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A Constructivist Analysis of Cross-Strait Relations

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SH  
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## Abstract

The purpose of this thesis is to analyze changes and constants of the Cross-Strait relationship since 1949 on the basis of a constructivist framework of International Relations theory. After having introduced basic assumptions of rule-based constructivism, mainly following Nicholas Onuf, the thesis argues that the Cross-Strait relationship can be analyzed as a social construct that has mainly been governed by the “one China” rule, which is designed and influenced by speech acts performed by relevant agents in Taiwan, China, the US, as well as academia.

A summary of the historic context of Cross-Strait relationship developments (1949-2000) which highlights the circumstances of the creation of the “one China” rule as well as gradual challenges to it, is followed by a comparison between the approaches of the Democratic Progressive Party (DPP) and the Kuomintang (KMT) of constructing this relationship between 2000-2008 and 2008-2011, respectively. Due to the DPP's and KMT's very different ideologies, and their antithetic definitions of Taiwan's relationship to China, there were distinct variations in their performances of speech acts, that are analyzed in the context of three discursive examples and which, together with related practices, aimed either at weakening (DPP) or strengthening (KMT) the “one China” rule as a cornerstone for Taiwan's relationship to China.

Despite attempts by Taiwanese agents during the two consecutive DPP administrations to break the “one China” rule, it remains an important aspect of the Cross-Strait relationship as it is sustained, to different degrees, by agents in China, the US and the current KMT government. However, due to their adjustments over time and the development of Taiwan's democratic system, a new “status quo” rule has steadily gained momentum. Therefore, the thesis argues, that it will be crucial to see how the preferences of the Taiwanese populace with respect to their home's relationship to China will evolve in the future and how the relevant agents will respond to these developments.

*Key Words:* constructivism, Cross-Strait relations,  
one China, speech acts, status quo

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## Abbreviations and List of Figures and Tables

### Abbreviations

ASL	Anti-Seccession Law
ARATS	Association for Relations Across the Taiwan Strait
CCP	Chinese Communist Party
CFR	Council on Foreign Relations
DPP	Democratic Progressive Party
ECFA	Economic Cooperation Framework Agreement
FAPA	Formosan Association for Public Affairs
GIO	Government Information Office
KMT	Kuomintang <i>or</i> Chinese Nationalist Party
MAC	Mainland Affairs Council
MOD	Ministry of National Defense, PRC
NCCU	National Chengchi University
NP	New Party
NPC	National People's Congress
NUC	National Unification Council
NUG	National Unification Guidelines
PLA	People's Liberation Army
PO	Office of the President, Republic of China (Taiwan)
PFP	People First Party
PRC	People's Republic of China
ROC	Republic of China
ROCT	Republic of China on Taiwan
SEF	Straits Exchange Foundation
TAO	Taiwan Affairs Office of the State Council PRC
TRA	Taiwan Relations Act
WTC	World Taiwanese Congress
TSU	Taiwan Solidarity Union

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“If names be not correct, language is not in accordance with the truth of things. If language be not in accordance with the truth of things, affairs cannot be carried on to success.”

*The Analects by Confucius, Book 13, Verse 3, translation by James Legge*



# 1. Introduction

As every regular newspaper reader is told, the relationship between Taiwan and China has been tense ever since the inconclusive ending of the Chinese Civil War in 1949. Interestingly, however, even though hostilities between the two sides have never formally been ended, for example by passing a bilateral peace treaty, there have been perceivable changes in the way in which both sides of the Taiwan Strait have interacted with each other over the course of the past decades. During the Cold War, the two Chinese Civil War war participants Kuomintang (KMT) and the Chinese Communist Party (CCP) continued to bombard each other with military and propagandistic means, and the continued state of war was basically perpetuated by the inability of either side to conquer the other between the 1950s and late 1970s. After democratization in Taiwan and China's course of reform and opening, military confrontation became less of an immediate issue. In its stead, economic relations started to take shape and increasingly entangled both sides with each other over the course of the 1980s and 1990s. The transformation of democracy brought significant changes with regard to how the leaders in Taiwan viewed themselves and the other side or more correctly enabled them to portray these images to the outside. Instead of representing a country named "China" new emphasis was put on the place that was already under effective governance: the island of Taiwan. And instead of seeing it merely as a small part of a greater whole, people started to identify with the place and emphasized its equality vis-a-vis the big neighbor, culminating in the claim that it, too, was a full-fledged state in its own right by the late 1990s. The leaders on the other side, however, holding on to an old orthodoxy continued to make threats of forceful military incorporation into their "motherland," and tried to intimidate the islanders of choosing a course that would move them too far away from "one China." Being undeterred, when the DPP government took over government responsibility in 2000, a formerly pro-independence opposition had finally been voted into office. It then did what it stood for: following a course that sought a formalization of Taiwan's *de jure* independence from the People's Republic of China, a move that was and remains detrimental to Beijing's claim of sovereignty over the island. Consequently,



