

# Learning From Real Life Negotiations: Lessons from the *Bridge of Spies*

***Negotiation** is the interaction or communication between two or more people with the intent of modifying the behavior of the other(s).  
Persuading others to do something they would not have ordinarily done.*

This text was developed as a lecture interspersed with about 20 video clips from the movie. It is strongly recommended that you watch the movie first before reading the text, or else read this article while watching the movie, pausing the movie between scenes to read the next portion of the text. While watching the movie, try to count or list the negotiations in which Donovan engages. I count 48 negotiations. Most of them are him trying to modify another person's behavior, but some are other people trying to modify his. Almost every interaction he has can be viewed as a negotiation. Most are verbal but some are not.

The focus of the movie *Bridge of Spies* is the process by which Jim Donovan, a New York lawyer, undertakes to negotiate the swap of a Russian spy, Rudolf Abel, for the release for Francis Gary Powers, a shot down U-2 pilot, and Fredric Pryor, a graduate student being held by the East Germans on charges of being a spy. The movie begins with the back story of the capture of Abel, his trial as a spy and the appointment of Donovan as his defense attorney. The movie then skips ahead to the capture of Powers then later the capture of Pryor. Soon after, Donovan is invited to enter into negotiations about a spy swap.

The **Process** Donovan uses can be called Information Based Negotiation, as described in *Bargaining for Advantage*, by Richard Shell. This Process is gathering, giving and exchanging information in order to persuade the other person to act in a way that is consistent with *your* goals. This particular negotiation Process is very consistent with the method used by mediators to guide disputants in resolving their dispute.

There are several foundational elements to Information Based Negotiation reflected in how Donovan conducts his negotiations. They are Style, Principles, Communication and Reframing for Leverage.

## **Style**

Each person has his or her own style, depending upon who you are, your personality and your views. A good negotiator needs to spend some time thinking about and developing a Style. In a negotiation, how aggressive or laid back do you feel most comfortable? How committed are you to preserving relationships versus getting what you want? Can you be patient, or do you want a quick result? Styles will also vary, depending upon your circumstances. We negotiate with our friends differently than with our co-workers and differently than with our business competitors. Donovan's Style is consistent, except with family. With them he is softer, not quite so bluntly honest. But even with them, his personal Style shines through. His Style is formed by the Principles he applies to his negotiations.

## Principles

These are characteristics that make **Information Based Negotiation** work for Donovan, traits that we see over and over in his dealings with those with whom he is negotiating.

He shows honesty and integrity in all his dealings. He does not lie to people, even about small things that do not seem to matter. Even when his wife is seeking assurance that on his trip to Europe that he will be safe he side steps. When she says, "Give me something even if it is a lie," he declines. (The movie implies that Donovan lies about going fishing in Scotland. In reality he told his family he was going to London and he did in fact go to London.) Integrity matters because it builds trust. People learn that when you say something, it will happen. It is the core to building positive relationships with those who initially are adversaries.

He has a friendly demeanor and establishes friendly relationships. People are more willing to say "yes" to someone they like and trust, thus it is easier for Donovan to get the other person to agree to act consistent with *Donovan's* goals. When the other person is not being cooperative (refuses to act consistent with your goals), establishing a friendly foundation allows you to Adverse without being Adversarial. Even when Donovan is arguing back with an adversary, he does so in a friendly, collegial manner. Most negotiations are not one shot deals, you will encounter the same people again, and some relationships last a long time. So by establishing friendly relationships with everyone, he is able deal in a positive manner with people with whom he did not expect to interact again.

His method is information driven. He seeks to gain information that will allow him to gain his goals while respectfully sharing information with his adversary. His mantra could be "I explain it to you. You explain it to me." He repeatedly asks the other person to explain their point of view to him. He want to understand the other party's interests and to do that he needs information. By understanding their interests, he is able to craft solutions that meet their interests, which at the same time, getting him his goals.

Donovan knows what his goal is. It is only by knowing where he is going that he is able to get there. As the Cheshire Cat in *Alice in Wonderland* says, If you do not care where you get to, it doesn't matter which way you go. Another way of saying to choose the best path to your goal, you must first know what your goal is. Before any negotiation, the negotiator must clearly establish a goal. That goal should have some flexibility and open to modification if the negotiator learns new information during the course of the discussions.

