russia's successor status, cause the Soviet-American negotiation paradigm's applicability to American-Russian negotiations, or does the Soviet-American negotiation paradigm's applicability indicate successor status by virtue of its very existence?

Second, whether Russia is successor to the Soviet Union has vastly different implications for Russian-American negotiations depending on whether the parties are public or private and depending on who the negotiators are personally. In public negotiations, Russia's successor status is likely more informative of an applicable paradigm, as the parties themselves (Russia and the United States) are either inherited or the same. But in private or hybrid negotiations, the successor status may matter

Russian language. One, "russki," refers to the Russian ethnicity. The other, "rossisski," refers instead only to the Russian state, and is used to reference individuals holding citizenship of the Russian Federation regardless of whether they are ethnically Russian. I use the words "national" and "nationality" strictly within this latter context, referring to citizenry and not ethnicity.

[18] "Which came first: the chicken or the egg?" is a popular American metaphor used to express a conundrum surrounding causality when one thing cannot exist without the other, but neither is the clear cause of the other. The metaphorical question is impossible to answer because the chicken hatches from the egg and therefore cannot exist without the egg, but the egg is also laid by the chicken and therefore cannot exist without the chicken.

infinitely more or far less. So is the United States and so are its negotiators. Each of these individuals inevitably thinks about Russia and its successor status to the Soviet Union differently. Determining whether Russia is the successor to the Soviet Union can also yield different answers across different disciplines.

Third, the term "successor" is itself difficult to define and, depending on its definition, may actually fail to indicate anything at all regarding the applicability of the Soviet-American paradigm. Within this paper, I have chosen to define a *successor state* as one which succeeds another not only in geography or population, but in some common perception among a group of people, such as its own population or the broader international community. This perception can come from practically anything: ideology, regime type, historical mission, economy, or the everyday lives of its people. Regardless, it causes the perceiving group to consider the successor as similar to the predecessor by more than just population or geography. In this way, I use "successor" to describe the midpoint between "the same state with a new name" and "a totally different state in the same territory." Defined as such, a determination that Russia as a state is the successor to the Soviet Union also indicates that it is a successor as a public party, and in turn, that there is some sort of inherited perception associated with it. This determination is meaningless, however, if others do not define and perceive a "successor" state similarly.

With these difficulties in mind, I now examine the possible determination of Russia as the Soviet Union's successor within both public and private negotiations. Within public negotiations, I examine the possible determine within the context of international law, as it often serves as the forum and provides the framework for such modern negotiations. Within private negotiations, I examine the possible determination generally, as it could be evaluated by individual negotiators and parties.

Within international law, the Russian Federation is commonly considered to be the successor to the Soviet Union. According to international law,

> the word 'succession' is primarily used to indicate the 'replacement of one State by another in the responsibility for the international relations of territory', *i.e.*, the substitution of one authority with another in the exercise of sovereign rights over a specific territory (and population). … Succession in international law can therefore best be conceptualized as a modification of a *factual* situation, *i.e.*, the circumstance that one government ceases *in fact* to exercise a certain type of authority over a territory, and is thus replaced by another. In cases of succession, a predecessor is replaced by one or more successor(s); in

> case of identity, the result is that, despite apparent changes, the state remains the same subject of international law. [19]

Having inherited the vast majority of the Soviet Union's population, territory, and borders, as well as its international legal responsibilities, including a seat on the United Nations (UN) Security Council and all of its treaty obligations, diplomatic relations, and debts, under Article 2 of the Vienna Convention on Succession of States in respect of Treaties, international law therefore considers the Russian Federation to be the Soviet Union's successor state.

The international community agrees, other states recognizing the Russian Federation as the Soviet Union's successor: "a substantial body of judicial pronouncement by national courts confirming that Russia continued the legal personality of the USSR, despite the fact that such case-law often suffers from a degree of semantical confusion."[20] This "semantical confusion" stems from frequent reference to Russia as the "continuation" of the Soviet Union, or even as the same state as the Soviet Union. But regardless of semantical confusion or the few cases not referencing Russia as such, there is generally believed to be widespread international consensus that Russia is the successor to the Soviet Union.[21] Along with its inherited land, population, and responsibilities, this is enough to make Russia the Soviet Union's successor under international law.

Outside the relatively clear delineations of international law, whether Russia can more generally be considered the successor to the Soviet Union is less easily concluded. There are many differences between the two. Russia's population is about half that of the Soviet Union, and its land area two million square miles less. Its constitution is different than that of the Soviet Union, and its government is structured differently: instead of a one-party federation of fifteen constituent union republics,

[19] Guida Acquaviva, "Russia as the State Continuing the Legal Personality of the USSR - An Inquiry into State Identity or Succession," *Journal of the History of International Law* (2019): 8, doi: 10.1163/15718050-12340128 (alteration in original) (internal citations omitted). Direct internal citations are to the Vienna Convention on Succession of States in respect of treaties, August 23, 1978, Doc. A/CONF.80/31 plus Corr.2, Art. 2(1)(b) and the Vienna Convention on Succession of States i8n respect of State Property, Archives and Debts, April 8, 1983, Doc. A/CONF.117/14, Art. 2(1)(a). The Vienna Convention on the Law of Treaties is the foundational convention on treaty law within international law.

[20] Acquaviva, "Russia as the State" (n 19) at 5.

[21] "The Russian Federation is overwhelmingly considered the same subject of international law as the USSR." *Id*. at 1.

Russia is a multi-party representative democracy and an asymmetrical federation composed of forty six oblasts, twenty two republics, nine krais, four autonomous okrugs, three federal cities, and one autonomous oblast. Russia is led by a president and a national legislature called the Federal Assembly and composed of two houses, the State Duma and the Council of the Federation. Both are elected by popular vote. In contrast, the Soviet Union was led by the General Secretary of the Communist Party of the Soviet Union, the Premier, and the President. These in turn oversaw the Politburo, the Secretariat, the Central Committee, the Council of Ministers, the Supreme Soviet, the Congress of People's Deputies, and various other local and regional congresses and ministries. Only the local and regional offices, the Supreme Soviet, and the Congress of People's Deputies were generally elected; higher offices were elected from or appointed by the lower offices, and lower offices rarely experienced free and fair elections. The Soviet economy was a command economy, completely controlled by the central government in efforts to promote Marxist-Leninism, the Party ideology. In contrast, Russia employs a mix of both market and planned economies, led by no unifying "party ideologies." Based on these differences, a convincing argument can be made against a general perception of the Russian Federation as the successor to the Soviet Union.

But similarities can also be drawn. Moscow was the capital of the Soviet Union and the Soviet government was highly centralized there within a small, elite bureaucracy. The Russian Federation is the same. And while the Russian Federation is not technically a one-party state, as the Soviet Union was, Putin's United Russia party has come to effectively dominate the political scene, no other party coming close to its level of influence or control within national politics.[22] The Russian Federation is the largest country in the world, as was the Soviet Union during its lifetime; and though the Russian Federation has not maintained all the land and population that the

[22] As of December 2019, President Putin's so-called "ruling" United Russia party holds roughly seventy five percent of the seats in the State Duma, the lower house of the federal Russian parliament. Vitali Shkliarov, "United Russia is Dead," *Foreign Policy Research Institute*, December 9, 2019, https://www.fpri.org/article/2019/12/united-russia-is-dead/. This influence is felt throughout much of the country's other regional and federal bodies. However, while opposition to United Russia has infamously been repressed in recent years, particularly through police crackdowns against pro-democratic protestors and the disqualification of popular opposition leaders, there is evidence that United Russia is losing some of its power as it slowly forfeits more and more electoral seats and opposition leaders are gain both ground and international attention. Jen Kirby, "Moscow's elections dealt a blow to Putin's party. But it's complicated." *Vox*, September 9, 2019, https://www.vox.com/2019/9/9/20856872/moscow-election-results-navalny-putin-united-russia.

Soviet Union possessed, it still encapsulates the vast majority of that same land and population by virtue of the fact that the Russian Soviet Federative Socialist Republic (RSFSR), one of the fifteen constituent republics, effectively became the Russian Federation. Common history and inherited international law obligations add to a convincing argument that, due to their similarities, the Russian Federation is the successor to the Soviet Union.

On an individual level, these similarities and differences lead to different conclusions. Generally, Russians do not seem to view Russia as the Soviet Union's successor, evidenced by, among other things, the growing nostalgia for the Soviet Union.[23] If the Russia were the Soviet Union's successor, by my definition, why would there be need for nostalgia? While this nostalgia could eventually contribute to a transformation of Russia into to the Soviet Union's successor, the nostalgia is not quite that universal.[24] Americans seem to take the opposite point of view. Either due to inadequate education or perception differences, I have often found that Americans often are unable to meaningfully distinguish the Russian Federation from the Soviet Union. Many Americans view the two countries as beyond even "predecessor" and "successor," but as identical. While these conclusions are only slightly indicative of whether a negotiator or party will view Russia as the successor to the Soviet Union, they remain indicative, and could inform the Soviet-American negotiation paradigm's modern applicability. To this end, I draw two loose conclusions regarding how parties and negotiators view Russia—successor or no—in Russian-American negotiations:

1. When negotiating with Russian public parties, American parties can view Russia as the successor to the Soviet Union because the Russian Federation is the Soviet Union's successor under international law. A Soviet-American paradigm is therefore more applicable here.

2. When negotiating with Russian private parties, American parties should not *prima facie* view Russia as the successor to the Soviet Union. This determination is too contextual outside the international law context, and

[23] See, for example, Anna Nemtsova, "Russia's Twin Nostalgias," *The Atlantic*, December 7, 2019, https://www.theatlantic.com/international/archive/2019/12/vladimir-putin-russia-nostalgia-soviet-union/603079/.

[24] See Nemtsova's discussion of the "Soviet revival" underway throughout Russia, including the erection of many new monuments of Stalin, the display of old Soviet signs, and the increasingly favorable view of Stalin by most of the Russian people. Nemtsova, "Russia's Twin" (n 23).

