

Maintaining Status Quo across the Taiwan Strait: A Constructivist/Institutionalist Perspective*

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This paper examines the role the United States has played in the maintenance of the status quo across the Taiwan Strait from a constructivist/institutionalist perspective. My research questions are: In what way has the United States helped preserve peace and stability in the Taiwan Strait? And in the process, how has the United States reproduced the status quo arrangement to shape the interests of Beijing and Taipei? It is maintained that a status quo arrangement has developed across the Strait which the United States has helped to construct and which is supported to varying degrees by Beijing and Taipei. This status quo institution has been created and reinforced through direct codification as well through an indirect process of structuration. The three Washington-Beijing joint communiqués and the Taiwan Relations Act (TRA) form the first stage of institutional development through formal codification which emphasizes the use of

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peaceful means on both sides for the final resolution of the situation. Since the late 1990s, the construction and reproduction of the status quo arrangement, which generally follows a pattern of "neither use of force nor de jure independence," has been undertaken primarily through policy statements or actions. These policy statements normally uphold such supreme values as "prosperity," "stability," or "peace." They also help sustain the regulative, normative, or cognitive pillars of the status quo institution through the strategies of stigmatization, role conferment, or internalization. The main purpose of the status quo institution, instantiated by repeated policy statements or actions, is to shape the policy discourses, preferences, and interests of Beijing and Taipei. Although Beijing and Taipei are not merely passive and sometimes seek to test the rules or promote alternative norms, this behavior has not been sustained. If they have taken action, it has often been rationalized to ensure that the core values were not directly challenged. As such, it is concluded that the construction and reproduction of the status quo institution has been considerably effective so far, if not completely successful.

KEYWORDS: status quo across the Taiwan Strait; American foreign policy; social constructivism; new institutionalism; structuration.

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The announcement by the Chen Shui-bian (陳水扁) government on July 19, 2007, that it intended to apply for UN membership under the name "Taiwan" provoked immediate condemnation from Beijing.¹ Various senior U.S. officials, including Secretary of State Condoleezza Rice, also repeatedly expressed their displeasure and registered opposition to the move.² Serious concerns were raised about the extent to which this move constituted a unilateral challenge to the status

¹"Taiwan Defies U.S., Seeks UN Membership under Debated Name," *Washington Post*, July 20, 2007. http://www.washingtonpost.com/wp-dyn/content/article/2007/07/20/AR2007072002541_pf.html.

²See, for example: John Negroponte, deputy secretary of state, interviewed by Naichian Mo of Phoenix TV, August 27, 2007, <http://www.state.gov/s/d/2007/91479.htm>; Dennis Wilder, National Security Council senior director for Asian affairs, press briefing on the president's trip to Australia and the APEC summit by senior administration officials, August 30, 2007, <http://www.whitehouse.gov/news/releases/2007/08/print/20070830-2.html>; and Secretary of State Condoleezza Rice, Press Conference, December 21, 2007, <http://www.state.gov/secretary/rm/2007/12/97945.htm>.

quo in relations between the two sides of the Taiwan Strait.³ The omission of the Taiwan Strait issue from the list of strategic objectives in the Joint Statement of the U.S.-Japan Security Consultative Committee, issued on May 1 that year,⁴ had caused some observers to wonder if U.S. policy toward China/Taiwan had changed. As with other policy actions or statements by Washington, Taipei, or Beijing in the past, those surrounding Chen's announcement demonstrated the tenacious and complicated nature of the triangular relationship.

Take the statements and actions of the Taipei government, for example. When in early 2007, the Democratic Progressive Party (DPP, 民主進步黨) government renamed a couple of state-owned enterprises to include the term "Taiwan," the U.S. State Department was prompted to issue a press release voicing its displeasure. The fact that this episode and other events such as President Chen's New Year address or other speeches that would otherwise attract little media attention have caused such concern in Washington testifies to the sensitivity of the issue. Similarly, Chen's decision to "put into abeyance" the National Unification Council (NUC) and the Guidelines for National Unification as well as his astonishing feat of "transit diplomacy" that bypassed the United States in the first half of 2006 put the triangular relationship seriously to the test.

It is obvious that these events and announcements were watched with particular attention because the social construction of the "one-China" institution has worldwide repercussions.⁵ Chen's transit diplomacy, at least in its original form in the 1990s, also constituted a vital part of Taiwan's efforts to adapt to structuration and "global governance" by Beijing. Certainly, in some instances Taiwan's policy adaptation has appeared to

³See "Taiwan Leader Vows to Pursue Vote on Island's Name," *Washington Post*, July 8, 2007, http://www.washingtonpost.com/wp-dyn/content/article/2007/07/07/AR2007070700714_pf.html.

⁴See "Joint Statement of the U.S.-Japan Security Consultative Committee," *Media Note* (U.S. Department of State), May 1, 2007, <http://www.state.gov/r/pa/prs/ps/2007/may/84084.htm>.

⁵Der-yuan Wu, "Canada and the Global Diffusion of 'One China'," in *New Institutionalism: Theory and Analysis*, ed. Andre Lecours (Toronto: University of Toronto Press, 2005), 319-40.

backfire and actually tighten the "one-China" straightjacket, which has reinforced the politicization of these otherwise trivial announcements and actions. For this reason, the triangular relationship between Beijing, Taipei, and Washington has sometimes been in a precarious state, at least since the mid-1990s.

From the U.S. perspective, the changes brought about by the end of the Cold War, the development of democratization in Taiwan coupled with the growing sense of a Taiwanese identity, and Beijing's military buildup have all combined to cast a shadow over the Taiwan Strait. For many observers, one of the major challenges for U.S. foreign policy in the post-Cold War era is to maintain a delicate and dynamic equilibrium in the region.

Most traditional and mainstream analyses of the development of the triangular relationship have adopted an interest-centered approach, typically with underlying realist-inspired assumptions. As such, they tend to conceptualize the issue, either explicitly or implicitly, in the light of "national interests," "deterrence," or "balance of power" across the Taiwan Strait or in the Western Pacific region. The ascent of China combined with the decline of Taiwan in terms of economic, military, and diplomatic power is then seen as endangering the equilibrium in the region. In these circumstances, the United States is often assumed to act as a "balancer" for the two sides.⁶ Moreover, mainstream analyses of how the equilibrium is maintained often focus on the delicate strategic interactions among the three parties, particularly the Washington-Beijing and the Washington-Taipei dyads, and assume that the power, interests, and identities of all the parties are exogenously given and relatively fixed in the interaction process.

This paper, while appreciating the contribution of the mainstream approach, will deal with maintenance of the status quo across the Taiwan Strait from an alternative constructivist/institutionalist perspective, that is, the sociological synthesis of social constructivism, new institutionalism,

⁶E.g., Cal Clark, "The U.S. Balancing Role in Cross-Strait Relations: The Irony of 'Muddling Through,'" *Issues & Studies* 42, no. 3 (September 2006): 129-63.

and structuration theory.⁷ The primary concern of this analysis is not so much whether U.S. policy has changed, but the degree to which policy strength or institutional tenacity has been affected in the structuration process. The questions I shall address are: In what way has the United States helped preserve peace and stability across the Taiwan Strait so as to discourage the two sides from either resorting to force or moving toward de jure independence and to encourage them instead to coexist and co-develop peacefully? And in the process how has the United States reproduced the status quo arrangement to shape the interests of Beijing and Taipei? It should be stressed that the focus of this research is how international arrangements, rather than the domestic political processes, help define or transform the interests or identity of a given party.