Donovan concedes when it does not matter. He lets the other side have what they want, as long as Donovan gets what he wants out of the process. Some negotiators feel that giving on any point to the other side is a show of weakness, even if it is a point about which he does not care. This simply makes the negotiator an obstructionist and the negotiation unnecessarily adversarial. Let them have what they want as long as you get what you want. Focus on *your* goal, not what the other side is getting.

Donovan is not a bully, but he will not be bullied. He is cordial and friendly and only once allows rudeness to cause him to strike back verbally. But he will not be pushed around. When

his negotiating partners make unacceptable proposals, he is clear in pushing back and saying, "No".

Donovan has some core personal values that he brings to his work. One that arises several times is his belief in equality; that every person matters. Even when those that are more used to playing "the big game" are willing to trade off a person or two for a big strategic victory, Donovan keeps pushing for the respect of all people.

A peculiar trait that Donovan demonstrates several times is his ability to play a losing hand. In a negotiation or interaction he will discover that he has little to no power or leverage. Rather than get emotional or raise ridiculous arguments, he accepts his loss gracefully and goes about his job of seeking his goals as best he can. He does not let a setback defeat him, but keeps his eye on his goal.

### **Communication of Information**

How negotiators communicate is important and Donovan's communication style is particularly effective. He is clear and non-emotional. He lays out what he wants to say in a manner that is easily heard by the other party and does not put them on the defensive by attacking or being emotional. Donovan communicates to discover their interests and reveal his own interests. He is focused on the problem and how can they work together to solve it by each party meeting his most important interests.

When communications start to go badly, rather than argue with the other person, Donovan asks them to explain it to him. The exact opposite of most people's reflexes. When someone tells us they will not agree with us, our tendency is to want to explain it to them, maybe louder, longer or with more emphasis. We become adversarial. Donovan seeks to be adverse without being adversarial, by asking the other person to explain why Donovan is wrong. This defuses the confrontation, while keeping the dialog going. It also lets the other persons have a clear chance to speak and be heard.

While Donovan is willing to listen, he continues to try to be clear in his communication. If the other person says something, relays a fact, with which Donovan disagrees, he will politely interrupt to briefly state his correction. He then allows the other to continue with their story. He lets the other say what he wants, but steers the conversation toward a framework with which Donovan can agree. Thus he increases the probability that at the end of the conversation, they will be discussing the problem within a framework that includes Donovan's goal.

Donovan uses a unique tactic of using confusion. He frequently tells the other party, "I do not understand." This creates several psychological advantages. First it causes the other party to think they are in control, thus they will let down their guard, and reveal information they might otherwise hide, or make an erroneous move in the negotiation. Second, since Donovan has worked to establish a friendly relationship, the other person hears Donovan's expression of confusion as a request for help. As Donovan has become a friend, the natural reaction is to try and help him. The other person begins to explain to Donovan more and more about the situation, giving Donovan lots of valuable information. This is a variation on his other common saying, "Explain it to me."

## **Reframe for Leverage**

When the parties are looking at and discussing the problem in a way that is inconsistent with your Goals, Reframe the problem in such a way that the answer now can include your Goals.

### **Donovan's most significant negotiations and What we can learn from each of them.**

#### **Car wreck 10:28-12:39**

We first see the framework of Donovan's negotiation process. He is polite but firm. Friendly in trying to establish a personal relationship – Call me Jim, can I call you Bob? He knows his facts and strives to be clear. He will correct his counterpart if he disagrees, but he does so without emotion and without being mean. He is Adverse without being Adversarial. When he lays out his understanding and the other side is unpersuaded, rather than argue and press his point of view, he asks the lawyer to explain it to him. He invites the other lawyer to have his say and to be heard.

#### **Family 15:40-17:36, 36:20-37:42, 1:11:17-1:11:55**

In observing Donovan's several negotiations with his family, we see that he is more gentle and not as sharply upfront and honest. He shades the truth some. He says he is still thinking, when he really has decided to take the case. But when his wife asks him to lie to her, he cannot not, he can only try to explain as best he can that he is doing what he must for everyone's benefit.