> individual Russians generally do not seem to view Russia as the Soviet Union's successor. A Soviet-American paradigm is therefore less applicable here.

b. What Makes a Negotiation Outcome "Successful?"

I defined a negotiation's "outcome" as the overall set of results directly attributable to the negotiation. Each negotiation, however long it may be, only has one outcome, and that outcome is composed of different obligations and repercussions to each party. As a result, each party may, and is likely to, view the outcome differently.

I deem an outcome as "successful" if the net effect of the outcome is positive—in other words, are *more people more better off* as a result of this outcome than they would have been without it. If they are, the outcome is "successful;" if they are not, the outcome is "unsuccessful." While the party-specific results may be "successful" or "unsuccessful" due to their individual nature, the outcome itself may only be "successful" or unsuccessful."

By this definition, the success of an outcome is a thoroughly economic determination. Opportunity costs and the improvement of lives must be assessed against determined economic measurements, such as, for example, percentage change in trade between two countries or improved life expectancy in a specific region. I do not employ such complicated economic calculations in this paper, however, as the negotiations discussed are those with fairly obvious metrics of success. For the public negotiations, these metrics include nuclear disarmament and nuclear disaster. For the private negotiations, of which I have far less examples, the metric is generally the establishment of business cooperation between private American and Russian parties. Regardless, complicated economic calculations are outside the scope of this paper.

c. Shifts in Negotiation Literature

Not only is there a dearth of anecdotal literature regarding Russian-American negotiations compared to that regarding Soviet-American negotiations, the nature and origin of such literature is different. Anecdotal literature regarding Soviet-American negotiations is typically academic and therefore in the form of a journal article, book specifically on the practice of negotiations, thesis, or commissioned memo. Some of

these papers and theses were ordered by the American military or intelligence agencies. Accordingly, many authors are former members of the American military, intelligence community, federal government, or diplomatic corps.

In contrast, anecdotal literature on Russian-American negotiations is not academic in nature. Instead, it is mostly in the form of short internet pieces, advice posted on web forums, or guidance memos distributed by international law firms. Interestingly, a small but significant amount of literature regarding both international comparative studies in negotiations and "laboratory" negotiation simulations involving Russian negotiators has arisen since the end of the Cold War. I mention this literature due to its majority share of the literature regarding Russian negotiation trends and strategies today. I do not include it because it (1) is not anecdotal literature and (2) is typically focused on Russian or American negotiation behavior generally, not with regards to Soviet or American negotiation opponents.[25]

It is important to keep the size and nature of this imbalance in mind when assessing whether an American-Soviet negotiation paradigm can apply to American-Russian negotiations. I compensate for this imbalance by first building a Soviet-American paradigm, then cross-checking that paradigm with the information available regarding Russian-American negotiations.

[25] An example of one such scientific study is Christina Roemer, et al., "A Comparison of American and Russian Patterns of Behavior in Buyer-Seller Negotiations Using Observational Measures," *International Negotiation* 4 vol. 1 (1999): 37, doi: 10.1163/1518069920848363. The study focuses on comparing technical elements of negotiating behavior, such as "consistency appeals" and "garrulous behavior," between American and Russian practitioners.

IV. The Soviet-American Negotiation Paradigm

To determine whether a Soviet-American negotiation paradigm can apply to Russian-American negotiations, I must first determine what that paradigm is. To this end, within the following section I examine the trends displayed and the strategies used by Soviet negotiators within Soviet-American negotiations. I then conclude a Soviet-American negotiation paradigm.

My examination is limited temporally and conceptually by the existing literature. Temporally, though my examination theoretically includes all negotiations within the Soviet Union's lifetime from 1917 to 1991, the majority of the literature originates from the Cold War, which began at the end of World War II in Europe in 1945 and ended at the dissolution of the Soviet Union in 1991.[26] It was only during World War II that the Soviet Union emerged as a global superpower and the United States began to view the Soviet Union as a serious threat to its security and influence. However, prior to World War II, there were some Soviet-American negotiating relationships. Interestingly, these relationships were both public and private. After the nascence of the Cold War, it was primarily only the public negotiating relationships that continued. The private relationships were largely discarded due to the tensions between the two countries.

Because there are relatively more sources available regarding Soviet-American negotiations during the Cold War than before it, the Soviet-American negotiation paradigm I ultimately conclude is slightly more informed by those negotiations occurring after 1945 than before it.[27]

i. Building the Paradigm: Soviet Trends and Strategies

a. Prior to the Cold War: 1917-1945

Prior to the Cold War, Soviet-American negotiations were both public and private. Overwhelmingly, these negotiations were successful.

[26] See Kaplan, "A New Cold War" (n 12) regarding the assertion by some that the United States and Russia are now in the midst of a "new Cold War." Within this paper, I do not use "Cold War" in reference to both this possible "new Cold War" and the original Cold War that took place between 1945 and 1991. I use it only in reference to the latter.

[27] See *infra* Part 1, page 4 for a discussion for the reasons behind this imbalance.

Public American-Soviet negotiations largely concerned famine relief and proved difficult to both American and Soviet negotiators. The most famous of these negotiations was that between the American Relief Association (ARA) and the Soviet government in Riga, Latvia in August 1921. Due to the collapse of the Soviet economy after the Russian Civil War, forced grain requisitioning by the Bolsheviks, and a severe draught, five million Russians had died of starvation by 1921.[28] Despite the federal American government's ideological opposition to communism and disappointment that the Soviet Union had withdrawn from World War I, then Chairman of the ARA and Secretary of Commerce Herbert Hoover was receptive to Soviet appeals for charity, hoping to "stem the tide of Bolshevism" through the influence garnered by American aid.[29]

After informal negotiations throughout the end of July and early August 1921 in the form of preliminary communications between Secretary Hoover, Maxim Gorky, the Russian writer who had issued the appeal, and Lev Kamenev, the Chairman of the Commission for Famine Relief of the All-Russian Central Executive Committee, the formal negotiation took place between August 10 to August 20.[30] And, despite its deceptively short length, the negotiation faced a host of difficulties. At times, it seemed the negotiations would not move forward.

The foremost difficulty was the atmosphere of general distrust pervading the negotiations, exhibited especially on the side of the Soviets and indicative, to some, of

[28] Ronald Radosh, "The Politics of Food," *Humanities: The Magazine of the National Endowment for the Humanities* 32 no. 2 (2011), https://www.neh.gov/humanities/2011/marchapril/feature/the-politics-food.

The Russian Civil War was a conflict from June 1918 to November 1920 fought between the Soviet Red Army and the anti-Soviet White Army, which was composed of both the right and the non-Bolshevik left. The Red Army definitively defeated the White Army in November 1920. The Editors of Encyclopaedia Britannica, "Russian Civil War," *Encyclopaedia Britannica*, July 20, 1998, https://www.britannica.com/event/Russian-Civil-War.

[29] Herbert Hoover as quoted by Harold H. Fisher, *The Famine in Soviet Russia 1919-1923: The Operations of the American Relief Administration* (New York: The Macmillan Company, 1927), 31-34. See also "Revelations from the Russian Archives: The Soviet Union and the United States," *The Library of Congress*, accessed May 31, 2020, https://www.loc.gov/exhibits/archives/sovi.html.

Herbert Hoover served as the Chairman of the ARA, the Secretary of Commerce, Director of the United States Chamber of Commerce, and the President of the United States from 1929 to 1933. Known as a humanitarian, Hoover instituted widespread relief efforts in Europe, as well as in Russia, after World War I. The Editors of Encyclopaedia Britannica, "Herbert Hoover," *Encyclopaedia Britannica*, July 28, 1999, https://www.britannica.com/biography/Herbert-Hoover.

[30] Benjamin M. Weissman, "Herbert Hoover's 'Treaty' with Soviet Russia: August 20, 1921," *Slavic Review* 28 no. 2 (1969) 276, doi: 10.2307/2493227.

nascent Cold War sentiment.[31] Suspicious that Secretary Hoover and the Americans only offered ARA aid as a means of exerting anti-communist influence within the Soviet Union, the Soviet Assistant Commissar of Foreign Affairs and a negotiator at the 1921 ARA sessions, Maxim Litvinov, famously perceived that the Americans were using food as a weapon.[32] Because of this atmosphere, both parties, Secretary Hoover and Chairman of the Council of People's Commissars of the RSFSR Vladimir Lenin their leaders, were particularly intransigent in their demands.[33] At the first session on August 11, it quickly became clear that "there were significant differences between the American and Soviet interpretations of some of the principles set forth" in Hoover's informal negotiations with Gorky.[34] In response, Lenin turned sour. He warned Litvinov to be aware of the American negotiators: "Be careful. Try to gauge their intentions. Do not let them get insolent with you."[35] He followed up with an angry letter to Vyacheslav Molotov, a member of the Politburo and later Soviet Minister of Foreign Affairs, demanding the Politburo "punish" and "expose" the "insolent liars," Hoover and the United States, for their "baseness."[36] He further advised "delicate maneuvers," "collective efforts," and "strict conditions" throughout the remainder of the negotiation.[37] Hoover was also inflexible, urging his negotiator and the ARA Director for Europe, Walter Lyman Brown, to stay firm on all terms and calling the Soviet position "preposterous" and "in violation of accepted principles of relief administration."[38]

Though scholar Benjamin M. Weissman, author of a foundational book on the Riga negotiation, *Herbert Hoover and Famine Relief to Soviet Russia, 1921-1923*,

[31] See generally Meghan Ryan, "Herbert Hoover & the American Relief Administration's Efforts in Soviet Russia, 1921-1923; Anti-Soviet Sentiment Stymies Success," Honors Thesis at the University of Iowa (Spring 2018).

[32] Weissman, "Herbert Hoover's 'Treaty'," (n 30) at 285.