As the "status quo" is the primary subject of this research, a clarification of the term is necessary. To be sure, the real meaning of "status quo" in the Taiwan Strait context varies from party to party. For Washington, it is a state of coexistence for Beijing and Taipei in which the former cannot, at will, resort to force to unify China and the latter reluctantly accepts an ambiguous status falling short of de jure independence. Beijing, in its Anti-Secession Law, defined the status quo in terms of the presumption that Taiwan remains a part of Chinese territory at present. By contrast, Taipei regards the status quo as independence, be it as the "Republic of China" or as "Taiwan," outside the sovereign jurisdiction of Beijing. As the United States' role in maintaining peace across the Strait is the major concern in this paper, I will adopt Washington's definition of status quo here. It should be noted that the status quo may be seen as relatively "static" in the short term, while perhaps becoming "dynamic" in the longer term, largely

⁷There are at least three schools of new institutionalism: rational choice, historical, and sociological. See, e.g., W. Richard Scott, *Institutions and Organizations*, second edition (London: Sage, 2001); and Peter A. Hall and Rosemary C. R. Taylor, "Political Science and the Three New Institutionalisms," *Political Studies* 44, no. 5 (December 1996): 936-57. In this article, my focus will be on the sociological school. As I stress below, the sociological branch of new institutionalism has to a considerable extent converged with social constructivism in international relations and in Anthony Giddens' structuration theory. See Anthony Giddens, *The Constitution of Society: Outline of the Theory of Structuration* (Cambridge: Polity, 1984).

depending on various development trajectories. Thus, whether it is inherently unstable, as Lin Gang argues, is a matter of debate.⁸ Here, it is simply assumed that the status quo can be maintained, in both the short and long term, through various means, including institutionalization.

In short, it will be argued (1) that by and large Washington has been able to construct an effective institutional environment ensuring stability and peace in the region; (2) that the institutional development⁹ of the status quo arrangement, embodied in Washington's "one-China" policy, was initially created by the three joint communiqués of 1972, 1979, and 1982 as well as the Taiwan Relations Act (TRA), plus their ancillary statements; and (3) that the later phase of institutional development has followed an indirect process of structuration, predominantly by means of policy statements or actions that help sustain the regulative, normative, and cognitive elements of the status quo arrangement so as to shape the interests of both sides, thereby making another formal codification, say a fourth communiqué, unnecessary. It should be added that in this paper, policy actions or statements will not be seen as purely agent-initiated, voluntary in nature, and with an individualistic outcome. Rather, they will be treated as having "overarching" potential to govern inter-party interactions and to (re-)produce, intensify, or offset the effect of established institutions or reality. To the extent that an agent's policy practice is not merely limited to voluntary or single-effect acts but rather involves the construction of structural arrangements, tangible or intangible, that in turn shape the condition of policy actions in the future, agent and structure could be seen as mutually constitutive. The paper will conclude by summarizing the main arguments and pointing to some areas worthy of further study. Before proceeding to the core of the paper, I shall first outline the theoretical perspectives.

⁸Lin Gang, "U.S. Strategies in Maintaining Peace Across the Taiwan Strait," *Issues & Studies* 43, no. 2 (June 2007): 220.

⁹In this paper, "institution" will be used interchangeably with "institutional arrangement," "structure," "institutional structure," or "structural arrangement"; "institutionalization" will be treated as roughly analogous to "institutional development" or "structuration."

Constructivism, Institutionalism, and Structuration

Theories and perspectives are not formulated in a vacuum. Rather, they are constructed as competing explanations of social phenomena. (Neo-)realism has long been widely used to explain the complex balance of power in the Washington-Taipei-Beijing triangular relationship, but now the emergence of social constructivism in international relations provides a feasible alternative way of making sense of this situation.

The development of social constructivism in international relations and the historical or sociological school of new institutionalism have often been juxtaposed with an interest-oriented utilitarian/functionalist perspective.¹⁰ Indeed, there is a significant resemblance between constructivism and the sociological stream of new institutionalism.¹¹ For example, both highlight the primary role of ideas¹² and the constitutive effect of rules and norms in accounting for policymaking, as opposed to the voluntaristic calculation of interests, and they have both taken a particular theme from Anthony Giddens' structuration theory.¹³ This latter contains perhaps the most prominent proposition across all three perspectives: that agency and structure are mutually constitutive. In Giddens' terms, this means "each

¹⁰Paul J. DiMaggio and Walter W. Powell, "Introduction," in *The New Institutionalism in Organizational Analysis*, ed. Walter W. Powell and Paul J. DiMaggio (Chicago: University of Chicago Press, 1991), 1-38; and Stephen D. Krasner, "Sovereignty: An Institutional Perspective," *Comparative Political Studies* 21, no. 1 (April 1988): 66-94.

¹¹Martha Finnemore, "Norm, Culture, and World Politics: Insights from Sociology's Institutionalism," *International Organization* 50, no. 2 (Spring 1996): 325-47.

¹²It should be noted that constructivists (and sociological institutionalists) define "ideas" as "intersubjective understandings" that work primarily at collective level, not merely as "beliefs held by individuals." See Judith Goldstein and Robert Keohane, *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change* (Ithaca, N.Y.: Cornell University Press, 1993); Martha Finnemore and Kathryn Sikkink, "Taking Stock: The Constructivist Research Program in International Relations and Comparative Politics," *Annual Review of Political Science* 6 (2001): 393; David Patrick Houghton, "Reinvigorating the Study of Foreign Policy Decision Making: Toward a Constructivist Approach," *Foreign Policy Analysis* 3, no. 1 (January 2007): 29-30; and John Gerard Ruggie, *Constructing the World Polity* (London: Routledge, 1998), 16-22.

¹³Anthony Giddens, *Central Problems in Social Theory: Action, Structure, and Contradiction in Social Analysis* (Berkeley: University of California Press, 1979); and Giddens, *The Constitution of Society*.

presupposes the other."¹⁴ More specifically, it is suggested that structures, or institutions, not only constrain agents' actions, but constitute, define, or legitimate the identity or interests of agency and that the former should be both the medium and outcome of the latter. In particular, Giddens emphasizes that social structure, unlike objectified physical structure, does not have an independent ontological existence external to agency and that its persistence presumes continuous production and reproduction through agents' actions. In a sense, then, structure has a "virtual existence" and it is ultimately contingent on agents' actions or practices that help "instantiate" and sustain the structure.¹⁵ Thus, Giddens highlights the "structuration" process as the key to capturing the interaction between agency and structure. This process involves three elements: "the communication of meaning," "the exercise of power," and "the evaluation or sanction of conduct." This significantly converges with some of the themes posited in the sociological stream of new institutionalism, in particular echoing W. Richard Scott's three pillars of institutions.

Scott identifies the "regulative," "normative," and "cultural-cognitive" pillars of institutions. The "regulative" pillar consists of enforceable rules and laws that are usually backed by sanctioning power and monitoring mechanisms. The "normative" pillar includes norms, values, and roles or involves the creation of moral beliefs and prescriptive and obligatory systems that overall form social expectation. The "cultural-cognitive" pillar serves to define, constitute, and legitimate actors' capacities, rights, interests, and identity, and their relevant activities.¹⁶ In this vein, then, "institutions" can be defined as human-constructed structural arrangements, rules, patterns, or order, formally or informally organized, which consist of cultural-cognitive, normative, and regulative elements that serve to sta-

¹⁴Giddens, *Central Problems in Social Theory*, 53, 69.

¹⁵*Ibid.*, 63, 64, 69.

¹⁶Scott, *Institutions and Organizations*, 41-70. This conception, however, is criticized by Paul Hirsch who suggests that Scott's "cognitive" pillar is a stand-alone theory. See Paul M. Hirsch, "Sociology Without Social Structure: Neoinstitutionalist Theory Meets Brave New World," *American Journal of Sociology* 102, no. 6 (May 1997): 1704, 1706, 1717, 1720.

bilize interactions, reduce the sense of uncertainty, or provide meanings for human action.

From a sociological as opposed to an economic perspective, "institutions" are not necessarily formed out of conscious "choices"¹⁷ or with the voluntaristic consent of all parties concerned, although they might aim to govern mutual relations or promote cooperation with third parties. Their development often entails an institutionalization¹⁸ process by which some pattern or trajectory is institutionalized. As Ronald L. Jepperson puts it, "when departures from the pattern are counteracted in a regulated fashion, by repetitively activated, socially constructed controls—that is, by some set of rewards and sanctions—we refer to a pattern as 'institutionalized'."¹⁹

Moreover, the organizational sociological school of new institutionalism also emphasizes the importance of the "institutional environment" and the "embeddedness" of organizational entities within it. Organizations often need to cope with two sorts of environments: technical and institutional.²⁰ The "institutional environment" often refers to a set of explicit or implicit symbolic meaning systems that constitute or legitimate organizations' or actors' interests and identities. The emphasis on "institutional environment" points to the importance of the legitimacy issue.²¹

As such, sociological institutionalism, like social constructivism in international relations, holds that identity and interests, instead of being exogenously given, are acquired or transformed through institutionalization (as emphasized by sociological institutionalism) or an interaction process

¹⁷Granovetter notes that "economics is all about how people make choices; sociology is all about how they don't have any choices to make." See Mark Granovetter, "Problems of Explanation in Economic Society," in *Networks and Organizations: Structure, Form, Action*, ed. Nitin Nohria and Robert Eccles (Boston: Harvard Business School Press, 1992), 56.