Within the family he follows his normal process of making negotiations about information exchange. He tries to explain in clear simple terms why he feels compelled to do what he is about to do. Why his task is important and necessary. He also very calmly explains why his son's fears are irrational. He comforts his son in his clear and fact-based method of communication.

He also lays out one of his core values – All people matter.

#### **Abel 17:50-22:06**

His goal with Abel is to gain Abel's trust. He begins with full disclosure – giving Information. Letting Abel know everything that Donovan thinks is important to tell him. Abel shows some beginning level of comfort by cracking a joke about how many spies register. Once Abel accepts Donovan as his attorney, Abel initiates an important negotiation which is also a test. Is Donovan really on his side? Does Donovan see him as another human, or just a Russian spy? Abel asks for drawing supplies. Donovan first refuses, then relents when Abel Reframes to help him see that Abel is no different from men spying on Russia for the US. How would Donovan want those men to be treated? Do unto others as you would have them do unto you. Abel is saying, "You want a relationship with me? Relationships go both ways."

#### **Judge 25:25-26:44, 33:36-35:20, 42:53-44:20**

Donovan quickly figures out he has a losing hand with the judge, then he shows us how to play one. You still do your job, advocate for your client, try hard but lose gracefully. As Abel says, "The Boss is not always right, but he is always the Boss." Doing your job shows Integrity. Losing gracefully is part of being Adverse without being Adversarial. No one gets everything

they want in all negotiations. The whole process builds Relationship – you are respected for doing your job and appreciated for being professional and not being Adversarial. So when you come back with an extraordinary request, you will get a fairer audience. In that audience, Donovan Reframes the sentencing issue as in the Interest of the US, not just the Interest of Abel.

#### **Abel 1:1:37-1:2:22**

*Playing a game when you do not know the rules.*

We all prefer to know and understand the rules before we begin a game. In fact, it is considered in most quarters to be unfair to play a game without clearly explaining the rules in advance. But just like being dealt a losing hand, we do not always get to choose the circumstances in which we negotiate. So how do we play the game when we do not know the rules? Watch and see how Donovan does it.

#### **CIA 1:12:12-1:16:12**

The CIA are one of Donovan's foils in this drama. And they are not very good negotiators, at least not with Donovan. They are using a Power based negotiation process, not an Interest base process. They try to control him and the negotiations he is about to undertake. While they do provide some valuable information, they overplay their hand with him. At times they try to buddy up to him and make him feel like he is one of the team, so he needs to go along with the team plans. But they do not treat him like a team member. They dictate the goals for his negotiation – "Powers is the whole ball game." They stay in a nice heated hotel, and keep him in an unheated apartment. They make him memorize a phone number as if it is a great state secret. Note that he freely gives the number to Russia's top spy when it suits Donovan. He is not part of the team and he will not play the CIA's silly games. He knows what he needs from them and will cooperate to that extent. He will not be bullied by them. As he told the agent in the hotel bar in New York, Donovan knows his job and intends to do it as long as the CIA does its job and otherwise leaves him alone.

They also frame the negotiations with the Russians and Germans poorly, "We don't care about their map." A good negotiator always cares about the others party's Interests, even if they cannot be accommodated.

#### **Street Gang 1:19:13-1:20:40**

Donovan is dealt another losing hand. Once he meets the gang of thugs, and sees their intent, he knows he cannot win. His loss is assured because he has no power. So his goal becomes not to win, but to minimize his losses. He loses his coat, but keeps himself safe and not beaten up. He does this by gaining control of the situation while it is still ambiguous and Reframing it. The gang leader is acting charming and polite, so Donovan politely enters into negotiation. First, he builds Relationship by acknowledging he needs their help. Are they willing to help him? The psychological response of most people is to aid those asking for help. It also maintains the façade that the gang leader is trying to maintain, that they are not brutes but instead honorable men. So once he has Reframed the format of the interaction – I need help, you will help me, I will be generous and reward you for your kind help – he is able to extricate himself with no loss other than his coat. And he gets directions to his meeting place.