[33] Vladimir Lenin, originally Vladimir Ulyanov, was a founder of the Russian Communist Party, an integral architect of the Bolshevik Revolution and the resulting Soviet Union, and the source of "Leninism," a political theory that, when combined with Marxism, formed the guiding ideology of the Soviet Union. The first head of the Soviet Union, Lenin died in 1924. He is commonly deemed one of the most influential revolutionaries and thinkers of the twentieth century. Albert Resis, "Vladimir Lenin," *Encyclopaedia Britannica*, July 20, 1998, https://www.britannica.com/biography/Vladimir-Lenin.

[34] Weissman, "Herbert Hoover's 'Treaty'," (n 30) at 281.

[35] *Id*. at 281-82.

[36] *Id*.

[37] *Id*.

[38] *Id*. at 284.

attributes the deadlock and near hopelessness of the next few sessions as attributable to the intransigence of both the parties and their negotiators ("between the extreme positions taken by Hoover and Lenin and then exaggerated by their lieutenants, the gap was too wide to be bridged by trivial compromise. … It was quite evident that no agreement would be reached unless one side or the other made substantial concessions."), a close examination of the proceedings indicates that it was the negotiators who saved the negotiation.[39] Principally, Litvinov "reinterpreted" Lenin's order to level "exceptionally strict measures" on the American negotiators, instead only issuing a relatively lukewarm statement in a Riga newspaper the following day.[40] And Brown, noting how "It was quite evident that no agreement would be reached unless one side or the other made substantial concessions," urged Secretary Hoover to bend the previously rigid ARA principles in light of the unique characteristics of the Soviet famine.[41] Secretary Hoover caved, making compromises in several key areas, even recognizing Soviet sovereignty, to "save the lives of children."[42] After a few further stalls, the agreement was signed on August 20, 1921. By it, the ARA was allowed to function in Russia in exchange for the Soviet government's immediate release of all American prisoners. Both countries complied quickly (within months), and the ARA was active in Russia until their total withdrawal in July 1923.[43] According to Weissman, "Hoover's consent to the retention by the soviet government of some measure of control over the activities of the Americans changed the entire picture."[44]

Though there were hopes that the successful outcome of the Riga negotiation would usher in an era of Soviet-American trade and cooperation, these hopes were quickly dashed by the federal American government under then President Warren G. Harding, who "acted to remove from the agenda the question of recognition and trade relations with Russia."[45] Apart from some borrowing during the 1930s and the

[39] Weissman, "Herbert Hoover's 'Treaty'," (n 30) at 283 (alteration in original).

[40] *Id*. at 282. These concessions regarded the freedom of movement of American ARA workers in Russia, as well as how much control the United States would maintain of the program within Russia.

[41] *Id*. at 283.

[42] *Id*. at 284. Note how this recognition was not that of the United States government, but that of a charity.

[43] Benjamin M. Weissman, *Herbert Hoover and Famine Relief to Soviet Russia, 1921-1923* (Stanford, California: Hoover Institution Press, 1974), 178.

[44] Weissman, "Herbert Hoover's 'Treaty'," (n 30) at 285.

[45] Weissman, *Herbert Hoover* (n 43) at 179.

American government's formal recognition of the Soviet Union in 1933, the Soviet Union and the United States enjoyed only minimal public relations until World War II.[46]

The formal recognition itself was issued only after a negotiation between then American President Franklin Roosevelt and Litvinov in November 1933. After initial deadlock in formal negotiations over outstanding debt, the restriction of Americans' rights in the Soviet Union and "Communist subversion and propaganda in the United States," informal negotiations, in the form of conversations between President Roosevelt and Litvinov, ultimately proved successful.[47] Having reached a "gentleman's agreement" on November 15, 1933, the Soviet Union pledged to participate in future talks to settle their outstanding debt to the United States, refrain from interfering in American domestic affairs, and grant certain religious and legal rights to American citizens living in the Soviet Union. In return, the United States recognized the Soviet Union as a state and appointed it an official ambassador.[48]

But like with the Riga negotiation, "the cooperative spirit embodied in the Roosevelt-Litvinov agreements proved to be short-lived."[49] The Soviet government failed to fulfill any of their obligations, and despite efforts to the contrary, diplomatic relations worsened when the Soviet Union signed the Molotov-Ribbentrop Pact with Nazi Germany on August 23, 1939.[50]

In contrast to these public negotiations, private American-Soviet negotiations constituted relatively smooth sailing prior to World War II. After the fall of the Russian Empire, many Americans were quick to capitalize on new business opportunities in the Soviet Union. These individuals included such notable figures as Henry Ford, Armand Hammer, and Averell Harriman, the latter two to such an extent

[46] Franklyn D. Holzman, "US-Soviet Economic Relations" (Final Report to the National Council for Soviet and East European Research 621-2, 1980).

[47] "Recognition of the Soviet Union, 1933," *United States of America Department of State Office of the Historian*, accessed May 31, 2020, https://history.state.gov/milestones/1921-1936/ussr.

[48] "Recognition," *Office of the Historian* (n 47).

[49] *Id*.

[50] *Id*.

The Molotov-Ribbentrop Pact was a pact of nonaggression between the Soviet Union and Nazi Germany. The pact, which divided eastern Europe into German and Soviet spheres of influence, was signed in Moscow only days before Nazi Germany invaded Poland on September 1, 1939. The Editors of Encyclopaedia Britannica, "German-Soviet Nonaggression Pact," *Encyclopaedia Britannica*, July 20, 1998, https://www.britannica.com/event/German-Soviet-Nonaggression-Pact.

that they were popularly accused of being Soviet spies.[51] Many of these negotiations were hybrid, the American party private and the Soviet party public.

For "providing Moscow with a vital link to Western industry and technology" through grain shipments, pencil factories, trapping outposts, and thirty eight other enterprises, Soviet authorities appreciated Armand Hammer so much that they gifted him with a "luxurious Moscow apartment" and requested he be made the United States ambassador to the Soviet Union.[52] The former chairman of Occidental Petroleum and the son of one of the founders of the American Communist Labor Party, the Reagan administration worried they could not tell "which side of the fence" Hammer was on.[53] Noting that "there's no solution except accommodation" in Soviet-American negotiations, Hammer is credited with having "more or less single-handedly laid the groundwork for the current state of Western trade with the Soviet Union" by 1980.[54]

Henry Ford, the founder of Ford Motor Company, was active in the Russian Empire as early as 1907, when he opened the company's first official Russian branch.[55] On May 30, 1929, at Lenin's urging and with the help of Armand Hammer, the Ford Motor Company signed an agreement to produce Ford cars in the Soviet Union, "the always independent-minded Henry Ford … strongly in favor of his free-market company doing business with Communist countries."[56] This agreement was particularly notable due to its unofficial recognition of the Soviet government. Ford was a trendsetter: a "week after the deal was announced the Soviet Union would announce deals with 15 other foreign companies."[57]

[51] See, for example, Edward Jay Epstein, "The Riddle of Armand Hammer," *New York Times Magazine*, November 29, 1981, 69.

[52] Epstein, "The Riddle" (n 51).

[53] *Id.*

[54] Lynde McCormick, "Deal-maker Armand Hammer Moscow's capitalist comrade," *The Christian Science Monitor*, July 3, 1980, https://www.csmonitor.com/1980/0703/070362.html.

[55] Nikolay Shevchenko, "The rise and fall of Ford in Russia," *Russia Beyond*, June 17, 2019, https://www.rbth.com/history/330523-why-ford-car-company-left-russia.

[56] History.com Editors, "Ford Motor Company signs agreement with Soviet Union," *History*, January 27, 2010, https://www.history.com/this-day-in-history/ford-signs-agreement-with-soviet-union. See also James Flanigan, "Soviets Failing a Lesson Taught by Henry Ford," *The New York Times*, December 7, 1988, https://www.latimes.com/archives/la-xpm-1988-12-07-fi-913-story.html.

[57] History.com Editors, "Ford Motor" (n 56).

Averell Harriman, the owner of the Union Pacific Railroad and the Polaroid Corporation who served in various American diplomatic roles, including as Ambassador to Moscow, took a similar tack. Having begun his relationship with the Soviet Union through a mining deal in the Caucuses in his youth, Harriman soon shied away from private dealings with the Soviet Union, finding it "to be no place for foreign investment" under the "xenophobic" then General Secretary of the Soviet Union, Joseph Stalin.[58] He got out of the deal "with a small profit."[59] A decade later, he became the American government's go-to negotiator in Moscow. In 1941, Harriman arranged several lend-lease shipments with the Soviet Union and led the American team of negotiators who negotiated the 1963 Nuclear Test-Ban Treaty.[60] Enjoying a "rough-and-tumble" relationship with Stalin after carrying out these crucial relations, Stalin once gifted him with a white stallion as a sign of respect.[61] A gifted and experienced practitioner of public Soviet-American negotiations, Harriman advised the following to American negotiators inn Soviet-American negotiations:

> Negotiation - serious negotiation - is an act of necessity for both our nations. It presupposes no naive faith in the Soviet Union or its leaders to expect it to pursue anything less than its own self-interest. On the question of nuclear war, however, self-interest is common interest. And, if I am certain of anything, I am certain that Soviet leaders are as concerned to avoid a nuclear war as we are. I have seen how the Second World War scarred not only a generation but the very soul of every Soviet citizen - even those born a decade after the guns fell silent. They have no desire to repeat that experience.[62]

Overall, Soviet-American negotiations before the Cold War were marked by several characteristics. Primarily, there was a determination on both sides to make a deal work. Despite Averell Harriman's comments to the contrary, the few private American parties who negotiated with the Soviet government did not seem to have

[58] Alan S. Oser, "Ex-Gov. Averell Harriman, Advisor to 4 Presidents, Dies," *The New York Times*, July 27, 1986, https://www.nytimes.com/1986/07/27/obituaries/ex-gov-averell-harriman-adviser-to-4-presidents-dies.html.

[59] Oser, "Ex-Gov." (n 58).