¹⁸Or, the process by which some human agents produce and reproduce given arrangements with the latter constraining and constituting the agents' interests, identities, and actions.

¹⁹Ronald L. Jepperson, "Institutions, Institutional Effects, and Institutionalism," in Powell and DiMaggio, *The New Institutionalism in Organizational Analysis*, 145.

²⁰W. Richard Scott, *Organizations: Rational, Natural, and Open Systems*, third edition (Englewood Cliffs, N.J.: Prentice Hall, 1992), 132-41.

²¹John W. Meyer and W. Richard Scott, *Organizational Environments: Ritual and Rationality*, updated edition (London: Sage, 1992).

(as stressed by social constructivism). Moreover, social constructivism distinctly highlights the theme of "self-fulfilling prophecies."²² This is where a belief, idea, or even a theory that given actors espouse creates the very reality it purports to explain or anticipate, thereby rendering it "true." In response to this, in order to promote their sense of agency, autonomy, or subjectivity, agents whose actions are anticipated may then decide to change their behaviors to circumvent rules, to defy accompanying categorization, or to break through constraint emanating from the prophecies.

In sum, the theoretical framework outlined above, and which will be applied shortly, was derived from sociological perspectives of constructivism, new institutionalism, and structuration theory. Admittedly, there are other conceptual tools, such as "transaction cost" or "path dependency," developed by the rational choice or historical schools of new institutionalism that might provide insights into the maintenance of the status quo. However, in order for the analysis to have a better focus, I shall limit myself here to the sociological perspective.

Direct Institutionalization for Peace

The institutionalization of the status quo in the Taiwan Strait, as far as Washington's "one-China" policy is concerned, essentially takes two forms: direct codification and indirect structuration. While the institutionalization process appears to have started with a direct or formal approach, its later phase of development has entailed a process of internalization through which both direct and indirect approaches reinforce each other. The formal institution-building in the first stage consisted of the three Washington-Beijing joint communiqués of 1972, 1979, and 1982, as well as the TRA. The second phase, built upon this established legal basis, has been generally undertaken through instantiation and reproduction of "one-China" policy statements or preventative diplomatic measures adopted by

²²Robert Merton, *Social Theory and Social Structure* (Glencoe: Free Press, 1957).

Washington to ensure that the two sides of the Strait return to the "normal pattern" after an intention to challenge the status quo has been uncovered. The purpose of the U.S. policy statements is at least twofold: to convert both sides to a deep belief in Washington's resolve to preserve the status quo and to invoke certain indisputable values and norms in the hope that the two sides will self-correct their "deviant" behavior and conform to the expectations of the international community.

The three joint communiqués and the TRA, plus some ancillary statements, are evidently the cornerstones of Washington's "one-China" policy.²³ This policy, while helping reproduce the prevalent "one-China" world order²⁴ that embodies the essential spirit of Beijing's organic "one-China" principle, also contains some distinct elements. As some U.S. observers tend to concur,²⁵ Washington's "one-China" policy departs from Beijing's "one-China" principle chiefly in its ambiguous attitude toward Taiwan's sovereign status, an attitude which has remained consistent despite recent attempts to clarify it. More specifically, the U.S. policy stance in this regard has varied from denial of Taiwan's sovereignty (as exemplified by Secretary of State Colin Powell's statement of 2004 and more recently by Dennis Wilder, senior director for Asian affairs at the National Security Council, in August 2007) to an explicit embrace of the "undetermined status" thesis (this was typical of the 1950s and 1960s and appears to be dormant now). More importantly, another distinctive element of the U.S. approach is its stress on the *peaceful* resolution of the Taiwan problem by both sides and the provision of defense weaponry to Taiwan, as authorized by the TRA. As a result, the institutional arrangement created

²³Richard C. Bush, *At Cross Purposes: U.S.-Taiwan Relations Since 1942* (Armonk, N.Y.: M.E. Sharpe, 2004), 124-78.

²⁴That is, the government of the People's Republic of China is the sole legitimate government representing China in the world and Beijing has a vital say in the resolution of the Taiwan question.

²⁵Thomas J. Christensen, "New Challenges and Opportunities in the Taiwan Strait: Defining America's Role," National Committee on U.S.-China Relations, <http://www.ncusr.org>; and Alan D. Romberg, "The U.S. 'One China' Policy: Time for a Change?" (The 16th Annual Charles Neuhauser Memorial Lecture, John K. Fairbank Center of Harvard University, October 24, 2007), <http://www.stimson.org/pub.cfm?id=473>.

through Washington's "one-China" policy and reinforced by the three communiqués and the TRA has in effect contributed to the de facto existence of two separate entities on either side of the Strait. This is arguably quite different from Beijing's "one-China" formula that considers Taiwan to be a part of the territory of the People's Republic of China (PRC).

This very emphasis on the *peaceful* resolution of the Taiwan problem and cross-Strait differences demonstrates Washington's preoccupation with the means for and process of achieving stability in the region. The implication is that until a workable formula is accepted by both sides of the Strait, the status quo of divided coexistence will be maintained. Concern about peaceful resolution was first made explicit in the Shanghai communiqué of February 28, 1972: "International disputes should be settled ... without resorting to the use or threat of force.... The U.S. side declared: The United States acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China. The United States Government does not challenge that position. It reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves."²⁶

The principle was further highlighted in the joint communiqué issued by Washington and Beijing on the establishment of diplomatic relations on January 1, 1979. During the negotiation process, Washington made known its intention to link the normalization of bilateral relations with the peaceful resolution of the Taiwan issue.²⁷ Together with other sensitive issues, this was highly contentious at the time. The solution that both sides finally hit upon was to deal with the easier issue in the communiqué, and move all the others to the ancillary statements.²⁸ Nevertheless, the normative expectation and its linkage with normalization by Washington were clearly recorded later on in the TRA.

²⁶Quoted in John F. Copper, *China Diplomacy: The Washington-Taipei-Beijing Triangle* (Boulder, Colo.: Westview, 1992), 155.

²⁷Ibid., 42.

²⁸Bush, *At Cross Purposes*, 143.

With the aim of "help[ing] maintain peace, security, and stability in the Western Pacific," the TRA stipulates that it is Washington's policy

to declare that peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern; to make clear that the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means; to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts and embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States.²⁹

Later, U.S. concern over the peaceful resolution of disputes across the Strait was further connected with the issue of arms sales to Taiwan in the joint communiqué of August 17, 1982. In this document, Beijing stated: "The Message to Compatriots in Taiwan issued by China on January 1, 1979 promulgated a fundamental policy of striving for peaceful reunification of the Motherland. The Nine-Point Proposal put forward by China on September 30, 1981 represented a further major effort under this fundamental policy to strive for a peaceful solution to the Taiwan question." Washington then stated that it "understands and appreciates the Chinese policy of striving for a peaceful resolution of the Taiwan question ... Having in mind the foregoing statements of both sides, ... it does not seek to carry out a long-term policy of arms sales to Taiwan."³⁰

Washington's concern that cross-Strait relations should be handled peacefully was thus codified as the primary rule in the three communiqués as well as the TRA. This set the stage for the second phase of structuration of the status quo.

Talks, Deeds, and Structuration for Stability

In the mid-1990s, democratization in Taiwan and increasing signs of a military buildup in the PRC challenged the rules laid down in previous

²⁹Quoted in Copper, *China Diplomacy*, 160.