#### **Abel's "Family" 1:21:40-1:23:05**

The first lesson in how to play the game when you do not know the rules: Donovan is polite, level-headed, clear-eyed, firm-footed and careful. He asks a few gentle questions, probing for Information. Like many other times in the movie, he freely admits he is confused and does not know what is going on. By admitting confusion, he is inviting the other to explain and give him Information he desires while deflecting or delaying the other from asking him for Information. He listens instead of talking. He also lets the other think they have control or at least the advantage – "Ah ha, he is confused. I can take advantage of him while he is still trying to figure things out. It will be easy to sucker him into a deal I want." But instead Donovan gathers Information while not conceding control or anything else. By remaining level-headed, clear-eyed and firm-footed. He knows what he wants and will not make any concessions unless he sees that he is reaching his Goal.

One thing he quickly figures out is that the "family's" role in the game is to try to sway him with an emotional ploy. When he does not fall for it, the real negotiator, Schischkin comes in.

**Schischkin – Шишкин 1:23:52-1:29:04**

With Schischkin, Donovan changes his style as he recognizes that he is now with a negotiator with some influence and power. He still does not know who Schischkin is, but he handles him like an equal. Donovan is Honest, Polite and begins Gathering Information. As Schischkin seems to know the game, Donovan lets him take the lead. This has the effect of getting Schischkin to give Donovan important Information about the game and about the Russian's Interests. It also gives Schischkin the impression that he is in control.

Schischkin takes advantage to try and gently push Donovan into an agreement that is bad for the US, but is not surprised when Donovan does not bite but instead gently pushes back. As a good negotiator, Donovan knows when to stand his ground; not to be pushed around but to push back. He does it Politely, Calmly and factually. "That will not work for us." He agrees with much of Schischkin's framing of the deal, because he does not care about the framing, as long as he achieves his Goal – Abel for Powers and Pryor. Donovan has established his Goal and is willing to concede almost anything else as long as he accomplishes his Goal – he tells Schischkin, "Call it what you want." We see that he almost concedes Pryor, adding him at the last moment. He too is seeing how far he can push the other side, testing their reaction. (Just as he later figures out that the Russians and Germans are testing him and gauging his responses.)

His quip about the names being too long is an effort at light humor and building a Relationship. He and Schischkin are in this together. We have to defeat this problem. As Roger Fisher in *Getting to Yes* would say, Donovan is moving to Sit Side by Side with the other party, facing their joint problem, which they jointly must solve. The first step on the joint journey is figuring out shorter names for these long-winded governments. When Schischkin complains about his impatience, Donovan deflects by blaming his cold. He answers Schischkin's query about why so fast, without giving away any Information. Maybe his rush is truly personal, but we suspect that if he found it necessary to stay a week to complete the deal, he would stay a week, or more. It is not really about his personal comfort. But by taking personal blame for the rush, he is once again asking for help, playing on the human tendency to help those who ask for it.

Schischkin tries to gain advantage in the debate by framing the situation to his advantage – Abel has talked and given all he knows, and the US wants Powers before he has a chance to talk. Donovan refuses to accept that frame and Reframes the situation – Able has not talked because he thinks he is going home. When he finds out he is not, who is to say he will not change his mind? And what of those others that follow him? If they think they are never coming home, what is to keep them from talking? By Reframing, he gains equality if not advantage. Schischkin continues to argue, using the escalating word "war". Donovan Reframes again, putting the focus on this dispute over several men and bringing down the tone, from a threat of war to a discussion about three little men. Schischkin agrees to relay Donovan's offer to Moscow.

When Donovan brings up Pryor again, Schischkin again deflects, saying the Russians do not have him. Donovan does not believe him, but he deftly avoids calling him a liar. He just presses that Schischkin can make arrangements. Which Schischkin does by referring him to Vogel.

On the way out, one last round of the game is played. Schischkin asks about Donovan's coat, seeming to already knowing it was stolen, as he knows it was from Saks. Just like Dulles did by offering Donovan the exact coffee Donovan wanted, Schischkin is telling Donovan, "we know all about you." Playing the Information game by intimidating the opponent with, "I know more than you do, so I have more power and control."