[60] The Nuclear Test-Ban Treaty (formally the Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space, and Under Water) was a treaty between the Soviet Union, the United States, and the United Kingdom. It was signed on August 5, 1963 and "banned all tests of nuclear weapons except those conducted underground." Lawrence D. Freedman, "Nuclear Test-Ban Treaty," *Encyclopaedia Britannica*, July 20, 1998, https://www.britannica.com/event/Nuclear-Test-Ban-Treaty.

[61] Oser, "Ex-Gov." (n 58).

[62] W. Averell Harriman, "Let's Negotiate with Andropov," *The New York Times*, January 2, 1983, https://www.nytimes.com/1983/01/02/opinion/let-s-negotiate-with-andropov.html.

encountered especially difficult negotiations. In fact, the Soviet government became so friendly with private American negotiators that it gifted them with white stallions and luxurious Moscow apartments. These hybrid negotiations, however, were not very numerous and clustered mainly around certain individual negotiators, like Armand Hammer. Eventually, the negotiations lessened in number, as worsening Soviet-American governmental relations hindered trade.[63]

Public negotiations were much worse. Despite the collaborations of individual negotiators, the hope engendered by successful negotiation outcomes was often dashed by the pervasive, mutual mistrust between Soviet and American parties. Often, it was the individual negotiators who reached a deal through informal negotiation *despite* deadlock in formal negotiations, caused by the intransigence of the parties. As a result, Soviet-American negotiations before the Cold War were rare but successful, and featured only a handful of public and private negotiations, the latter often centered around individual parties and negotiators.

b. During the Cold War: 1945-1991

Against the backdrop of growing nuclear tensions, the mass proliferation of anti-Soviet and anti-American propaganda, and the imminent need for nuclear détente, the Cold War birthed an entire generation of seasoned negotiators within the iterated game of Soviet-American negotiations. Like Rowny, these negotiators were quick to offer anecdotes and advice to their peers. As a result, their work offers a virtual deluge of anecdotal literature on Soviet-American relations. Due to practical limitations and because this paper is targeted at American negotiators, I have chosen to primarily examine English-language sources from American negotiators or scholars of negotiation with experience in American-Soviet negotiations. These negotiators include:

- Edward Rowny, a special advisor to five United States presidents and a negotiator of the Strategic Arms Reduction Treaty (START I)

[63] See Weissman, *Herbert Hoover* (n 43) at 179.

- Stephen Kertesz, a Hungarian diplomat who represented the Hungarian government at the Paris Peace Conference in 1946 before emigrating to the United States[64]
- Michael Wheeler, a former professor of negotiation at Harvard Business School
- George Kennan, a United States Ambassador to and later persona non grata in the Soviet Union in the 1950s, former professor of history at Princeton University, and author of *Russia Leaves the War*, winner of both the Pulitzer Prize and National Book Award
- Eugene Rostow, former dean of Yale Law School and former American President Lyndon B. Johnson's under-secretary of state from 1966 to 1969
- John Campbell, the Director of Political Studies at the Council on Foreign Relations and a former member of the Policy Planning Staff with the United States Department of State
- Raymond Garthoff, a senior fellow at the Brookings Institution and a specialist on arms control, intelligence, the Cold War, NATO, and the former Soviet Union, and a former United States Ambassador to Bulgaria
- Andrew Gibson, former professor of maritime affairs at the Navil War College, Assistant Secretary of Commerce from 1969 to 1972, and a lead negotiator for American-Soviet maritime and trade agreements
- Henry Kissinger, an American political scientist who served as a national security advisor and United States secretary of state, and was awarded with the Nobel Peace Prize in 1973

And

- Dean Acheson, United States Secretary of State from 1949 to 1953 and advisor to four United States presidents, credited as a principal creator of United States foreign policy following World War II.

[64] While Kertesz is not technically American, I include his accounts because he emigrated to the United States and wrote profusely on Soviet-American negotiations to American audiences, with American negotiators in mind.

Because I have excluded sources from Soviet negotiators, the following discussion of Soviet trends and strategies within Soviet-American negotiations is necessarily conclusive regarding the intentionality behind Soviet strategies. This may also lead to a conflation of Soviet trends to Soviet strategies through assumed intentionality. I recognize this as a conceptual limitation of my paper and possible avenue for further research. I do not examine hybrid negotiations during this time, as due to increased tensions and restrictive trade policies, there were too few to provide any substantial sources.

From my examination of the literature, I observe the following Soviet trends and strategies within public Soviet-American negotiations, summarized in the table below. When a strategy correlates to a trend, I list them side by side. After the table, I briefly discuss the literature supporting my conclusion of each of these trends and strategies.

Trends	**Strategies**
Due to extensive training in American history, language, culture, and ideology, as well as the comparatively more closed nature of their society, Soviet negotiators knew far more about American society than Americans did about Soviet society.	Soviet negotiators weaponized American language and ideology, particularly through "semantic infiltration."
Soviet negotiators structured their negotiations by general discussions of ideology first and specific terms second.	
Soviet negotiators negotiated with a firm grounding in Marxism-Leninism and were willing to wait long periods of time for their negotiation goals to be achieved.	Soviet negotiators blindsided American negotiators with changing tactics around unchanging goals. Often, this included surprising compromises.
Soviet negotiators were often more skilled than their American counterparts due to less turnover and more training.	
	Soviet negotiators did not play by conventional negotiation rules, instead they did anything necessary to achieve their goal throughout the course of negotiations.
	Soviet negotiators were reactive rather than initiative.
Personal relationships were very important to Soviet negotiators prior to the start of formal negotiations, but not during.	
Soviet parties and negotiators displayed a "fear if invasion."	

Soviet negotiators were stiff, overly formal, and engaged in grandstanding polemics.	

Due to extensive training in American history, language, culture, and ideology, as well as the comparatively more closed nature of their society, Soviet negotiators knew far more about American society than Americans did about Soviet society. The reasons for this imbalance stem mainly from the fact that the Soviet Union was a closed and secretive society whereas the United States was not. Rowny notes how this was apparent during preparations for the START negotiations when it became clear that, while the Soviets could obtain a lot of information from the American press, the Americans could not do the same.[65] Kertesz remarks similarly, explaining how due to the Soviet government's censorship of the press, "What we observe is only the outward manifestation of a monolithic state."[66] Wheeler presents perhaps the most humorous anecdote: on October 14, 1964, while in the midst of a negotiation over nuclear weapons testing, "Washington learned that Krushchev had been removed from power. Washington had no warning of this leadership change."[67]

The Soviets capitalized on this problem by engaging in extensive training in anything and everything American, including yhe culture, history, ideology, and English language. In an essay titled "Cold War Lessons on the Russians Being 'More Equal'," Rowny describes this training:

> Soviet negotiators were required to pass a stiff course of training prior to negotiation. They were taught English. They studied history and culture for clues as to how best to defeat us in negotiations, going so far as to read "Treasure Island" and "Huckleberry Finn" as well as books providing insight into our national character such as DeToquelle's "The American People."
>
> In contrast, the U.S. saw no special talent required of its negotiators. I was the only one among six team members what spoke Russian. And while several on our team had read translations of Dostoevsky and Tolstoy, none other than me delved into the seminal book by Tibor Szamuely, *The Russian Tradition*, that provides a comprehensive understanding of the Russian culture and mindset.[68]

[65] Rowny, "10 'Commandments'" (n 3).

[66] Stephen Kertesz, "Reflections on Soviet and American Negotiating Behavior," *The Review of Politics* 19 no. 1 (1957): 3, 6, doi: 10.1017/S0034670500010147.

[67] Michael Wheeler, "International Security Negotiations: Lessons Learned from Negotiating with the Russians on Nuclear Arms," *INSS Occasional Paper* 62, US Air Force Institute for National Security Studies at USAF Academy, Colorado, February 2006, 43.

[68] Edward Rowny and Anne Kazel-Wilcox, "Cold War Lessons on the Russians Being 'More Equal'," *RealClear Defense*, December 22, 2017, https://www.realcleardefense.com/articles/2017/12/22/negotiating_with_the_soviets_112815.html.

Through this training, *Soviet negotiators weaponized American language and ideology, particularly through "semantic infiltration."* One such weaponization was called "semantic infiltration." In "10 Commandments," Rowny lauds the Soviets as "masters of semantic infiltration," and describes the process as follows:

> The Soviet negotiators played with semantic infiltration, learning from Lenin's writings that they could achieve an advantage by adopting our terms such as 'freedom' and 'democracy.' These terms had entirely different meanings to the Russians, but by using the expressions, they lulled opponents into believing they were collectively in agreement.[69]

Through the use of semantic infiltration, Soviet negotiators created either a false sense of security or an ideological dilemma for their American counterparts and capitalized on that infiltration later to their advantage. Unfortunately, the few Americans with the requisite knowledge to counter this infiltration were typically not those present at the negotiation table.

Soviet negotiators structured their negotiations by general discussions of ideology first and specific terms second. According to Garthoff,

> The United States and the Soviet Union took markedly different approaches to SALT. As is often the case, the Russian sought "agreement in principle" prior to agreement on specifics, or even before disclosing their proposals. By contrast, the more American approach was to offer a fairly complete, complex, and detailed package proposal. Arguments can be advanced for each technique, but the two are difficult to reconcile.
>
> Essentially, the Russians' approach offered them greater flexibility; they would have the advantage when nailing down specifics after getting us committed to a general line.
>
> . . . Where the Russians wanted a general, "politically" significant accord American negotiators favored specific measures that would add up to a "militarily" significant agreement.[70]

By beginning with the ideological argument, Soviet negotiators were able to dictate the direction and timing of the negotiations. They could derail negotiations for lengthy periods of time by engaging their American counterparts in broad, ideological debates, frustrating and confusing them through semantic infiltration before moving to a discussion of specific terms. Kissinger noted that Leonid Brezhnev, General

69 Rowny, "10 'Commandments'" (n 3).

70 Raymond Garthoff, "Negotiating SALT," *The Wilson Quarterly* (1977): 76, 81-82 (alteration in original).

Secretary of the Communist Party of the Soviet Union from 1964 to 1982, would do this often, testing opposing negotiators with ideologically-tinged statements at the outset to unsettle them.[71]

Soviet negotiators negotiated with a firm grounding in Marxism-Leninism and were willing to wait long periods of time for their negotiation goals to be achieved. According to Kertesz,

> Acceptance of the Marxist-Leninist doctrines and methods of diplomacy means that Soviet diplomats are, in practice, Communist agents who use diplomatic privileges and immunities for the realization of Communist aims . . . In view of basic Communist doctrine, what Soviet "diplomats" really understand and practice is international revolution and not international cooperation and peace.[72]

In light of this marked ideological fidelity, Kertesz further remarks that "Soviet representatives often give the impression that they are automata rather than real human beings."[73] Soviet negotiators negotiated with a firm belief in the ideological rightness of their position and the willingness to wait years, if not centuries, for their negotiation goals to be realized. Whatever the stated, shorter-term goal of a negotiation was, Soviet negotiators typically negotiated with a longer-term outlook than did American negotiators, the international realization rather than the result of a four-year election cycle of Marxism-Leninism in mind.