³⁰Quoted in *ibid.*, 169-70.

codifications, leading Washington to issue a series of policy statements and take preemptive measures to sustain the status quo arrangement. In addition to reiterations of its demand that Beijing should not use force, Washington repeatedly stated, either reactively or proactively, its intention not to support a formal declaration of Taiwan independence. This was typified by President Bill Clinton's well-known "three no's" announcement made in Shanghai in June 1998 as well as by earlier public statements by State Department officials. In this phase of development, the U.S. reproduction of the status quo arrangement introduced an element of "no de jure independence by Taiwan," in addition to the established rule inhibiting the use of "non-peaceful" means by the PRC. At this stage, the most typical U.S. policy discourse was: "No unilateral action (or statement) by either side of the Strait to change the status quo." While statements along these lines have been made repeatedly during the Bush administration, the earlier discourse was discernible in the aftermath of the missile test crisis of 1996.³¹

In this section, I will deal first of all with the policy statements or measures of the U.S. government designed to reproduce the status quo institution. Then, I will address how both sides reacted to Washington's reinforcement of the arrangement.

American Policy Statements and Measures

The most obvious instance of institutional development by means of a policy statement on Taiwan is Bill Clinton's unprecedented public articulation of the "three no's" (no support for Taiwan independence; no support for "one China, one Taiwan," or "two Chinas"; and no support for a bid by Taiwan to join international organizations that require statehood) in June

³¹For example, Warren Christopher, the then U.S. secretary of state, concluded in an address to the Asia Society, the Council on Foreign Relations, and the National Committee on U.S.-China Relations, in New York, May 17, 1996, that "we have emphasized to both sides the importance of avoiding provocative actions or unilateral measures that would alter the status quo or pose a threat to peaceful resolution of outstanding issues." Quoted in Shirley A. Kan, "China/Taiwan: Evolution of the 'One China' Policy: Key Statements from Washington, Beijing, and Taipei" (Washington, D.C.: Congressional Research Service, 2006), 57-58.

1998. Actually, the "three no's" arose from three discrete sources. The promise not to support Taiwan independence was first made by Richard Nixon in the early 1970s, albeit in private. The second "no" appeared in the U.S.-PRC joint communiqué of August 17, 1982, whereas the third "no" was in the Taiwan Policy Review of 1994. Moreover, it is reported that the "three no's" first appeared together in a letter from Bill Clinton to Jiang Zemin (江澤民) in August 1995.³² However, it is arguable that by articulating the three elements together on several occasions over a short space of time,³³ the Clinton administration reproduced the U.S. "one-China" policy in a distinctly new fashion. Bill Clinton increasingly emphasized the pro-Beijing elements of the status quo institution, and in the following year, President Lee Teng-hui (李登輝) of Taiwan portrayed cross-Strait relations as a "special state-to-state relationship." In response, the Clinton administration stated that the three pillars of U.S. policy toward the two sides of the Strait were: "one-China policy," "peaceful resolution," and "cross-Strait dialogue." Obviously, the first pillar conveyed a blunt message to Lee Teng-hui.³⁴

Since George W. Bush became president, there has been no more mention of the "three no's" or the "three pillars" and U.S. policy discourse on Taiwan appears to be presented in a slightly different fashion. This is epitomized by testimony given by James A. Kelly, assistant secretary of state for East Asian and Pacific affairs, to the U.S. House International

³²However, the first no, as it appeared in the private letter, referred to "opposing" Taiwan independence and the third "no" was "not support Taiwan's admission to the United Nations." See Kan, "China/Taiwan," 56.

³³In 1997-98, for example, the statement was reiterated on at least seven occasions: (1) at a State Department press briefing by James Rubin on October 31, 1997; (2) during a press conference given by Secretary of State Madeleine Albright in Beijing on April 30, 1998; (3) in testimony given by Susan Shirk, deputy assistant secretary for East Asian and Pacific affairs, before the House International Relations Committee on May 20, 1998; (4) during a press briefing by James Berger, national security adviser, in Beijing on June 27, 1998; (5) during a roundtable discussion by Bill Clinton in Shanghai on June 30, 1998; (6) at a press conference by Bill Clinton in Hong Kong on July 3, 1998; and (7) in remarks made prior to a meeting between Secretary of State Albright and Foreign Minister Tang Jiaxuan (唐家璇) of the PRC at the State Department on September 29, 1998. See <http://www.state.gov>.

³⁴Alan D. Romberg, *Rein In at the Brink of the Precipice: American Policy Toward Taiwan and U.S.-PRC Relations* (Washington, D.C.: Henry L. Stimson Center, 2003), 188.

Relations Committee on April 21, 2004. In addition to reiterating Washington's commitment to a "one-China" policy based on the three joint communiqués and the TRA, Kelly stated that

The U.S. does not support independence for Taiwan or unilateral moves that would change the status quo *as we define it*. For Beijing, this means no use of force or threat to use force against Taiwan. For Taipei, it means exercising prudence in managing all aspects of cross-Straits relations. For both sides, it means *no statements or actions that would unilaterally alter Taiwan's status*.³⁵

In fact, before Kelly's statement was formulated, other senior officials in the Bush administration had quietly brought back one of Clinton's "three no's," that is, no support for Taiwan independence. For example, in the aftermath of Chen Shui-bian's controversial "one country on each side of the Strait" statement, Richard L. Armitage, the deputy secretary of state, responded during a press conference in Tokyo on August 28, 2002, with the statement: "We do not support Taiwan independence, and that is the U.S. position. And the basis for the position ... (is) that people on both sides of the Strait agree that there is but one China, and Taiwan is part of China."³⁶ Warnings from Washington that Taipei should not break the rules were more frequent than ever after this, particularly in 2003-04, which in a way echoed the frequent utterances of the "three no's" during the Clinton administration in 1997-98. Among the incidents that indicated growing strains in U.S.-Taiwan relations, several are worthy of note.

First, when the Chen administration made known its plan to hold a "defensive referendum" during the 2004 presidential election, President Bush chose the occasion of a summit meeting with Premier Wen Jiabao (溫家寶) in December 2003 to publicly rebuke Chen Shui-bian, saying, "We oppose any unilateral decision by either China or Taiwan to change the status quo. And the comments and actions made by the leader of Taiwan indicate that he may be willing to make decisions unilaterally to change

³⁵U.S. State Department, "Overview of U.S. Policy Toward Taiwan," <http://www.state.gov/p/eap/rls/rm/2004/31649.htm>. Emphasis added.

³⁶U.S. State Department, "Press Conference," <http://www.state.gov/s/d/former/armitage/remarks/2002/13182.htm>.

the status quo, which we oppose."³⁷

Then, in October 2004, as the Legislative Yuan (立法院) election campaign was gaining momentum and the Chen administration was increasingly raising issues related to Taiwanese identity, Secretary of State Colin Powell departed from standard U.S. government formulations by saying "Taiwan is not independent ... does not enjoy sovereignty as a nation."³⁸ Moreover, in reaction to reports of what senior Taiwan officials had said concerning the status of the National Unification Council and the Guidelines for National Unification, State Department officials bluntly asked the Chen administration to "unambiguously affirm that the February 27 [2006] announcement did not abolish the National Unification Council, did not change the status quo."³⁹ Furthermore, in May 2006, in response to complaints from members of Congress that the government had refused permission for Chen Shui-bian to transit U.S. territory, Robert Zoellick, the deputy secretary of state, explicitly remarked that Taiwan "will keep hitting into a wall," if it continued to push the envelope, and issued a stern warning: "Let me be very clear: independence means war."⁴⁰

On February 9, 2007, the Chen administration's renaming of two state-owned enterprises provoked the U.S. State Department to issue a press release stating that "we do not support administrative steps by the Taiwan authorities that would appear to change Taiwan's status," and associating this position with Washington's abiding interest in maintaining peace and stability in the Taiwan Strait.⁴¹ In an interview with Naichian Mo (莫乃倩) of Phoenix TV on August 27, 2007, John Negroponte, deputy secretary of state, made it clear that Washington opposed Chen's push for a

³⁷The White House, "President Bush and Premier Wen Jiabao Remarks to the Press," <http://www.whitehouse.gov/news/releases/2003/12/20031209-2.html>.

³⁸Quoted in David G. Brown, "China-Taiwan Relations: Campaign Fallout," *Comparative Connections* 6, no. 4 (January). <http://www.csis.org/pacfor>.

³⁹"Press Statement" by Adam Ereli, deputy spokesman, <http://www.state.gov/r/pa/prs/ps/2006/62488.htm>.