the eight years of DPP rule were overshadowed by a strong notion of potential military escalation, which became ingrained into everyone's mind after China passed its Anti-Secession Law (ASL) in 2005 that formalized, among other things, the use of force as a deterrent to “Taiwanese independence.” When a new KMT government assumed office in 2008 with the promise to stop pursuing any immediate course of action that would decide about Taiwan's status, the picture began to look much different once again. The characteristic discourse of Cross-Strait relationship now moved from one of aggression and potential military escalation to one of political “thaw” (GLASER 2010)<sup>1</sup> or “rapprochement” (SUTTER 2011). Media outlets and academic circles alike have pointed out the more “conciliatory” approach that both governments in Taipei and Beijing have pursued since then. And indeed, where negotiations had been slow at best or come to a standstill at worst for more than a decade, the new government was able to sign 15 agreements in only three years. Among other things, the increasingly important bilateral trade that had made progress even during the DPP administration<sup>2</sup> despite its efforts at preventing a “hollowing-out” of Taiwan, became institutionalized for the first time in June 2010, when both sides signed the Economic Cooperation Framework Agreement (ECFA). Also, suddenly, Beijing allowed Taiwan to participate in the WHA as an observer in 2009 after the twelve previous attempts since 1997 had failed to achieve this goal when the harsh rejection of this aspiration by a Chinese official amidst the SARS crisis in 2003-2004 was still on everyone's mind.<sup>3</sup> When saber-rattling, (the failure of) money diplomacy, and an overall aggressive posture brought relations across the Strait to its lowest trough during the past decade, then the new era of cooperation after 2008 was indeed a new high point.

Paradoxically, all these changes happened against a backdrop of old assertions that have never changed. Until today neither the People Republic of China's (PRC)

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1 A brief note on the citation format used in this thesis: I used the Harvard style for quotations of secondary sources throughout the text (see 6.2). However, due to the high amount of primary source materials and internet sources I opted for putting the references to these materials in footnotes on the pages where they are cited (see 6.1).

2 For example, China's share of Taiwan's total exports surpassed the one of the US for the first time in 2002 (MYERS / ZHANG 2005: 74).

3 When a Taiwanese reporter at the WHO General Assembly that year asked if Taiwan had a chance of obtaining observer status in the WHA, a Chinese official answered in a widely-reported rant: “Who cares about you people?,” see GIO (2007): “The Practical Imperative of UN Membership for Taiwan,” via: <http://www.gio.gov.tw/unfortaiwan/inun01e.htm> (accessed: 2011-07-10).

claim over Taiwan, which it considers to be part of its territory, nor its actual military threat have ceased to exist. Likewise, the current KMT government has not given up its legal claims over mainland territory. The People's Liberation Army (PLA) continues to target long- and short-range ballistic missiles at Taiwan and their quality as well as quantity have increased rather than decreased over the years and even after 2008. The same can be said about other aspects of China's military buildup and spending, after all, the *White Paper on China's National Defense in 2010* still attributed the greatest challenge to its security to the “separatist force” in Taiwan.<sup>4</sup> Although the current government in Taiwan does not follow a course of achieving formal independence as a new state, the most significant part of its own *Defense White Paper* in 2011 concerned the eventualities of a Chinese invasion of the island (MEI 2011). Then there is the persistent rumor that China's first aircraft carrier, a potent symbol of the country's increasing naval power, might be named after Shih Lang (施琅), the Qing dynasty admiral, who was in charge of defeating the resistance of the Zheng family on Taiwan and who played a major role in establishing China's rule over the western parts of the island in 1683.<sup>5</sup> How is it possible that the prevailing perception in academic and media circles as well as the one shared by a large segment of the public is one of gradual improvement while the “security dilemma,” as mainstream IR scholars call it, seems to get worse by the day? Or how do such contradicting developments provide for a fertile ground that future political talks for formally “achieving peace” or at least military confidence-building measures between both sides could be based on? Evidently, the process of perceiving or, really, constructing the Cross-Strait Relationship has not been consistent over the past decades, especially in Taiwan, and depended very much on which party was in power or how this party presented itself and its ideas with regard to Taiwan's status.