In accordance with their long-term effort to promote the triumph of the workers over the capitalists, *Soviet negotiators blindsided American negotiators with changing tactics around unchanging goals.*[74] *Often, this included surprising compromises.* Kennan observes this willingness to compromise when necessary:

> the Kremlin has no compunction about retreating in the face of superior force. … But if it finds unassailable barriers in its path, it accepts these philosophically and accommodates itself to them. The main thing is that there should always be pressure, unceasing constant pressure, toward the desired goal.[75]

[71] Henry Kissinger, "Leonid Brezhenv: The Man and His Style," Memorandum for the President (1973), Box 1-11/1/74-11/12/74 at the Gerald R. Ford Presidential Library.

[72] Kertesz," Reflections" (n 66) at 11, 17 (alteration in original).

[73] *Id*. at 19.

[74] *Id*. at 23.

[75] George F. Kennan, "The Sources of Soviet Conduct," *Foreign Affairs*, July 1947, https://www.foreignaffairs.com/articles/russian-federation/1947-07-01/sources-soviet-conduct.

Kennan further observes that the Soviets are "more ready to yield on individual sectors of the diplomatic front" in favor of "intelligent long-range policies."[76] Kertesz, Wheeler, and Rees all mention Stalin employing just such behaviors—yielding and often surprising Americans with ready compromises before ruthlessly exerting pressure towards an overall goal.[77] Rees, specifically, recounts Stalin's trickery in compromising on the formation of the United Nations, only to turn around and use the goodwill engendered by such a concession towards his ultimate goal of advancing the Soviet agenda in Poland.[78]

There are, however, conflicting views regarding the Soviet negotiators' willingness to compromise. Wheeler notes how Stalin waffled between complete intransigence and a willingness to compromise.[79] Garthoff explains how, by the Strategic Arms Limitation Talks (SALT) in 1977, "[c]ompromise is no longer taboo for Soviet negotiators," suggesting it once was.[80] Rostow describes the tendency of Soviet negotiators to say "no" or to simply walk away when they don't get what they want. Specifically, Rostow observes that it is only difficult to negotiate with Soviet negotiators if their goals are not the same as that of the Americans—"it is not hard to sell grain to the Soviet Union when it wants to buy grain."[81] Negotiating with Soviet negotiators regarding issues on which the two disagree, however, "was like dealing with a recalcitrant vending machine. Sometimes it helped to put in another coin. … But the one procedure which never did any good was to talk to it."[82] Acheson advises that "one should never negotiate with the Soviet Union unless one is willing to come

76 Kennan, "The Sources" (n 75).

77 Kertesz, "Reflections" (n 66) at 23; Wheeler, "International Security" (n 67) at 13 ("Stalin surprisingly was receptive to the Anglo-American plan, especially after he obtained commitments that the negotiators would report to the Security Council (where the Soviets had a veto), not the General Assembly.").

78 Laurence Rees, "Stalin the Puppetmaster," *HistoryNet*, October 28, 2010, https://www.historynet.com/stalin-the-puppetmaster.htm.

79 See generally Wheeler, "International Security" (n 67).

80 Garthoff, "Negotiating SALT" (n 61) at 85 (alteration in original).

The Strategic Arms Limitation Talks (SALT) were a series of negotiations between the United States and the Soviet Union aimed at "curtailing the manufacture of strategic missiles capable of carrying nuclear weapons" which resulted in the SALT I and SALT II agreements in 1972 and 1979, respectively. The Editors of Encyclopaedia Britannica, "Strategic Arms Limitation Talks," *Encyclopaedia Britannica*, July 20, 1998, https://www.britannica.com/event/Strategic-Arms-Limitation-Talks.

81 Eugene V. Rostow, *Toward Managed Peace: The National Security Interests of the United States, 1759 to the Present* (New Haven, CT: Yale University Press, 1993), 286.

82 Rostow, *Toward Managed Peace* (n 81) at 286-87 (alteration in original).

home without an agreement."[83] The Soviets, it seems, were willing to walk away just as much as they were willing to compromise, perhaps more so.

Soviet negotiators were often more skilled than their American counterparts due to less turnover and more training. In December 2017, Rowny noted how early in his first round of negotiation with the Soviets while serving then United States President Nixon, "it became clear to me that we were a B-team up against professionals. We were the minor-leaguers from Gaithersburg, Maryland to their Yankees."[84] Various negotiators discuss specific strategies employed by Soviet negotiators that served not only to reach their goals, but to display prowess in comparison to their American counterparts. In "10 Commandments," Rowny also mentions how the Soviets were wonderful at eleventh-hour negotiations, cautioning American negotiators to not allow their Soviet counterparts to surprise them with curveball demands at the last minute.[85] Campbell observes how Soviet negotiators often fomented and took advantage of the West's growing disunity.[86] Garthoff says that "[t]he lesson in all this is that negotiating with the Russians requires firm leadership, direction, and support from the President on down. Objectives must be clear and consistent."[87] Kertesz agrees, noting the necessity of having a comprehensive plan when negotiating with the Soviets, who were to sure to have one.[88]

One reason for the Soviet negotiators' relatively more superior skill, in addition to their comparatively greater training, was the fact that Soviet negotiators had far more experience than their American counterparts by virtue of their far less frequent turnover within the American system. Gibson and Garthoff both comment on this comparison, Gibson observing that "[w]ith every new [United States] Administration comes a new team of negotiators to go up against the Soviet crew,

[83] Eugene Rostow, "Lecture: Why is it so Hard to Negotiate with the Russians?" *Pace Law Review* 6 no. 1 (1985): 1, 22.

[84] Rowny and Wilcox, "Cold War Lessons" (n 68).

[85] Rowny, "10 'Commandments,'" (n 3).

[86] John Campbell, "Negotiating with the Soviets," *Foreign Affairs*, January 1956, https://www.foreignaffairs.com/articles/united-states/1956-01-01/negotiation-soviets.

[87] Garthoff, "Negotiating SALT" (n 70) at 85 (alteration in original).

[88] Kertesz, "Reflections" (n 66) at 7.

most of whom are seasoned veterans."[89] It comes as little surprise that the Soviet negotiating delegation was known as "the crew" to their Western counterparts—while the Americans had to reset with a new negotiating delegation chosen by a new administration every four or eight years, the Soviets witnessed no such turnaround. This reflected a larger phenomenon within the Soviet bureaucracy now termed the "gerontocracy:" the country was run by older men who would never retire. This phenomenon is best represented by the Soviet leaders themselves: throughout the entire seventy-four-year lifetime of the Soviet Union, only seven men ever served at the helm (and only four—Stalin, Brezhnev, Khrushchev, and Gorbachev—for substantial periods of time). While the gerontocracy proved to be detrimental to the Soviet Union as a whole, to Soviet negotiators, it was a great asset.[90] For while the American negotiators received only a few years of experience, the Soviet crew had the benefit of decades of iteration. They knew how to play the game because they'd done it countless times before.

And they did play, just not by the rules. Instead, *Soviet negotiators did not play by conventional negotiation rules, instead they did anything necessary to achieve their goal throughout the course of negotiations.* By "conventional negotiation rules," I mean general rules surrounding good faith negotiating: principally, that negotiations don't lie and intend to fulfill agreements when they make them. Many American negotiators found this eschewal of the rules incredibly frustrating.[91] Rostow notes that it would be a fundamental mistake to "assume that Russians are gentlemen and make agreements which they would have no intention of carrying out."[92] The Soviet negotiators, including their leaders, lied *all the time*. Kertesz observes how the Soviets "were not reluctant to use negotiating methods such as deceit, false statements, and procedural abuses for the promotion of Communist objectives."[93] According to Bazil Cunningham, a researcher at Pepperdine University, Soviet negotiators possessed only a "few simple objectives: supremacy as the world's premier hegemonic power

89 Andrew Gibson, "Negotiating with the Soviets," *Naval War College Review* 42 no. 1 (1989): 121, 121 (alteration in original); Garthoff, "Negotiating SALT" (n 61) at 77.

90 Many Sovietologists argue that the out-of-touch and inflexible nature of the gerontocracy contributed to the dissolution of the Soviet Union.