⁴⁰<http://www.chinapost.com.tw/backissue/detail.asp?ID=82063&GRD=A>

⁴¹"Taiwan: Naming of State-Owned Enterprises and Offices (Taken Question)" <http://www.state.gov/r/pa/prs/ps/2007/february/80364.htm>

referendum on Taiwan's entry to the United Nations "because we see that as a step towards ... a declaration of independence of Taiwan, towards an alteration of the status quo."⁴² Three days later, Dennis Wilder, National Security Council senior director for Asian affairs, moved further when he stated that "Taiwan, or the Republic of China, is not at this point a state in the international community."⁴³

Washington also expressed serious concerns to Beijing when its actions appeared to depart from the status quo. Reaction to the passage of the Anti-Secession Law (ASL) in March 2005 was a case in point. Since mid-December 2004, when the PRC began publicly discussing the likelihood that the legislation would be brought to the National People's Congress (NPC) for consideration, Washington had repeatedly expressed its reservations. According to testimony given to the U.S. House International Relations Committee by Randall G. Schriver, deputy assistant secretary for East Asian and Pacific affairs, the U.S. representations came not only from officials at various levels in the State Department but also from the deputy national security advisor Stephen Hadley.⁴⁴ Moreover, in what was evidently a preemptive gesture, Secretary of State Condoleezza Rice publicly confirmed that Taiwan would be added to the list of joint security concerns for Tokyo and Washington at the meeting of the Security Consultative Committee on February 19, 2005.⁴⁵

All of the above examples show how Washington has issued statements and warnings, or even taken some extraordinary steps, in seeking to correct perceived departures by Beijing or Taipei, in either words or deeds,

⁴²U.S. State Department, "Interview by Naichian Mo of Phoenix TV" on August 27, 2007, John Negroponete, <http://www.state.gov/s/d/2007/91479.htm>.

⁴³The White House, "Press Briefing on the President's Trip to Australia and the APEC Summit by Senior Administration Officials," August 30, 2007. <http://www.whitehouse.gov/news/releases/2007/08/print/20070830-2.html>.

⁴⁴U.S. State Department, "Hearing on People's Republic of China Anti-Secession Legislation," <http://www.state.gov/p/eap/rls/rm/2005/44299.htm>.

⁴⁵U.S. State Department, "Remarks with Dutch Foreign Minister Bot after Meeting," February 18, 2005, <http://www.state.gov/secretary/rm/2005/42473.htm>; "Joint Statement of the U.S.-Japan Security Consultative Committee," February 19, 2005, <http://www.state.gov/r/pa/prs/ps/2005/42490.htm>.

from the cross-Strait status quo. It should be stressed, however, that mere statements and measures per se will not be effective unless they contain certain elements that make it impossible for Beijing and Taipei to ignore them completely. The most common approach to achieve this result is for Washington to invoke such indisputable core values as "peace," "stability," or "prosperity" in policy statements, hoping to instill a sense of responsibility on the two sides. Policymakers on both sides of the Strait have often found it unfeasible to challenge the supremacy of these core values. According to Scott's sociological institutionalism, an appeal to values or principles taken for granted in the international community will sustain the "cognitive" element of the status quo institution. Moreover, Washington's policy statements have also included messages reinforcing the "normative" element of the status quo institution—in that they have accorded to both sides some constructive roles or responsibilities which they were expected to fulfill. Additionally, attaching negative stigma to certain behaviors of the two parties is tantamount to reproducing the "regulative" element of the institution⁴⁶ through sanctions or discipline.

In one common scenario Washington reminds the two sides that regional peace and stability, which has been brought about by the maintenance of the status quo and the U.S. "one-China" policy, has facilitated decades of prosperity. The implication is that the well-being of all parties is guaranteed as long as none of them challenges the status quo. In effect, these policy statements by Washington, which appeal on the levels of self-interest and altruism, are aimed at instilling a deep sense of responsibility or appreciation on both sides. This has made it more difficult for either

⁴⁶The strategy of "dual deterrence" or the concept of "strategic ambiguity" could also be seen as another way of reinforcing the "regulative element" of the institution. Cf. Richard C. Bush, *Untying the Knot: Making Peace in the Taiwan Strait* (Washington, D.C.: Brookings Institution Press, 2005); Christensen, "New Challenges and Opportunities"; Banning Garrett, "U.S.-China Relations in the Era of Globalization and Terror: A Framework for Analysis," *Journal of Contemporary China* 15 (August 2006): 389-415; Robert Sutter, "The Taiwan Problem in the Second George W. Bush Administration: U.S. Officials' Views and Their Implications for U.S. Policy," *ibid.*, 417-41; Nancy Bernkopf Tucker, ed., *Dangerous Strait: The U.S.-Taiwan-China Crisis* (New York: Columbia University Press, 2005); and Philip Yang, "Doubly Dualistic Dilemma: U.S. Strategies towards China and Taiwan," *International Relations of the Asia-Pacific* 6, no. 2 (2006): 209-25.

Beijing or Taipei to accuse Washington of acting out of selfish motives. A good example of this way of presenting policy discourse is a statement made by Warren Christopher, the secretary of state, in the aftermath of the missile test crisis of 1996: "To the leadership in Taiwan ... we have stressed that Taiwan has prospered under the 'one-China' policy. And we have made clear our view that as Taiwan seeks an international role, it should pursue that objective in a way that is consistent with a 'one-China' policy."⁴⁷ More recently in December 2007, when asked whether Washington might change its "one-China" policy in the future, Thomas Christensen, deputy assistant secretary of state for East Asian affairs, responded confidently thus: "We believe that that one-China policy has been beneficial to peace and stability in cross-Strait relations, and we believe that the biggest beneficiary of that policy has been Taiwan itself. So, ... we're not going to change our one-China policy."⁴⁸

Obviously, by invoking the indisputable values of "peace," "stability," and "prosperity" Washington has been able to command the moral high ground, in contrast to Beijing and Taipei. Interestingly and ironically, "status quo" which carries a "conservative" or "less progressive" connotation is now regarded as a "positive" value to be cherished and upheld. As a result, neither side of the Strait is willing to risk blame by questioning the legitimacy of these values. Thus, each side makes every effort to deny that its words or deeds are endangering the status quo, and instead blames the other party for intending to change it. Very often, they try to legitimize their words and actions by portraying them as aimed at safeguarding the "status quo," and they do that in terms that incorporate the very same values highlighted by the Americans, albeit with their own interpretations.

Another approach is for Washington to accord roles to the two sides of the Strait or to point out the importance of being a responsible and trust-

⁴⁷See "American Interests and the U.S.-China Relationship" (Address to the Asian Society, the Council on Foreign Relations, and the National Committee on U.S.-China Relations, New York, May 17, 1996). Quoted in Kan, "China/Taiwan," 57-58.

⁴⁸See "Roundtable Briefing with Taiwan Media," U.S. State Department, <http://www.state.gov/p/eap/rls/rm/2007/96691.htm>.

worthy player. By referring to the PRC as a "responsible stakeholder," Robert Zoellick showed how Washington props up the "normative" element of the institution, thereby shaping Beijing's perceptions of its interests and identity.

In Zoellick's own words, the concept of a "responsible stakeholder" represents "a broader notion of national interest." Zoellick wants China to recognize that its own interest lies in working with the United States and others to support global prosperity and security.⁴⁹ Although Zoellick may not have intended to include the Taiwan issue in this concept,⁵⁰ it was included when the idea was subsequently developed by State Department officials. Moreover, in an authoritative interpretation before the U.S.-China Economic and Security Review Commission, Thomas Christensen remarked that "Zoellick did not say China currently is the responsible global stakeholder.... Rather, he emphasized that U.S. policy should focus on *urging China to become such a responsible stakeholder... [and] seek to encourage China to join us in actions that will strengthen and support the global system that has provided peace, security, and prosperity to America, China, and the rest of the world.*"⁵¹ Furthermore, in the same statement, the subject of Taiwan was explicitly referred to under the subsection "China's military," an area where Washington expected Beijing to become a responsible stakeholder.⁵² It should be added that later U.S. policy discourse successfully spurred lively debates within Beijing's policymaking circles on what role the PRC should play in the world. Zoellick himself was delighted at this.⁵³ This demonstrates that Washington was able to shape Beijing's identity and policy discourse.

⁴⁹Robert B. Zoellick, "U.S.-China Relations" (Presentation before Committee on International Relations, House of Representatives, May 10, 2006), <http://www.state.gov/r/pa/ei/speeches/2006/#May>. Emphasis added.