Obviously, explaining these changes can not be done by realist or liberal approaches alone with their focus on structures and “wholes.” There is, however, one strand of constructivism that deals with speech acts, one of whose basic tenets is that we, as agents, construct social reality by the words we say, or that indeed saying equals doing. Using this framework, the Cross-Strait relationship can be analyzed as a

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4 See MOD (2010): *White Paper on China's National Defense in 2010*, via: [http://eng.mod.gov.cn/TopNews/2011-03/31/content\\_4235292.htm](http://eng.mod.gov.cn/TopNews/2011-03/31/content_4235292.htm) (accessed: 2011-07-10).

5 *Asia Times* (13 April 2011): “Ming Dynasty Admiral Spooks Taiwan,” via: <http://atimes.com/atimes/China/MD13Ad03.html> (accessed: 2011-07-10).

social arrangement or construct. By giving the agents in society, especially one like Taiwan's where the focus on and the role of identity has always had far-reaching implications (socially and politically), as well as the language that these agents use, the prominent place in analysis that they deserve, this framework seems more adequate for gaining a deeper understanding of the above-mentioned changes and how they came about. Identifying the dominant speech acts means to understand what the rules are that agents on both sides of the Taiwan Strait make and that, at the same time, define these agents and their interactions with one another.

In this thesis the argument shall be put forth that the changes in the way which the Cross-Strait relationship has been conducted, have mostly derived from changes in perceptions of oneself as well as of the other side and are reflected in corresponding speech acts. Using my reading of Nicholas Onuf's rule-based constructivism, which will be explained in the next chapter, this thesis aims at analyzing the speech acts that have been used in past Cross-Strait exchanges as well as the rules that have resulted from them and that have been characteristic for governing Taiwan-China relations. These changes have been more visible in Taiwan than in China due to its development from an authoritarian state to a democratic one that, starting from the late 1970s, gave the then-opposition and the people living in Taiwan a more prominent role in deciding the island's future and the opportunity to challenge existing orthodoxies that had characterized rule in Taiwan until then. The two subsequent power transitions that have taken place since in 2000 and 2008 respectively have further emphasized the possibility of seemingly very different Cross-Strait relationships as they allowed parties with antithetical ideological backgrounds to take over the responsibilities of governing the island. The thesis shall address the following questions:

1. Starting from the premise that Cross-Strait relations can be understood as a social construct, who are the major agents that are actively shaping this relationship and what are their respective interests?
2. What are the rules, established by speech acts, that have governed the developments across the Strait since 1949 and how do these developments contrast with the current "rapprochement" between both sides?
3. Are there rules in the making that will maintain this development? What are the general prospects for future Cross-Strait relations based on the findings?

4. Since rule-based constructivism does not exclude the influence of material resources or external circumstances from the analysis, another question to be posed is: what are some of these constraints in the case study of Cross-Strait relations and how do they influence agents in the process of construction?

After introducing the basic assumptions of the framework, the third chapter will go back to the beginnings and take a closer look at the history of the Cross-Strait relationship since 1949 and its development over time. Enriching the secondary literature with a selected important primary sources, a brief historic account of 1949-2000 will inform us about the context for the current development of Cross-Strait relations. Although it is to be assumed that a historic review of this evolution from the presidencies of Chiang Kai-shek (蔣介石) to Lee Teng-hui (李登輝) and putting them into relation to the dominant ideas in Washington and Beijing, will mostly highlight changes in Taiwan, there were also adjustments of views in China and the US. Using the rule-based constructivist framework, it will be seen what mechanisms were responsible for holding the relationship together and in what parameters or unsurmountable restrictions agents had to deal in when making their choices in pursuit of their respective goals. One central rule most speech acts centered around and that therefore governed Cross-Strait relations during most of that time span could be called the rule of “one China.” Although the exact definition of “one China” was (and remains) quite different for agents in Taipei, Beijing and Washington, it was the adherence to this rule that upheld the “status quo” over the Taiwan Strait. Only during the last years of Lee Teng-hui's presidency was this rule severely challenged by speech acts from Taipei that aimed at breaking or circumventing it, namely Lee's “state-to-state” remarks and following discourses.