#### **Vogel 1:29:09-1:31:55**

Donovan shares small talk and a drink with Vogel, creating a Relationship before they begin to negotiate. Later, as the negotiations progress, Donovan asserts himself by politely demanding another drink. He is maintaining the polite host/visitor Relationship, but subtly letting Vogel know he will not be pushed around. During this opening, friendly discussion, Donovan states that he is trying to grasp each parties Interests, gathering Information, discovering, or confirming, the Interests of the East Germans. When Vogel misidentifies Abel's "wife" and "daughter", Donovan does not let it slip by, using it as an opportunity to let Vogel know that Donovan also knows some of what is going on, Donovan too possesses Information.

Donovan and Vogel reach an agreement. Donovan is so eager to get the deal done, that he fails to make it clear and specific. Unlike with Schischkin he does not make it clear that it is Abel for Pryor and Powers. Maybe he hopes that no one will raise the problem that he has agreed to give Abel to two different governments. He is showing his optimism, or maybe his blinders. Like other Americans, he sees all Eastern Europe as a monolithic block. As he told Schischkin, "I am sure you can make arrangements," since in Donovan's view it is all one state. But it is not. Vogel has just told him that East Germany is chaffing at the US's refusal to see them as a separate country. Now Donovan is doing the very same thing, hoping the East Germans will not notice. We also fail to listen to our negotiating counterparts at our own peril.

As they conclude, Vogel makes the common mistake, which others also repeat, of trying to convince the other side by telling them what they should want – a young man at the beginning of his life for an old man at the end of his. Good negotiators listen to the other side, poor ones tell you what you should want. As one of the finest lawyers I deal with told me – Telling the other side what they should want not only is not persuasive, it is irritating and insulting.

**Schischkin 1:36:56-1:38:50**

Donovan meets to finalize the tentative deal they brokered the previous day. Donovan, with his eyes on the prize, concedes all details except for speed – We do the swap on Saturday morning.

Donovan welcomes a drink to toast the deal, and continues to build on their Relationship. Until Powers and Pryor are free, who knows if he will need Schischkin again? Although they do not speak again, we have reason to believe that Schischkin continues to play a role in getting this deal done. Donovan also advocates for Abel. He does not know if he is successful, but at least he puts in a good word for his client and friend. This has the added benefit of allowing Schischkin to see Donovan once again as an honorable man of Integrity. Compare this to the later scene where Pryor is being released to a CIA agent. When Vogel tries to be friendly and shake the agent's hand, the agent pointed and rudely ignores Vogel and reaches for Pryor. A petty insult which may satisfy the agent at the moment but damaging to any possibility of working with Vogel in the future. Vogel will continue to practice law and is connected at high levels of the East German government. Who knows what the future holds and when the US may need a man like him as a contact.

**Vogel 1:39:00-1:41:00**

Unfortunately, Donovan's hope in his hasty deal comes crashing down. But as a good negotiator, Donovan goes back into the Process and tries to make a deal. He shares Information by explaining why, as he sees it, this is a good deal for all three parties. When Vogel will not agree, rather than argue, Donovan asks Vogel to explain it to him – You must see something I do not see, please explain it to me. Just like he asked the lawyer representing the five motorcyclists – Tell me how you see it. This tactic gathers Information while letting the other side be heard and know that they are being heard and thus can act as a venting mechanism. Donovan remains calm, does not respond to insults and accusations. He stays focused on the Interests of both sides. He does not try to tell Vogel what he should want except he does point out facts that Vogel had previously stated to Donovan, that Pryor was innocent and not a spy – "wrong place at the wrong time". He tries to Reframe the situation such that he can get both men released, but Vogel refuses to accept Donovan's frame.