⁵⁰See, for example, Robert B. Zoellick, "Press Roundtable in China," January 25, 2006, <http://www.state.gov/s/d/former/zoellick/rem/2006/59849.htm>

⁵¹Thomas Christensen, "China's Role in the World: Is China a Responsible Stakeholder?" August 3, 2006, <http://www.state.gov/p/eap/rls/rm/69899.htm>. Emphasis added.

⁵²Ibid.

⁵³See notes 49 and 50 above.

There are clear indications also that Washington has sought to persuade Chen Shui-bian to play his proper role (the "normative" element of the institution). The format as well as content of the State Department's press release on the name change of Taiwan's state-owned enterprises was a case in point. The U.S. policy statement started with a paragraph recasting the "five pledges" from President Chen's 2000 inaugural address and concluded with a reminder that the "fulfillment of his commitments will be a test of leadership, dependability, and statesmanship, as well as ability to protect Taiwan's interests, its relations with others, and to maintain peace and stability in the Strait."⁵⁴ In other words, in Washington's eyes, it is up to Chen to *prove* his credibility by meeting relevant social expectations. Concerning the ongoing issue of a referendum on Taiwan's UN bid, John Negroponte concluded even more bluntly in his Phoenix TV interview that "we feel that this is a time for the authorities in Taiwan to *behave in a responsible manner*, to behave in a way that would advance the interests of Taiwan while, at the same time, not disturbing the situation across the Taiwan Strait."⁵⁵

Obviously and interestingly, in the aforementioned cases, Washington's statements were often made with the underlying realist assumption that the interests at stake for both sides are objectively existent. It is evident that the Americans assumed that they knew what was best for both sides, and that as a responsible partner, Washington had a responsibility to point out to both where their interests lay.

In its efforts to reinforce the "regulative" element of structuration, Washington has used terms such as "barrier," "obstacle," "troublemaker," "landmine," "Taiwan threat," or even "China threat," against Taiwan or the PRC as the situation warrants. This approach is not really new. As early as the 1950s, Taiwan was treated as a "problem" or an "issue" which carried some negative connotations.⁵⁶ For Henry Kissinger, Taiwan was an "ob-

⁵⁴U.S. State Department, "Taiwan: Naming of State-Owned Enterprises and Offices (Taken Question)" <http://www.state.gov/r/pa/prs/ps/2007/february/80364.htm>.

⁵⁵U.S. State Department, <http://www.state.gov/s/d/2007/91479.htm>.

⁵⁶To this, Taipei preferred to talk about the "China problem."

stacle" in Sino-American relations.⁵⁷ In the aftermath of Lee Teng-hui's "special state-to-state relationship" statement, Bill Clinton commiserated with Jiang Zemin about Lee's role as a "troublemaker" during the APEC meeting in Auckland, New Zealand, in September 1999.⁵⁸ Moreover, Armitage's categorization of Taiwan as "probably the biggest landmine" threatening U.S.-PRC relations in his interview with PBS⁵⁹ was arguably part of a similar strategy. As for the "Taiwan threat" thesis, this largely developed in the context of George W. Bush's statement, "whatever it took to help Taiwan defend itself" made during an interview with ABC in April 2001. As Andrew Marble, who brought this idea to the fore, admitted, the normative connotation of Taiwan as a "threat" to the supposed good and important Washington-Beijing relationship is evident.⁶⁰ It should be added that some of these categorizations might be preemptive in motive. They might be aimed at preventing Taipei from moving further in an undesirable direction. If that is the case, in some instances they did not work very well. Rather, they may have served as a sort of "self-fulfilling prophecy." For example, in August 2002, soon after the first appearance of the "China threat" thesis, President Chen made his famous "one country on each side of the Strait" statement. The "China threat" idea first appeared in the mid-1990s and its stigmatization effect for Beijing has continued since then.⁶¹

In addition to the three types of strategies through which Washington has sought to direct Beijing's and Taipei's policy discourses and actions, in the second phase of status quo institutionalization, particularly after the 1996 missile test crises, Washington has tended to reiterate "one-China" policy-related statements more frequently and intensively than ever before.

⁵⁷Quoted in Romberg, *Rein in at the Brink of the Precipice*, 55.

⁵⁸*Ibid.*, 189.

⁵⁹*Taipei Times*, December 22, 2004, <http://www.taipetimes.com/News/front/archives/2004/12/22/2003216173>.

⁶⁰Andrew D. Marble, "Introduction: The 'Taiwan Threat' Hypothesis." *Issues & Studies* 38, no. 1 (March 2002): 12.

⁶¹Andrew D. Marble, "The PRC at the Dawn of the Twenty-first Century: Why the 'China Threat' Debate?" *Issues & Studies* 36, no. 1 (January/February 2000): 1-18.

The key message has been to reassure the two sides that Washington's "one-China" policy has not changed and will not change in the future, although emphasis on different elements of the policy has varied depending on who is delivering the message and when they are delivering it.⁶² From the perspective of Giddens' structuration theory, the effects of merely repeating similar statements should not be underestimated. Washington's "one-China" policy statements, though lacking in novelty, have served to "instantiate" and reproduce the structure of the status quo institution. As a result, a large amount of "message capital" has been accumulated within the "institutional tracks," thereby increasing the power of the status quo institution. In a useful analogy, Giddens refers to "structures" as "memory traces,"⁶³ so the reproduction of the structure (or structuration process) is like reciting and memorizing given information. Just like memory, an institution's strength and tenacity is increased by repetition. From a structurationist perspective, whether or not Washington's "one-China" policy has changed over time is not of primary importance. What really matters is how the status quo structural arrangement has grown more and more tenacious through reproduction. This repetition of policy statements and its effect on the status quo institutionalization process constitutes one of the major distinctive characteristics of Washington's "one-China" policy.

Responses from Beijing and Taipei

How did Beijing and Taipei react to pressure from the U.S.-shaped institutional environment? Although Washington's policy statements may sometimes seem to fall on deaf ears and its disciplinary measures directed at Beijing and Taipei have not always been successful, as the most recent case of Chen Shui-bian's insistence on holding a referendum on UN membership shows, one may argue that they have considerable effect in directing both sides back to the normal track of institutionalization. As demonstrated below, a typical response from either side is to reassure Washington that it is not seeking to change the status quo. In the wake of certain uni-

⁶²Bush, *Untying the Knot*, 255.

⁶³Giddens, *Central Problems in Social Theory*, 64.

lateral statements or policy actions, either Taipei or Beijing has dispatched envoys to Washington to explain directly to U.S. policymakers the reasons for these actions, sometimes even without prior invitation.

In the aftermath of his "special state-to-state relationship" statement, for example, Lee Teng-hui first rationalized the statement as being aimed at achieving equal status in the event of negotiations with Beijing. Meanwhile, Taiwan's Mainland Affairs Council (MAC) issued statements making it clear that Taipei's policy toward Beijing had not changed. In the case of President Chen's "one country on each side of the Strait" statement, official explanations were followed by Tsai Ing-wen (蔡英文), chair of the MAC, being dispatched to Washington to justify the statement as merely being "to describe the status quo."⁶⁴ President Chen reportedly also defended himself against the possible over-simplification of his original message by replacing it with "equality of sovereignty."⁶⁵ Moreover, in the aftermath of President Bush's public rebuke of Chen Shui-bian during his meeting with Wen Jiabao in December 2003, Taipei decided to dispatch three delegations to Europe, Japan, and the United States to reassure world leaders that a "defensive referendum" would not change the status quo.⁶⁶ Additional visits to the United States were made by senior Taiwanese officials in February 2004 to communicate with their U.S. counterparts on the subject.⁶⁷

As for the defensive referendum, President Chen initially made it clear to the *New York Times* correspondent that Taiwanese would be asked if they agreed that the PRC should immediately withdraw missiles targeted at Taiwan and renounce the use of force against Taiwan. Later, in response to grave concerns in Washington, the wording of the referendum questions was significantly watered down.⁶⁸ Shortly after the March 2004 presi-

⁶⁴*China Times*, August 4 and 6, 2002; and *Taipei Journal*, August 23, 2002.

⁶⁵*Epoch Times*, August 6, 2002, <http://www.epochtimes.com/b5/2/8/6/n206655.htm>.