91 See, e.g., Kertesz, "Reflections," (n 66) at 14.

92 Rostow, "Lecture," (n 83) at 2.

93 Kertesz, "Reflections" (n 66) at 17.

and a complete reversal of power on the international stage."[94] They would do anything to get it, including lie during negotiations, making promises they never intended to keep. Indeed, a common narrative throughout the literature is therefore a cautionary tale against expecting the Soviets to negotiate in good faith. (By the end of their tenures, American negotiators no longer expected.[95])

Soviet negotiators were reactive rather than initiative, choosing to wait for Americans to show their hand before throwing a reactive salvo.[96] This strategy caused American negotiators confusion. Rees notes how Stalin exemplified this strategy, often "delay[ing] any response at all" as a strategic stall.[97] Then, after Stalin had reached the necessary inflection point, he would "played his hand brilliantly, just sat back and listened, waiting for Churchill to give him what he wanted."[98] While there are differing views among negotiation professionals regarding whether it is wisest to make the opening pitch or receive it, Garthoff, for one, didn't seem to mind this Soviet strategy, and even advocated for American negotiators to *always* make the opening offer to the Soviet negotiators because "it is helpful to stake out the negotiating ground first and because, despite all our internal problems, [the United States] was generally more flexible and efficient in reaching an agreed negotiating position, whereas a proposal hammered out in Moscow might take months to revise."[99]

Personal relationships were very important to Soviet negotiators prior to the start of formal negotiations, but not during. Rowny, Rees, and Kissinger advocate ardently for the importance of cultivating long-term relationships among Soviet-American parties and negotiators.[100] But they also note the complex edge to their advice: first, it is hard to grow such relationships in the context of the American delegation's relatively rapid administrative turnover, and second, these relationships

94 Bazil Cunningham, "The Cold War and the Discipline of Negotiation," *Global Tides* 13 (2019): 1, 5.

95 See, e.g., Wheeler, "International Security" (n 67) at 19.

96 Charlotte Saikowski, "The Soviet Style of Negotiation," *The Christian Science Monitor*, March 8, 1985, https://www.csmonitor.com/1985/0308/yruss3.html. "The Soviets tend to be reactive, waiting fo the United States to take the initative."

97 Rees, "Stalin" (n 78) (alteration in original).

98 *Id.*

99 Garthoff, "Negotiating SALT" (n 70) at 81-82 (alteration in original).

100 See generally Rees, "Stalin" (n 78); Kissinger, "Leonid Brezhnev" (n 62); and Edward Rowny, "Negotiating with the Soviet Union: Then and Now," *United States Department of State Bureau of Public Affairs* (Current Policy No. 1088), December 31, 1988.

will only get an American negotiator as far as the negotiation. Once in the negotiation, the relationships cease to be important. For instance, in reviewing Susan Butler's 2015 *Roosevelt and Stalin: Portrait of a Partnership* for *The Christian Science Monitor*, Randy Dotinga laments how United States President Franklin D. Roosevelt had just recently acquired the empathetic understanding of Stalin necessary to successfully negotiate with the Soviet premier when he died. President Harry Truman, Roosevelt's successor, did not have the benefit of that relationship when he took the helm, and thus did not have the benefit Roosevelt had so recently obtained in his dealings with the Soviets.[101]

Soviet parties and negotiators displayed a "fear of invasion." The Soviet people's infamous "fear of invasion" was contracted via a history of frequent invasions, particularly those of the Mongol occupation in the thirteenth century, Napoleon's forces in 1812, and Nazi Germany in 1941.[102] Due to this fear, Rowny alleges that Soviet negotiators and parties were sometimes irrationally unwilling to give up information or grant concessions if they were all worried the concession could lead to an invasion of any sort.[103] Kertesz observes how this fear was only compounded by the Communist Party's inherent distrust of the West: "Fundamental Communist doctrines make Soviet negotiators believe that the Soviet Union is threatened by an encirclement of decadent and corrupt capitalist states, hence their constant suspicion about the outer world, no matter how other representatives behave."[104] This fear rendered Soviet negotiators cautious about everything from allowing the American delegation to conduct inspections of their missile facilities to telling American counterparts how many children they have. Rowny's anecdote of the former details how, when the American delegation asked the Soviet delegation to visit their missile sites and even observe their missiles, the Soviets responded in the

[101] Randy Dotinga, "'Roosevelt and Stalin' Details the Surprisingly Warm Relationship of an Unlikely Duo," *The Christian Science Monitor*, March 5, 2015, https://www.csmonitor.com/Books/Book-Reviews/2015/0305/Roosevelt-and-Stalin-details-the-surprisingly-warm-relationship-of-an-unlikely-duo.

[102] Here, "Soviet" could possibly be inflated to "Russian" both nationally and ethnically, though this is a debated assertion within historical scholarship.

[103] Rowny and Wilcox, "Cold War Lessons" (n 68) at 3.

[104] Kertesz, "Reflections" (n 66) at 12.

negative, saying "If we conduct inspections in the United States, you will want to reciprocate by conducting inspections in the Soviet Union."[105]

Soviet negotiators were stiff, overly formal, and engaged in grandstanding polemics.[106] Soviet negotiators often conducted negotiations according to exacting structures. Rowny recounts how, first sitting down with a group of Soviet negotiators, the Soviet negotiators asked him to allow each delegate to have equal time to present their position. After Rowny and the other American negotiators agreed to this, the Soviet negotiators instituted a different, higher number of delegates and additional time slots and in a sycophantic, strategic manner, informed Rowny that "[he] had agreed on equal time for each negotiator and since [his] military leadership of the United States team had to be matched by two military leaders on their side, each was entitled to speak an equal amount of time."[107] This stiff, strategic structuralism was often accompanied by a lack of informal proceedings prior to negotiation, something to which the American negotiators were not accustomed.[108]

ii. The Soviet-American Negotiation Paradigm

After a thorough examination of the trends displayed and strategies used by Soviet negotiators within Soviet-American negotiations both prior to and during the Cold War, as well as advice to future American negotiators from then-current American practitioners regarding how best to counter those strategies, two paradigms—one prior to the Cold War and one after—of Soviet-American Negotiations can be generally surmised.

The first paradigm is simpler than the second due to less input in both literature and number of negotiations. The paradigm is that of a hybrid or a public negotiation successful in outcome, though the former is more likely to enjoy success than the latter. In this negotiation, it is the negotiator that matters more than the party to both the instigation and the success of the negotiation. If public, the negotiation features nascent Cold War sentiments of mistrust grounded in ideology and an

105 Rowny and Wilcox, "Cold War Lessons" (n 66) at 3.
106 Saikowski, "The Soviet Style" (n 96). "The Soviets are stiff and tend to engage in polemics."
107 Rowny and Wilcox, "Cold War Lessons" (n 66) at 2 (alteration in original).
108 Carl Leubsdorf, "What Reagan Can Teach Trump About Negotiating Nukes," *The Dallas Morning News*, April 25, 2018, https://www.dallasnews.com/opinion/commentary/2018/04/25/what-reagan-can-teachtrump-about-negotiating-nukes/.

American expectation that the Soviet parties will not fulfill their negotiation obligations. If hybrid, the negotiation is unlikely to feature any negative sentiment, and instead will create a significantly positive relationship between the two negotiators or parties.

The second paradigm is much more complicated, but deceptively less nuanced. Whereas the first paradigm featured much variation in actuality, the second paradigm is quite uniform, the basic paradigm repeated without significant variation throughout the Cold War years. The second paradigm is that of a public negotiation without a uniformly successful outcome. Within this paradigm, the parties and their ideologies matter far more than the individual negotiators, the individual negotiators conforming to either common trends and strategies (Soviet) or high turnover (American). One side (Soviet) enjoys a strategic negotiating advantage over the other from iterated strategy, easier access to the other side's press, intensive training, language knowledge, and semantic infiltration. The negotiations are often long in outlook, featuring big, international goals and high stakes.

The first paradigm transformed to the second paradigm at the advent of the Cold War because, prior to the end of World War II, the United States had not decided how much of a threat of the Soviet Union was, and the Soviet Union was not considered a world superpower; after World War II it was, and the United States likewise considered it a threat.

V. The Applicability of a Soviet-American Negotiation Paradigm to Russian-American Negotiations

Compared to the preceding section, this section is incredibly brief. As mentioned in Part II, not only does the literature vary in amount, it also varies in nature. Instead of academic and military books, journal articles, and reports, these sources are primarily internet-based, in the form of brief articles, law firm memorandums, and online forums. As such, anecdotally, there is less to examine, and this part is heavier on advice to American negotiators than anecdote than was Part IV. As in Part IV, I use only English-language sources from American negotiators. These sources are from both private and public negotiators.

Interestingly, a small but significant amount of literature regarding both international comparative studies in negotiations and "laboratory" negotiation simulations involving Russian negotiators has arisen since the end of the Cold War. I mention this literature due to its majority share of information regarding Russian negotiation trends and strategies today. I do not include it because it (1) is not true anecdotal literature and (2) is typically focused on Russian or American negotiation behavior generally, not with regards to Soviet or American negotiation opponents.[109]

i. Overview of Russian Trends and Strategies

To determine whether either or both of the two Soviet-American paradigms concluded in Part IV can apply to Russian-American negotiations, I conduct a quick survey of the existing literature on Soviet-American negotiations. The majority of this literature concerns hybrid or private negotiations, though some involves public negotiations. For further discussion of the recent, unsuccessful public negotiation attempts between Russia and the United States, see Part I.

I surmise the following trends and strategies.

Russian negotiators often give surprise concessions or statements, distracting and confusing American negotiators. "When doing business in Russia, expect the

[109] An example of one such scientific study is Christina Roemer, et al., "A Comparison of American and Russian Patterns of Behavior in Buyer-Seller Negotiations Using Observational Measures," *International Negotiation* 4 vol. 1 (1999): 37, doi: 10.1163/1518069920848363. The study focuses on comparing technical elements of negotiating behavior, such as "consistency appeals" and "garrulous behavior," between American and Russian practitioners.

unexpected."[110] Russian negotiators will often surprise their American counterparts with unexpected concessions or suggestions seemingly from out of the blue. Russians "may change subjects frequently, revisit previously agreed points, introduce all kinds of distracting information or ask very direction questions, attempting to take you by surprise."[111] President Putin is no exception, one commentator observing that "There would seem always to be something that Putin would spring on us unexpectedly, … This is definitely part of his M.O."[112]

Russian negotiators "can be aggressive or outright adversarial," and negotiations with them often take on "confrontational elements." Accordingly, Russian negotiators "may make direct threats and warnings, openly display anger or lose their temper, or they may walk out of room even several times in a row."[113]

Russian and American negotiators do not understand each other. In "A Zero-Sum Game? Valuable Insights into Negotiating with Russians, " Jeroen Ketting, an American businessman who has lived and worked in Russia since 1994, observes that the "primary factor affecting international business dealings" with Russia today is Americans' "inability to empathize with our international business partners and understand, respect, and accept their perspective."[114]

The line between public and private elements of Russian-American negotiations is blury. In his 1998 book, *Russian Negotiating Behavior: Continuity and Transition*, Jerrold L. Schecter, a historian and former United States government official, observes how, "What are considered gross conflicts of interest in American business practice are required forms of conducting business in Russia."[115] Interrelated with this challenge is the Russian mafia, who, if not accounted for when conducting

[110] Anatoly Zhuplev, *Doing Business in Russia, Volume II: A Concise Guide*, (New York: Business Expert Press, LLC, 2017).