**CIA 1:46:20-1:48:14**

With no deal to his satisfaction, and having spent the night in an East German jail, Donovan shows up at the CIA's hotel. The agent continues to overplay his weak hand. He tells Donovan he should not be there. Donovan obviously does not care. The agent lets Donovan know that he got a call on the number Donovan was ordered to keep secret. He then orders Donovan not to go back to East Berlin. Once again, Donovan does not care what the agent says. Having never bothered to form any kind of positive relationship, the agent is harvesting the weeds he has planted. He has no control or power to persuade Donovan. Donovan is not on the CIA team. Donovan is excited to meet with this new participant for two reasons: He had stuck out with Vogel and could not get him to seriously engage in negotiation, and; if the East Germans put a new man into the field, that meant that they remained seriously interested in doing a deal. There was still a chance of achieving Donovan's Goal.

**East German Attorney General Ott 1:48:15-1:49:40**

We see Donovan use his now familiar style. He confesses confusion to Gather Information about the other person and his Interests. He concedes minor issues that seem important to his counterpart but are not important to Donovan's Goals. Ott is excited about a bilateral memorandum. Donovan admits he does not understand the effect of such, but concedes his willingness to play long, until the memorandum excludes part of his goal – getting Powers and Pryor. Ott gets mad, and once again Donovan remains calm, not rising to anger and insults. Donovan calmly lays out his Interests and seeks to understand the East German Interests. He lets Ott think Ott is in charge, while Donovan focuses on building Relationship and Gathering Information. Ott, like others, again tries to convince Donovan by telling him what his Interests ought to be and who he should be seeking to get released.

**Assistant to the Attorney General 1:50:13-1:53:25**

The young assistant begins very humbly, apologizing over and over for Donovan waiting so long and now being left alone. Donovan lets it be known that he does not appreciate being disrespected or bullied. Sometimes in a negotiation you have to push back some. But once he has vented, Donovan turns his eyes to the prize. He wants his two Americans and boosting his ego and pride will not get the job done. So he switches course. He focuses on establishing a Relationship with the young man. He invites the young man to sit by him. He reassures the young man. When the man tries to get Donovan to wait, he deflects by complaining about his cold. He compliments the man; he plays on the man's psychology by asking for his help; he inquires about the man's job and situation. Donovan then asks his simple request – relay a message, but it must be clear. Donovan then proceeds to Reframe the situation. Up to this point, the Russians and East Germans have been maneuvering Donovan, trying to make Donovan think that he is in a difficult spot from which he must find escape. Donovan is the one between a rock and a hard place – for which American do I bargain? Donovan explains to the young man that in fact, Ott is the one in the middle, since he must either satisfy Donovan by releasing Pryor, or else Ott must call his friends in Moscow and explain that they are not going to get Abel back and it is Ott's fault. Donovan then lays out to Ott, just as he did to Schischkin, the consequences of not doing a deal – Abel may decide to talk and future caught spies may see it in their best interests to talk. A brilliant piece of negotiating. As a good communicator, he checks to make sure the other heard and understands, "Did you get it all?" Issuing threats to a government official, but at the same time keeping a light tone with a touch of humor, "No reason for everybody to get up first thing in the morning."

**CIA 1:53:26-1:54:22, 1:55:20-1:56:22**

Donovan, having played the game out, now understands what the game was and is confident that he played it right, despite the CIA's doubts.

The phone call confirms Donovan's belief that he played it right – he is getting two for one. And one last time, he concedes a point that he does not care about – Pryor will be released at Checkpoint Charlie instead of Glienicke Bridge. We know in retrospect this difference in release points allows the East German's one last card to play, but Donovan is able to trump that card with his patience and by having built a Relationship with Abel.

**Abel** 1:57:30-1:58:00, 2:02:15-2:03:37

On the bridge, the CIA is in a hurry to get their man, Powers. But Abel, figuring out Donovan has a different Goal, decides to stand by the man who has stood beside him. He waits for Pryor to be released before walking home to his friends and countrymen.

Questions and comments are welcome at [frank\\_laney@ca4.uscourts.gov](mailto:frank_laney@ca4.uscourts.gov)

Frank Laney is Circuit Mediator for the US Court of Appeals for the Fourth Circuit, a Superior Court and Family Financial certified mediator, an ex-officio member of the Dispute Resolution Commission and adjunct professor with Campbell and NC Central Schools of Law.