⁶⁶BBC, January 4, 2004, http://news.bbc.co.uk/1/hi/chinese/news/newsid_3366000/33664312.stm.

⁶⁷*Liberty Times*, February 4, 2004, <http://www.libertytimes.com.tw/2004/news/feb/4/today-fo6.htm>.

⁶⁸In their final version, the referendum questions were as follows: "Should mainland China

dential election, the secretary-general of the Office of the President, Chiou I-jen (邱義仁), visited Washington to consult on the content of Chen Shui-bian's inaugural address as well as on issues of constitutional reform.⁶⁹ Finally, after a State Department official made a public demand for clarification of the NUC issue in early 2006, President Chen reportedly stated on March 14 that "we put into abeyance the functioning of the NUC and the application of the NUG [Guidelines for National Unification], rather than abolish them."⁷⁰

The legislation process for the Anti-Secession Law showed signs of Beijing's concern for preserving its legitimacy in the international community as well as the importance of the institutional environment. In the early stages, it is obvious that what Beijing had in mind was actually a "unification law." This was made clear during Premier Wen Jiabao's state visit to London on May 11, 2004. However, by the end of that year, that title was dropped and replaced by "Anti-Secession Law." Arguably, one of the primary motives behind this move was to impress upon the international community that the PRC's purpose was to preempt Taiwan independence, thereby upholding peace and stability in the Strait. If this interpretation is accepted, it indicates that Beijing was to a large extent conforming to the internationally accepted value of "peace." Similar toning-down tendencies can be seen in the phraseology of some of the law's provisions. For example, with regard to the conditions under which Beijing would adopt "non-peaceful means" toward Taiwan, the original formulation "*conditions* for a peaceful reunification should be completely exhausted" was replaced with "*possibilities* for ..." (emphasis added). Additionally, Beijing's orthodox phraseology, "Taiwan is a part of China,"

refuse to withdraw the missiles it has targeted at Taiwan and to openly renounce the use of force against us, would you agree that the government should acquire more advanced anti-missile weapons to strengthen Taiwan's self-defense capabilities?" and "Would you agree that our government should engage in negotiation with mainland China on the establishment of a 'peace and stability' framework for cross-Strait integration in order to build consensus and for the welfare of the peoples on both sides?"

⁶⁹U.S. State Department, "Daily Press Briefing," Richard Boucher, April 26, 2004, <http://www.state.gov/r/pa/prs/dpb/2004/31803.htm>.

⁷⁰Office of the President, <http://www.president.gov.tw/php-bin/prez/shownews.php4>.

was replaced by "both the mainland and Taiwan are parts of China." All of these examples testify to the power of the institutional environment to provide due legitimacy for an agent's actions.

As the enactment of the Anti-Secession Law gained momentum in the NPC in January 2005, Chen Yunlin (陳雲林), director of the State Council Taiwan Affairs Office, was dispatched to Washington to explain the law. There he met with Deputy Secretary of State Armitage and Deputy National Security Adviser Stephen Hadley.⁷¹ This was followed in March by a visit by Dai Bingguo (戴秉國), a vice foreign minister.⁷² Then on May 17, 2004, three days before President Chen's inauguration, the PRC issued a policy statement. A State Department official has confirmed that Washington had prior knowledge of the statement's content.⁷³

Although the ASL was finally enacted, the process of policy deliberation and the visits by senior Chinese officials to seek American understanding demonstrate the necessity, even for a rising power such as the PRC, of coping with the existing institutional environment in order to preserve international legitimacy. Certainly, neither Beijing nor Taipei took a passive role in this. They continued to test the rules of the status quo game or push institutional boundaries, albeit on a selective and short-term basis. More important, if there was "provocative" action on either side of the Strait, it was always accompanied with attempts at justification, explanation, or persuasion. This further demonstrates the importance of legitimacy, the call for which ultimately comes from the institutional environment of either entity. In this sense, it is fair to argue that neither Beijing nor Taipei wishes to be seen as challenging such prevalent international values as "peace" or "stability." What they have sought to question, instead, is the appropriate way to achieve their goal.

⁷¹U.S. State Department, "Hearing on People's Republic of China Anti-Secession Legislation," <http://www.state.gov/p/eap/rls/rm/2005/44299.htm>.

⁷²PRC Ministry of Foreign Affairs, March 11, 2004, <http://www.fmprc.gov.cn/chn/xwfw/fyrth/t72664.htm>.

⁷³U.S. State Department, "Daily Press Briefing," Adam Ereli, May 17, 2004, <http://www.state.gov/r/pa/prs/dpb/2004/32541.htm>.

Moreover, there are signs that Washington's instantiation and re-production of the status quo institution through policy statements has been quite significant, in that it has had a particular impact on the two sides' perceptions of their interests and identity. For Beijing, there has been growing convergence between its own perception of its interests or policy preferences and those of Washington. The quiet change in Beijing's policy discourse regarding "Taiwan as an internal Chinese affair" is a case in point.

During the Cold War era, Beijing was extremely sensitive about Washington's possible "interference" in the Taiwan issue, regarding it as "China's internal affair."⁷⁴ Nevertheless, a silent transformation became evident in the wake of the 1996 missile test crises and Clinton's subsequent "three no's" statement. Arguably since then, Beijing's policy preference and interests have changed to the extent that it has even called upon Washington to exert pressure on Taipei to act in certain ways. On some occasions, having detected Taipei's intention to push the envelope, Beijing has gone so far as to invite Washington to join it in preventing Taiwan from pursuing de jure independence. Condoleezza Rice's criticism of Taiwan in a December 2007 press conference⁷⁵ that was reportedly linked to a personal call from President Hu Jintao (胡锦涛) to his U.S. counterpart may be an example of this.⁷⁶

The clearest evidence of this kind of behavior comes from the Bush-Hu summits of 2004 and 2005. During the APEC summit in Santiago, Chile, on November 20, 2004, Hu Jintao reportedly made it clear to Bush that Taiwan independence would endanger U.S.-Chinese mutual interests and that the United States must work closely and deliberately with the PRC

⁷⁴In the Shanghai communiqué of 1972 the Chinese side stated that "the liberation of Taiwan is China's internal affair," while the wording in the joint communiqué of 1982 was "the question of Taiwan is China's internal affair."

⁷⁵In the event, Rice labelled Taiwan's insistence on a referendum as "provocative," and made it clear that "we do not support independence for Taiwan." See Condoleezza Rice, "Press Conference by Secretary of State Condoleezza Rice," December 21, 2007, <http://www.state.gov/secretary/rm/2007/12/97945.htm>.

⁷⁶See *China Times*, December 23, 2007.

to deal with the issue.⁷⁷ At another summit meeting with Bush in New York on September 13, 2005, Hu further expressed the hope that "the United States will join the Chinese side in safeguarding peace and stability across the Taiwan Strait, and opposing so-called Taiwan independence."⁷⁸

This transformation, however, does not mean that Beijing has dropped the "internal affair" discourse completely. Rather, accusations of U.S. "interference in China's internal affairs" are now mostly limited to issues related to arms sales to Taiwan. In the current context, then, Beijing realizes that at least where prevention of Taiwan independence is concerned, and maybe even the future pursuit of reunification, it might be possible to work through the United States.

Where Taiwan is concerned, Washington has reiterated its "one-China" policy and reproduced the status quo institution, while seeking to shape the perception of interests in Taipei mostly on "high-politics"-related issues. In the aftermath of de-recognition in 1979, this was mostly done at elite-to-elite level and in a predominantly private manner. Recently, there appears to have been a shift toward an elite-to-public approach, as the U.S. government officials have appealed directly to the people of Taiwan on issues related to bilateral relations.

The most prominent example of this approach is the roundtable briefing with the Taiwan media hosted by Thomas Christensen on December 6, 2007, in response to the DPP's pursuit of a referendum on UN membership in the name of "Taiwan." On the State Department website, Christensen stated that "the purpose of our public statements on these issues is to engage the Taiwan people"⁷⁹ via the Taiwan media in the United States. In the Q&A section of the briefing, the intention to shape the Taiwan people's perception of their interests is crystal clear. For example, in response to

⁷⁷Edward I-Hsin Chen, "America's Policy toward Both Sides of the Strait: No Longer Balance" (Paper presented at the conference on the Foreign Policy of the Bush Administration: Review and Prospect, Taipei, July 2, 2005).