[111] Zhuplev, *Doing Business in Russia* (n 110).

[112] Patrick Reevell, "What it's Like Negotiating with Vladimir Putin, Ahead of US-Russia Summit," *ABC News*, July 14, 2018, https://abcnews.go.com/International/negotiating-vladimir-putin-ahead-us-russiasummit/story?id=56541336 (alteration in original).

[113] Zhuplev, *Doing Business in Russia* (n 110).

[114] Interview with Jeroen Ketting, "A Zero Sum Game? Valuable Insights Into Negotiating with Russians," Schranner Negotiation Institute, October 12, 2017, https://www.schranner.com/news/2017/10/12/azero-sum-game-valuable-insights-into-negotiating-with-russians.

[115] Jerrold L. Schecter, *Russian Negotiating Behavior: Continuity and Transition* (Washington, DC: United States Institute of Peace, 1998) 147.

private negotiations with Russia, could prove a significant danger. To counter this problem.[116]

Russian negotiators place great emphasis on personal relationships and often use middlemen who know the Russian language and culture. Cristal stresses the importance of building *otnosheniye* (relationships) and making sure to understand the Russian negotiators' goals prior to the negotiation, as only then one can understand their true strategy. Russian negotiator Ian Ivory, a partner in the corporate finance group and Head of English Law and Russian law firm Goltsblat BLP observes that modern Russian negotiators often use middlemen, are advocates of comprehensive, package deals, can be overly aggressive, often spring surprising and late information on their American counterparts, and still suffer from many of their counterparts inability to speak English.[117]

These trends and strategies all seem evocative of the Soviet-American negotiation paradigm, and others agree. Moty Cristal, professor of Professional Practice in Negotiation Dynamics at the Moscow School of Management Skolkovo, notes how Russians are still hesitant to share information out of a desire to maintain the Russian strategy of *sila* (strength).[118] He also notes how many Russians still "perceive of themselves belonging of an empire"—a long-term conviction that can be compared to the intransigency of Soviet negotiators' ideology.[119] Deepak Malhotra and Jonathan Powell advise American negotiators to allow Russian negotiators to save face, be prepared for protracted negotiations, and overall, remember that giving Russians ultimatums is a bad idea.[120] And in a 2017 article for *The Washington Post* entitled "President Trump, Keep in Mind that Russia and the West Think about Negotiations Very, Very Differently," Kimberley Martin says: "Analysists from both the West and Russia have noticed some striking continuity in how Russia approaches

116 Shecter, *Russian* (n 115).

117 Ian Ivory, "Negotiating a Russian Deal," *The Moscow Times*, April 10, 2012, https://www.themoscowtimes.com/2012/04/10/negotiating-a-russian-deal-a13977.

118 Gleb Federov, "Russians Don't Know How to Bargain, They Prefer to Negotiate—Professor Moty Cristal," *Russia Beyond*, March 11, 2015, https://www.rbth.com/economics/2015/03/11/russians_dont_know_how_to_bargain_they_prefer_to_negotiate_-_profes_41907.

119 Federov, "Russians Don't" (n 119).

120 Deepak Malhotra and Jonathan Powell, "What Donald Trump Doesn't Understand About Negotiation," *Harvard Business Review*, April 8, 2016, https://hbr.org/2016/04/what-donald-trump-doesntunderstand-about-negotiation.

international negotiations—going all the way back to Soviet times," and while "Russians no longer come to the table with a Marxist-Leninist mindset," "there is a definite Russian negotiating style, most likely taught to generations of students at the Foreign Ministry's Diplomatic Academy and Moscow State Institute of International Relations (MGIMO)."[121] Martin goes on to give the five following pieces of advice:

1. Moscow sees negotiation as a tool to serve its interests—and is happy to junk that tool if something else would work better.
2. Moscow generally prefers the status quo over the risks of negotiated change.
3. Russia rarely makes the first move in negotiations."
4. Russians value "khitrost" (cunning or wiliness)."
5. Russian diplomats sometimes use angry tirades or insults as negotiating tactics.[122]

From this survey, I conclude that Russian-American negotiations are similar enough to Soviet-American negotiations that the two Soviet-American negotiation paradigms could be imputed for the dearth of literature surrounding Russian-American negotiations to inform modern American negotiators negotiating with the Soviet Union.

ii. Schecter's "New Russia" Sub-Paradigm

Schecter's book, *Russian Negotiating Behavior*, is notably similar to this paper in both aim and structure. In fact, if it weren't for a large break within modern Russian history and the fact that this paper considers all negotiation types, not just private negotiations, as Schecter does, Shecter's book would render it utterly futile. His book includes advice for American negotiators negotiating with Russian negotiators privately and gives a history of Soviet negotiation practices using sources similar and sometimes the same to those I have used.

Schecter's book, however, is now over twenty years old, and much like the nature of Soviet-American negotiations changed between the years prior to and during the Cold War, the nature of Russian-American negotiations has changed between the chaotic 1990s, close after the dissolution of the Soviet Union, and today. Except, now,

[121] Kimberley Marten, "President Trump, Keep in Mind that Russia and the West Think About Negotiations Very, Very Differently," *The Washington Post*, July 25, 2017, https://www.washingtonpost.com/news/monkey-cage/wp/2017/07/25/president-trump-keep-in-mindthat-russia-and-the-west-think-about-negotiations-very-very-differently/.

[122] Marten, "President Trump" (n 121).

the historical break is not the advent of the Cold War, but the unexpected beginning of Vladimir Putin's presidency on December 31, 1999, though it could be argued his presidency perhaps signaled the beginning of a "new Cold War." Pre-Putin Russian society was markedly different than it was today. In the wake of the Soviet Union's dissolution, notions of capitalism and improving relations with the West pervaded Russian society. Russian-American negotiations were taking on a new identity from these bettered relations with the United States as business ties between the two countries grew and restrictions were lessened. For a time, it looked like the number of private American-Russian negotiations conducted was going to explode, and the two countries were on their way to becoming both political and economic allies. Though wary of an overly optimistic outlook and quick to mention everything that would have to alter in Russian society for these positive changes come to fruition, Schecter's book nevertheless embodies this positive, pre-Putin outlook. In his discussion of "new Russia," Schecter observes a country marked by a possible, maybe even probable, transition to democracy and capitalism, and in doing so, emphasizes the replacement of ideology in Soviet society by money in Russian society. [123]

After Putin's entrance to the presidency, however, things changed. Relations with the United States worsened, Putin increasingly using hostile, confrontational language when speaking with or about the United States.[124] Soviet nostalgia returned, treaties fell apart, and just like it did prior to the Cold War, hopes for bettered business relations between Russia and the United States were disappointed. Ideology didn't look to be as archaic a motivation as it used to, and the Russian "fear of invasion" didn't seem to be fading away quite as quickly as Schecter opined.[125] Now, Schecter's book belongs to the pre-Putin era, and the conclusions he has drawn and advice he gives regarding inherited paradigms as well.[126] For instance, his suggestion

[123] Shecter, *Russian* (n 115) at 169.

[124] See, for example, Scholars commonly attribute this speech to a crystallization of Putin's intent to pursue more hostile, competitive relations with the United States and signal a concrete change in Russian foreign policy towards the United States.

[125] Shecter, *Russian* (n 115) at 179.

[126] See generally *Id*. at 169-181. Specifically, Schecter advises American negotiators negotiating with Russian to do the following:

> Be sensitive, but not oversensitive, to Russia's problems and circumstances.
> Treat one's Russian counterpart with respect.
> Stand tall and hang tough with dignity

that American negotiators explain capitalism to their counterparts would not go over well today, and his dismissal of the Russian "fear of invasion" doesn't ring as true.

iii. The Adapted Soviet-American Negotiation Paradigm

This paper therefore serves to mark the latest and most current paradigm of Russian-American negotiations. Drawing from the previous two sections, Russian-American negotiations today are more similar the second sub-Soviet-American negotiation paradigm than they are to the first. Likewise, the Russian-American negotiations of the pre-Putin 1990s can be considered an adaptation of the sub-Soviet-American paradigm prior to the Cold War. In this way, even the transition from sub-paradigm to sub-paradigm is applicable from the Soviet-American to the Soviet-Russian context.

Prior to the Cold War, Soviet-American negotiations included both hybrid and public negotiations and were typically successful in outcome, though public negotiations were more difficult for both Soviet and American negotiators than were hybrid. The negotiator mattered more than the party with regards to the overall negotiation result. The paradigm was adjusted slightly in the pre-Putin 1990s, but remained similar. Instead of only hybrid or public negotiations, negotiations were hybrid, public, and private due to the fact that the Soviet Union was gone—it no longer owned everything—and individuals were allowed to own property. Outcomes were also not as uniformly successful as they were from 1917 to 1945, but they did enjoy a high likelihood of success due to the hopeful and burgeoning relations between the East and West. Individual negotiators, who often acted as parties within private negotiations, also mattered a great deal, their ability to navigate the chaos, corruption, mafia, and blurring lines of the 1990s a principal indicator of their likely success. The greatest point of contrast between the pre-Cold-War Soviet-American negotiation paradigm and the pre-Putin Russian-American negotiation paradigm is actually the amount of anecdotal literature discussing it: the former was discussed by

> Insist on agreed-upon rules and procedures, spelled out in detail with an ongoing verification process as part of the contract terms.
> Make use of the new incentives for Russian cooperation.
> Establish problem-solving mechanisms to be implemented at an early stage.

little compared to its Cold-War counterpart, while the latter was discussed much compared to its Putin-era counterpart.