Chapter III will be the main part of the thesis. It starts with the year 2000, for it was then that the world witnessed the first change of governing parties in Taiwan, which led to a critical juncture in Cross-Strait developments and revealed many new dynamics. In addition to some secondary literature, I will rely on primary source materials as well as news reports to trace the drastic changes of development in speech acts and rules governing Cross-Strait interactions. As outlined above a special focus will be put on the “one China” rule. In the framework of three main discourses that have been used in relation to this rule during that time and that became especially

dominant after 2008, it will be analyzed how different agents have tried to weaken or strengthen the rule. These are the discourses of Taiwan's status and the Republic of China (ROC) Constitution, the “1992 Consensus,” and the idea of the “Chinese nation.” Based on this framework, the nature of the Cross-Strait situation should become clearer and should allow to draw inferences about future developments in this volatile relationship. Therefore, the thesis will be rounded out with a conclusion that sums up the findings and comments on prospects of Cross-Strait relations for the time after Taiwan's presidential election in 2012.



## 2. Analytical Framework

### 2.1 Constructivism

Over the course of the past sixty years, Cross-Strait relations have been the subject of a wide variety of often contradicting interpretations and definitions by the leaders on all sides as to the nature this relationship was supposed to be of. Like a recurring theme, each time when there was a change in identities this had an impact on the way in which the relationship between the two sides was being constructed by leaders, government officials and other agents across the Strait, in particular in Taiwan. Therefore, when analyzing this contention over intersubjective meanings of “China,” “Taiwan,” as well as their relation to one another, it seems to make sense to start with a framework that does not limit its focus on structures or organizations, but one that instead puts emphasis on the people that are primarily responsible for conducting this relationship. One of the basic concerns of constructivism is to analyze the way in which human beings, as social beings, interact with each other and how we, through our interactions, construct the world we live in. By implication, relationships between states in the international arena can be analyzed as a system of social constructions and arrangements. In these social worlds deeds, acts, and words that shape these relationships become the matter of analysis for “[t]hese are all that facts are” (ONUF 1989: 36).

Constructivism is now often regarded as a third approach to the field of International Relations<sup>6</sup> and has either been granted an equal standing next to realism and liberalism (see KUBÁLKOVÁ 2001: 4, WEBER 2010: 62) or it has been described as a “middle ground” between positivist and post-positivist epistemologies (ADLER 1997; see also CHECKEL 1998: 327). Quite a few scholars have pointed out, however, that the definition of constructivism has become blurred over time and that under its many proponents there are actually quite different understandings as to what constructivism as a way of analyzing international relations is supposed to entail (KLOTZ / LYNCH 2007: 4; KUBÁLKOVÁ et al. 2001; MO 2002; ZEHFUSS 2002).

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<sup>6</sup> In this thesis I follow the convention of using the Upper Case for IR as an academic field of study and the lower case when referring to its subject.



Generally regarded as the mainstream of constructivism are the writings by Alexander Wendt (especially WENDT 1992, WENDT 1999).<sup>7</sup> In his work, Wendt has questioned the prevalent realist concept of anarchy in the study of International Relations and advocated a new focus on state practices. He criticized neorealists and neoliberals for what he called their self-imposed rationalist constraints as well as their reification of structures, which these previous theories took as a natural given. Instead, he introduced the concepts of state identity and state interests, which together he said are responsible for the way states interact with one another, and asserted that it was necessary to examine the *process* of how states construct their identities. According to Wendt, the behavior of states in this process might be either conflictual, cooperative, or change from one to the other over time, resulting in different “cultures of anarchy,” which he elaborated on in his major work *Social Theory of International Politics*. Wendt argued that through interaction states do not only construct their respective identities and interests, but when these result in relatively stable structures, institutions are created, which he defined as “fundamentally cognitive entities that do not exist apart from actors' ideas about how the world works” (WENDT 1992: 399). In turn, the way in which states act within these institutions shape their identities and interests, therefore making both levels mutually constitutive. However, in order for his framework to function, Wendt, like his realist and liberal counterparts, had to hold on to the idea of state-centrism, that is, seeing states as the most important agents or decision-makers in international relations (therefore the title of his article “Anarchy is What *States* Make of It” [WENDT 1992; my emphasis]). He defended this view by saying that if the authors of practices, identities, interests etc., that is the states, were to be forgotten, then they could not be held accountable for their actions. However, it becomes clear that holding on to a state-centric view of international relations necessarily neglects domestic influences on foreign policy behavior (see SMITH 2001: 45). In fact, for Wendt the role of domestic politics in shaping state identity is external or precedes a state's international interactions which is the reason why he excludes them from his framework. For a case such as Taiwan, where the issue of identity politics on the domestic level directly relate to the problem of the state's standing in