⁷⁸The White House, "President Bush Meets with Chinese President Hu Jintao," September 13, 2005, <http://www.whitehouse.gov/news/releases/2005/09/20050913-8.html>.

⁷⁹See "Roundtable Briefing with Taiwan Media," U.S. State Department, December 6, 2007, <http://www.state.gov/p/eap/rls/rm/2007/96691.htm>.

a question asking why Washington was reiterating standard "one-China" policy statements that could not really affect Chen Shui-bian's thinking. Christensen said: "We think we owe it ... to *the people of Taiwan* to be extremely clear about our policy position.... All we can do is make clear to them where we believe U.S. national interests lie and where we believe, frankly, Taiwan people's own interests lie. And then they'll have to make decisions for themselves ... decisions that we hope are decisions that are positive for cross-Strait peace and stability and enhance cross-Strait relations rather than harm them."⁸⁰ From Giddens' structuration perspective, institutional structure is not really self-sustaining, and its effect is often contingent on instantiation, including "speech acts" (or policy statements). Thus Washington's repetitions can instantiate and reinforce the status quo institution which in turn shapes the Taiwan people's perception of their own interests. To be fair, traditional international relations literature or foreign policy analysis also stresses the importance of perception-related issues, but it is mostly focused on the individualistic psychological sources of perception or misperception.⁸¹ In new institutionalism, perception is traced further to the effect of an institution.

It should be remembered that an institution does not stand alone. Rather, it is often embedded in multiple layers of other institutions and some of these could overlap and be mutually reinforcing. The relationship between the status quo institution and the worldwide "one-China" institution might be seen in this way. The two institutions converge on the rule that the PRC is the sole representative of "China" in the world and that Beijing has a vital, if not a determining and final, say on the future of Taiwan.⁸² Without doubt, where the two institutions overlap is in the fact that Beijing is accorded "official status" as the representative of China. Meanwhile, it has shaped Taiwan's identity in the direction of "non-state"

⁸⁰Ibid.

⁸¹Houghton, "Reinvigorating the Study of Foreign Policy Decision Making," 38; and Robert Jervis, *Perception and Misperception in International Politics* (Princeton, N.J.: Princeton University Press, 1976).

⁸²See note 5 above.

status. The persistence and impact of these institutions ultimately depends on the ongoing practices of all the parties concerned. This testifies to the validity of Giddens' mutual constitution thesis.

Conclusion

This paper has examined the United States' role in maintaining the status quo across the Taiwan Strait, essentially from a constructivist/institutionalist perspective. The ongoing process of institutionalization through which the United States has sustained the status quo arrangement has been partly subscribed to, either consciously or unwittingly, by Beijing and Taipei. The three joint communiqués and the TRA may be seen as forming the first stage of institutional development through formal and direct codification. This codification emphasized that any attempt by either side to reach a final resolution of the issue must rely on peaceful means.

Building on this, especially since the late 1990s, Washington has undertaken the construction and reproduction of the status quo institution through policy statements or other actions, generally following a pattern of "neither use of force nor de jure independence." These statements have normally upheld such core values as "prosperity," "stability," or "peace," and have helped sustain the "regulative" (through stigmatization), "normative" (through role conferment), or "cognitive" (appeals to indisputable values) elements of the status quo structural arrangement. The main purpose of the status quo institution, instantiated by repetitive policy statements or actions, is to shape the policy discourses, preferences, or interests of Beijing and Taipei.

Certainly, neither of the two sides has been a passive actor or a "norm-taker" all of the time in the triangular relationship. They have occasionally sought to test the rules or institutional boundaries, or to promote alternative norms, as exemplified by Beijing's Anti-Secession Law and the DPP's pursuit of a referendum on UN membership in the name of "Taiwan." However, this pushing of the envelope, whether in the case of the Anti-Secession Law or certain actions and statements by President Chen,

has tended not to be sustained.⁸³ More importantly, the two sides of the Taiwan Strait have felt it necessary to rationalize their actions or to define their policy problems, albeit in their own terms, so as to ensure that their policy discourses do not directly challenge any core values widely accepted in the world. This testifies to the importance of legitimation, the call for which ultimately comes from the two sides' respective institutional environments. It might be fair at this point to conclude that the construction and reproduction of the status quo institution, which arguably involves the exercise of "soft power," has been considerably effective so far, if not completely successful. After all, as Mary Douglas puts it, "the high triumph of institutional thinking is to make the institutions completely invisible."⁸⁴ Likewise, "additional control mechanisms are required only insofar as the process of institutionalization is less than completely successful."⁸⁵ Thus if institutionalization were achieved, it would mean that the status quo arrangement would be completely taken for granted by the three parties as the sole conceivable order and Washington would be able to "govern by not acting."

Notwithstanding the arguments above, this paper, while highlighting the importance of the institutional environment in shaping the interests or identity of policy actors, does not claim that the development of the triangular relationship may be adequately analyzed only from a constructivist/institutionalist perspective. Nor does it argue that language or ideas (or policy statements) alone are sufficient to maintain the status quo or even to "untie the knot."⁸⁶ It only stresses that as "speech acts" which function to create "institutional fact,"⁸⁷ policy statements, however repetitive or lack-

⁸³ President Chen did persist in holding a referendum on UN membership in March 2008, but as fewer than 50 percent of eligible voters cast a ballot, the result was invalid.

⁸⁴ Mary Douglas, *How Institutions Think* (Syracuse, N.Y.: Syracuse University Press, 1986), 98.

⁸⁵ Peter L. Berger and Thomas Luckmann, *The Social Construction of Reality: A Treatise in the Sociology of Knowledge* (New York: Doubleday, 1967), 55.

⁸⁶ Bush, *Untying the Knot*, 266-69.

⁸⁷ John R. Searle, *Speech Acts: An Essay in the Philosophy of Language* (New York: Cambridge University Press, 1969); and John R. Searle, *The Construction of Social Reality* (New York: Free Press, 1995), 1-78.

ing in novelty, do matter. They play a vital part, in this case, in instantiating and reproducing the status quo institution, thereby translating it into effect. They also constitute a vital, if not determining, part of the exercise of soft power by the United States. In this sense, policy statements, however symbolic they may be, are part of actions, as Christensen put it.⁸⁸ Nevertheless, this paper has left out other factors that also have an impact on the sustainability of the status quo. These include the state of cross-Strait relations and domestic politics.⁸⁹

Thus, in the future it may be worthwhile exploring the extent to which elements of constructivism/institutionalism are compatible with the mainstream rationalist, interest-oriented perspective, enabling us to examine, say, how strategic calculation interacts with or reinforces agents' ideas to make institutions durable. It would also be worth exploring how other factors work to preserve the status quo. Similarly, whether or not the status quo arrangement can become self-sustaining, and how this can be achieved remains to be investigated. Whether Washington's current approach to institutionalization will be adequate in dealing with future challenges in the Taiwan Strait region has become a key topic of debate among American observers.⁹⁰ One school, represented by Kenneth Lieberthal,⁹¹ is concerned that the existing status quo arrangement will probably break down, and these scholars have thus advocated a more formal, deeper, and more pro-

⁸⁸One of the questions put to Christensen during the roundtable briefing was: "So far we've been hearing only words.... So, my question is, is the U.S. contemplating any action? Actions always speak louder than words." Christensen's response was: "We take actions all the time that we believe are supportive of peace and stability across the Taiwan Strait. Our public statements themselves are in fact actions. We believe that they express U.S. policy in a clear way.... To the degree that they do, we have been successful in expressing our views. And we believe that does have an impact, because we believe that the people of Taiwan care greatly about the long and very positive history of U.S.-Taiwan relations. They take our views seriously, and they'll listen to us seriously. So I think we have been successful." See "Roundtable Briefing with Taiwan Media," U.S. State Department, December 6, 2007, <http://www.state.gov/p/eap/rls/rm/2007/96691.htm>.

⁸⁹Bush, *Untying the Knot*, 142-98.

⁹⁰See Christensen, "New Challenges and Opportunities."

⁹¹Kenneth Lieberthal, "Preventing a War in the Taiwan Strait," *Foreign Affairs* 84, no. 2 (March/April 2005): 53-63.

longed method of institutionalization through Washington's mediation of a *modus vivendi* for the two sides.

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