Much like the Cold-War paradigm shift, the Putin paradigm shift can be characterized as a simplification: the number of negotiations has reduced in number and type, and the likelihood of success is far lower and more unpredictable. And parties, principally their allegiance to the Russian or the American sphere, have once again risen to be at least as important as the negotiators themselves. For all these similarities, the Putin-era Russian-American negotiation paradigm appears to differ from that of the Cold-War Russian-American negotiation paradigm in a few ways. First, though they are stronger than they were in the pre-Putin 1990s, the ideological motivations of the parties and negotiators within the Soviet-American paradigm, those of democracy and capitalism or Marxism-Leninism, are less strong within the Russian-American paradigm. These ideological allegiances have changed, as well. Now, they primarily center around ideas of nationality—Americanness or Russianness—rather than economic or governmental theory. Second, though Putin-era and Cold-War negotiation paradigms both include a heavy favoring of public negotiations, this favoring was almost exclusive in Cold-War Soviet-American negotiations. Today, the favoring certainly exists in contrast to the boom of private negotiations following the dissolution of the Soviet Union, but it does not do so as completely during the Cold War. Third, there appears no clear strategic advantage to either negotiator.

VI. Responding to the Paradigm's Applicability Successfully: Ten New "Commandments" for American Negotiators in Putin-Era Russian-American Negotiations

In light of the almost startling applicability of the Soviet-American negotiation paradigm to contemporary Russian-American negotiations, much of the advice given by American practitioners of Soviet-American negotiations is applicable today. Keeping in mind the subtle differences between the original Soviet-American negotiation paradigms and their modern adjustments, I do what everyone else has done and advise the following ten "Commandments" to American negotiators in Russian-American negotiations. Because the Cold-War Soviet-American negotiation paradigm is the more applicable Soviet-American sub-paradigm to current Russian-American negotiations, much of this advice concerns public negotiations.

1. *Acquaint yourself with the Russian negotiators' long-term goals.* It is these goals, often decades in outlook, that will determine their strategies, without which context the Russian negotiators' actions may seem unpredictable and distract you by virtue of their surprising nature. Today, these goals appear to be increasingly may be ideological, centered around the furtherance of Russian or American agendas abroad.

2. *Invest time in forming long-term relationships with Russian negotiators.* These relationships will help you get your foot in the door to negotiations and, in light of the increasing emphasis on them by modern Russian negotiators, may even improve the likelihood of a negotiation's successful outcome. However, beware that this pre-Putin change to the Soviet-American negotiation paradigm may be short-lived, and relationships between individual negotiators reduced back to their Cold-War sub-paradigm iteration: important prior to negotiations, not at all important within them. Modern elements of corruption and mafia practice in Russian society also lend importance to this strategy—namely, it's best to know someone on the ground.

3. *Be prepared for occasionally polemic, histrionic, distracting, and dramatic behavior.* Like their Soviet predecessors, modern Russian

negotiators employ a variety of disarming tactics to distract foreign negotiators into impulsive and reactive actions.

4. *Expect the unexpected.* Russian negotiators may propose or grant concessions out of the blue, or even use semantic infiltration surrounding terms like "freedom" and "capitalism" in order to disarm their counterparts. Be prepared for this lulling weaponization of the modern "American" ideology.

5. *Be aware that Russian negotiators are risk averse.* Russian negotiators remain, like their Soviet predecessors, largely dedicated to keeping the status quo and curbing circumstances with long-range policies. Their fear of invasion, or "encirclement," though faded during the pre-Putin 1990s, is likely undergoing a resurgence due to Putin's more isolationist international policies.

6. *Beware of Soviet nostalgia.* Don't insult or derogatorily remark upon the Soviet Union or its leaders, including, principally, Stalin, to the Soviet negotiators across the table. Russia is currently experiencing a strong resurgence of Soviet nostalgia, and these remarks are likely to severely hinder the continuing, successful rapport of a negotiation. This resurgence could be contributing to an increased societal sentiment that Russia is the Soviet Union's successor, and Russians are a proud people—they will likely see any insult against the Soviet Union an insult against them.

7. *Be patient.* Russian negotiators, like the Soviets before them, are used to slow change, and are ready to grant concessions and make strategic moves that may seem to be counterintuitive, but actually relate to a longer-range strategy. They are incredibly patient—to achieve the best result, American practitioners must be as patient as they are. Americans must learn to play chess, not video games.

8. *Speak Russian and learn about Russian literature, culture, and politics.* A large part of Cold-War Soviet-American negotiation paradigm's strategic imbalance favoring the Soviet Union was the gap in understanding. Namely, the Russians spoke English, understood Americans, and were

aware of what mattered to individual Americans and, in turn, individual American negotiators. In short, the Russian negotiators knew how to push the American negotiators' buttons, *in English.* With the increasing prevalence of English-language-usage worldwide, particularly within the realms of international diplomacy and business, most Russian negotiators will likely retain this strategic imbalance. From Russia's interference in the 2016 American presidential elections, it is clear they have also retained a strategy of learning about and weaponizing American culture. An American negotiator should try to do the same—learn Russian, learn what matters to individual Russians, especially Russian negotiators, and understand Russian society—to counter this strategic imbalance and maybe they can try their own semantic infiltration. Additionally, an American negotiator proficient in Russian and understanding of Russian culture would go a long way to flattering the Russian pride and promoting a general feeling of respect and trust among the negotiators.

9. *Be prepared to play outside the rules.* Russian negotiators do not play by the rules. If you want to play successfully, be prepared to do the same.

10. *Remember "new Russia," especially when negotiating with younger Russian negotiators.* Though Putin-era Russian-American negotiations are undoubtedly chillier than their pre-Putin predecessors, the feeling of "new Russia" hasn't completely faded away. However much modern Russian society may be reminiscing about the Soviet Union and American-Russian relations are worsening, Russia is still *not* the Soviet Union. Young negotiators are still likely to remember the feeling behind "new Russia," as many probably spent their formative years experiencing the newfound freedom, capitalistic enthusiasm, and optimistic relations with the United States that so characterized it. Don't let them forget—draw out this spirit of cooperation during negotiations.

VII. Conclusion: History will Repeat Itself

The Soviet-American negotiation paradigm concluded in Part IV is applicable to modern Russian-American negotiations. And not only is it applicable, it is incredibly so, its overall paradigm, sub-paradigms, and even the shift between the sub-paradigms finding meaning within an adapted Russian-American negotiation paradigm. This applicability does more than simply impute the dearth in anecdotal literature regarding Russian-American negotiations and thereby provide modern American negotiators advice: it offers a prediction regarding the future of Russian-American negotiations. They say history repeats itself, and here, the modern applicability of the Soviet-American negotiation paradigm gifts us with a roadmap to that repetition.

And if history is any indication, the future of Russian-American negotiations looks bleak. Russian-American negotiations shifted to their Putin-era paradigm relatively recently, and regardless of which came first, the chicken or the egg, Russia appears to be on its way to becoming the successor to the Soviet Union in the hearts and minds of its negotiators. If Russian-American negotiations continue to follow that of Soviet-American negotiations, they're likely to plunge us into a "new Cold War," if they haven't already done so, before we see another negotiator pair the likes of Reagan and Gorbachev. In other words, it's going to get a lot worse before it gets better, just as it did before.

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Chess Versus Video Games: How Russian Negotiation Strategies Reflect Their Soviet Legacy and Influence Modern Russia-American Negotiations

Annex
English and German Summary

In “Chess Versus Video Games: How Russian Negotiation Strategies Reveal a Soviet Legacy and Influence Modern-American Negotiations,” Abigail Thompson attempts to ameliorate the effects on Russian-American negotiations of the dearth of anecdotal advice to American practitioners negotiating with Russian negotiators relative to the abundance of anecdotal advice that was available to American practitioners who negotiated with Soviet negotiators. To do so, she first concludes two Soviet-American negotiation paradigms from a thorough examination of contemporaneous, anecdotal literature from American practitioners. Then, examining the little anecdotal literature available to American practitioners regarding Russian-American negotiations today, she determines that Russian-American negotiations likely still embody at least some of the Soviet-American negotiation paradigms. With this determination in mind, Thompson draws upon the Soviet-American negotiation paradigms to present ten pieces of advice to American practitioners negotiating with Russian negotiators. She then presents an outlook for modern Russian-American negotiations.

In “Chess Versus Video Games: How Russian Negotiation Strategies Reveal a Soviet Legacy and Influence Modern-American Negotiations", versucht Abigail Thompson die Auswirkungen russisch-amerikanischer Verhandlungen mit ihren Mängeln an anekdotischem Rat an amerikanische Ärzte in Verhandlungen mit russischen Verhandlungsführern im Gegensatz zum Überfluss an anekdotischem Rat, den amerikanische Ärzte zur Verfügung hatten, wenn sie mit sowjetischen Verhandlungsführern verhandelten, zu verbessern. Um diesen Versuch zu starten, stellt sie zwei sowjet-amerikanische Verhandlungsparadigmen dar, auf die sie durch sorgfältige Recherche und Verständis der damaligen Literatur von amerikanischen praktizierenden Ärzten gekommen ist. Daraufhin kommt sie, mit der wenig enthaltenen Literatur über zeitgenössische russisch-amerikanische Verhandlungen zum Entschluss, dass russisch-amerikanische Verhandlungsparadigmen wahrscheinlich noch immer zumindest einige sowjet-amerikanische Verhandlungsparadigmen verkörpern. Mit diesem Entschluss bezieht sich Thompson auf die sowjet-amerikanischen Paradigmen, und präsentiert daraus zehn Ratschläge für amerikanische Ärzte in Verhandlungen mit russischen Verhandlungsführern. Weiters bietet sie eine Prognose für die zeitgenössischen russisch-amerikanischen Verhandlungen.