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<sup>7</sup> See, for example, the discussion by PETTMAN (2000). For the fact that this still holds true today, see Weber's recently published introduction to IR studies, which in its discussion of constructivism limits itself to the Wendtian school and merely glosses over other constructivist scholars (WEBER 2010: 59-80).

the international arena, that is, where the consistency of construction is often challenged domestically or essentially dependent on what party is in power, Wendt's take on constructivism seems to leave out a very vital part that is necessary for the way in which Taiwan interacts with other states, especially its big neighbor the People's Republic of China.<sup>8</sup>

Nicholas Onuf, who first came up with the term constructivism, and whose school of thought is going to be one of the main sources for the framework used in this thesis, has quite a different definition of constructivist ontology. For him, constructivism was not envisaged as a new paradigm to replace old ones but rather as a theoretical framework for the analysis of any world of social relations, including the one of International Relations, a field that Onuf saw in disarray and that he wanted to reconstruct (ONUF 1989: 1-31; ONUF 1998: 58; ONUF 2002: 120; 135-137). Voicing his opposition to the prevalent notion that international relations are defined by an environment of anarchy,<sup>9</sup> he suggested to shift the focus on two more general properties of political society: rules and rule. Rules guide but do not determine human conduct by giving social meaning to political society. Rule, on the other hand, results when these rules cause an unequal distribution of advantages (ONUF 1989: 21-22). Both properties are linked to each other by agents' use of language or their performance of social acts, called speech acts, that they perform in order to achieve their respective goals. The phenomena of both rule and rules can be seen as representations of the macro- and microlevels often found in social science scholarship. Their linkage is similar to the constructivist premise that people and society construct each other through recurrent practices in that neither of them has primacy over the other (ONUF 1989: 36-41; 58).<sup>10</sup>

This rule-based constructivism as initially conceptualized by Onuf and further developed by the Miami IR Group of scholars (cf. KUBÁLKOVÁ et al. 1998; KUBÁLKOVÁ 2001) is going to be the main framework for this thesis. The theory's emphasis on

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8 Wendt's understanding of identity has been criticized before by ZEHFUSS (2002: 38-93) in a different thematic context. (See also ZEHFUSS 2001.)

9 Onuf's challenge to this concept has been conceived of as "a sophisticated attack" that "threatens the very foundations of the Neorealist framework" by some mainstream IR scholars (see BUZAN et al. 1993: 5).

10 The mutual constitution of these two levels is a pivotal ontological pillar of constructivism for Onuf as well as for Wendt (at least in his early writings), as both of them draw on Anthony Giddens' theory of structuration, which Onuf has described as a "constructivist social theory" (ONUF 1989: 58).



agents' social construction of relationships via the use of speech acts seems to be more promising in gaining a deeper understanding of the Cross-Strait situation than would, say, the Wendtian constructivism, which has the notion of a state-as-actor at its center that fails to include domestic political influences on a state's foreign policy behavior. After all, domestic politics seem to be an obvious factor for the changes in the way that different agents in Taiwan have defined their relationship to China over the past decades and as will be examined in later chapters. Suffice to say at this point that each time when identity or definitions of the respective “in-groups” and “out-groups” in this relationship shifted, this had an according impact on the choices that agents across the Strait could or wanted to make with regard to each other. In turn, these identities gradually became institutionalized, changing the environment in which the agents acted and continue to act.

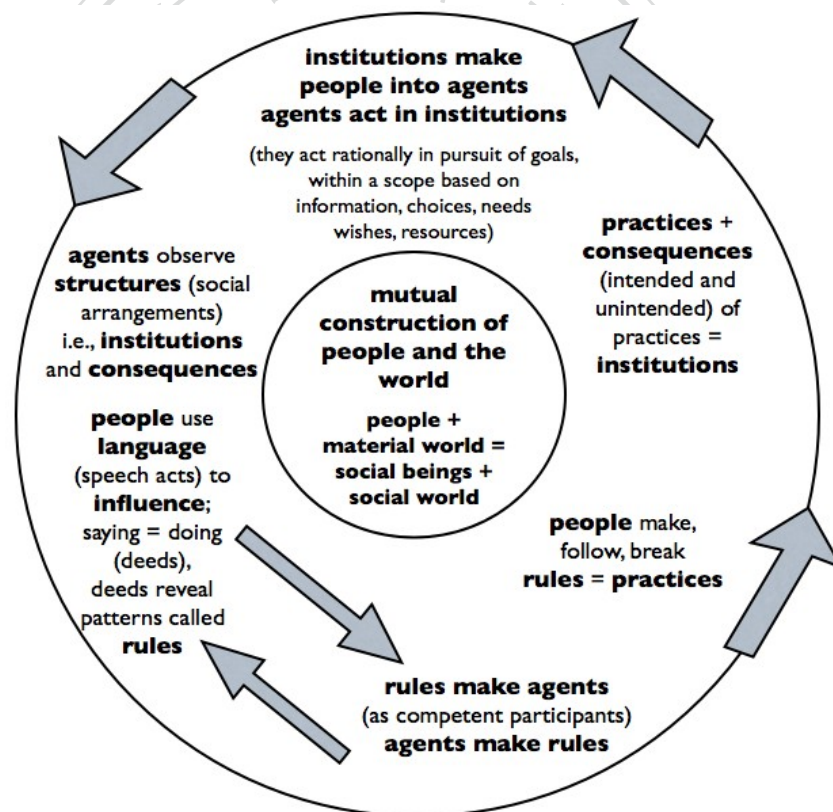


Figure 1: “Thinking Like a Constructivist” (adapted from KUBÁLKOVÁ 2001: 65)

Figure 1 is a simplified visual conceptualization of rule-based constructivist ontology. The mutual constitution of agents and structures (here replaced by the term institutions) is the premise at the center of this framework. It indicates that neither of the two is taking precedence over the other. While institutions make people into

agents, the way in which agents act within these institutions has defining effects on the latter. The course of actions of agents can be derived from the goals that they have (material ones may or may not be among them) and which they will try to achieve rationally while they are limited by certain constraints such as the (non)availability of information and resources as well as by the actions of other agents who may pursue diametrically opposed goals. Central for constructivism are rules which govern the relationship between agents and institutions. These rules come into existence by the use of language, or more precisely, speech acts, that are used by agents to affect existing rules or create new ones. The repetition of certain speech acts influences rules in the way that they either support them or are aimed at breaking them. At the same time, rules thus being established, supported or broken in turn reveal who the active participants in society, that is, its agents are. The relationship between rules and agents is therefore also one of mutual constitution. Finally, the frequent reaction to rules by agents leads to practices that have intended as well as unintended consequences. Together they in turn have an impact on the institutions that all agents act in, thus concluding the circle of mutual constitution.

It is important to note at this point that Onuf's framework does not function without logocentrism. Although language and its use to construct social reality are given a prominent role within his framework, in opposition to poststructuralist and in particular deconstructivist schools of thought, constructivism does not question that there exists a natural or material reality to individuals as biological beings. In other words, constructivism takes the separateness of "words" and the "real world" as a given. This epistemological premise is reflected in the assumption that "[s]ociety constructs human beings out of the raw materials of nature, whether inner nature or [...] the outer nature of their material circumstances" (ONUF 1989: 46). In fact, for constructivists the relation of rules to resources entails "at least some control over material conditions" (ONUF 1989: 60). This tendency to logocentrism has, of course, been criticized by more poststructuralist-oriented scholars. For example, ZEHFUSS (2002: 195) concluded her thorough critique of Onuf's approach by stating:

It seems awkward [...] to present material reality as the explanation for the limitations of our constructions. This sits uneasily with the notion that there is something *behind* them, so to speak. Even if there was, it could never matter to us other than within our constructions. Even if material reality imposed a limit, what is significant is how we conceptualise this limit. [...] In remaining abstract and aloof from particular constructions of reality, Onuf seems to exclude the problematic of the political character of constructions."

Zehfuss followed up on this deconstruction with a reading of the writings by Jacques Derrida with a special emphasis on what she calls the “politics of reality” in his writings (see ZEHFUSS 2002: 236-249). In his critical analysis, Derrida has questioned the logocentrism of Western thought in general and asserted that a reality as a separate “world” of its own, even if it did indeed exist, would never be accessible to us apart from our representations of that reality. For whatever is conceptualized as “real” is necessarily also an effect of representation or, in other words, there is no reality outside of a textual level.

Onuf was well aware of deconstructivist objections against his framework. In *World of Our Making* he stated that “[w]hat cannot be reconciled with constructivism is deconstruction, at least when that practice is carried very far” due to the fact that deconstructivism is also logocentric “in its own narrow way” (ONUF 1989: 42; see also ONUF 2002: 126). However, in pointing out that Onuf’s conceptualization of reality is in itself also a construction, criticisms such as the one by Zehfuss that are inspired by poststructuralist insights, provide valuable contributions in that they call on observers to heighten their own sense of self-awareness and involvement in the process of construction while discussing a certain subject matter. On the other hand it also becomes clear that there are in effect two different world views or epistemologies colliding with each other, and which to some degree will always remain incompatible. Furthermore, ZEHFUSS (2002: 260) herself has pointed out that Derridean thought may not provide “security” or what passes as scientific knowledge in the field of IR. She admitted that deconstruction, by subverting texts, can not solve the metaphysical problems it addresses and may only offer a possibility to analyze these problems on its own terms (ZEHFUSS 2002: 204-205).<sup>11</sup> In any case, problems related to epistemology will not be solved here, so that for the moment I can but acknowledge their existence.<sup>12</sup> Instead, I am going to follow Onuf’s “ontological turn” (ONUF 2002: 138) in that I will elaborate on three important properties of the constructivist ontology in the next sections and for the main part of this thesis: rules, speech acts, and agents.

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11 However, using her case study she was able to show convincingly that material or “real” constraints do not necessarily have to be a crucial limit to the construction of reality by agents.

12 For a more recent discussion of the epistemological divide that continues to plague the field see KLOTZ / PRAKASH (2008: 1-7).

## 2.2 Rules

The central positioning of rules as a linkage between agents and institutions in a constructivist analysis makes some elaboration on them necessary. For ONUF (1998: 59), in the absence of a given beginning, the starting point for constructivists is an analysis of rules (see also KUBÁLKOVÁ 2001: 74-75). Rules can be understood as a guide that tells people how to carry on with their affairs when facing certain circumstances. They influence decisions insofar as they reveal what agents have to take into account when they try to pursue whatever it is that they intend to do. Put more succinctly, rules bind situations in which agents make choices (ONUF 1989: 260). Similarly, another constructivist, Friedrich Kratochwil has argued that the most important function of rules<sup>13</sup>

is the reduction in the complexity of the choice-situations in which the actors find themselves. Rules and norms are therefore guidance devices which are designed to simplify choices and impart 'rationality' to situations by delineating the factors that a decision-maker has to take into account. (KRATOCHWIL 1989: 10)

Rules maintain social order in that they are devices to deal with conflict and cooperation (KRATOCHWIL 1989: 69). One should keep in mind, however, that while rules have this guiding function, they themselves do not provide closure about the purposes for people acting as they do "because rules are not the sufficient agency whereby intentions become equivalent to causes" (ONUF 1989: 51). Rules present agents with certain choices and therefore affect their conduct. On the other hand, the pattern of choices will affect rules over the long turn. Onuf identified three categories of rules, a prevalence of any of which causes a different condition of rule (although in most cases a mixture of different kinds of rules is more likely): instruction-rules (also including principles<sup>14</sup>), directive-rules, and commitment-rules, all of which depend on the speech acts that sustain them (see next section).

There are certain questions related to rules that constructivism tries to answer:

"(a) Who makes the rules and how do the makers benefit from doing so? (b) Why do people follow rules without considering who makes them and how are they and others affected by doing so? (c) How is a rule orientation ("the acquisition of rule") related to reflection, habit, cognitive development?" (ONUF 1989: 50)

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13 As the title of his book suggests, throughout *Rules, Norms, and Decisions* Kratochwil speaks of rules and norms, but does not provide a clear distinction between the two.

14 Onuf defined the function of principles as "promot[ing] general conformity of behavior by reference to shared values. This is done by example, by appeal and, if necessary, discrimination." (ONUF 1989: 135)

In answer to the first question and as a reflection of his constructivist framework as outlined above, ONUF (1989: 66) started out from the premise that “[p]eople make rules, rules make society, society's rules make people conduct themselves in specified ways.” Thus, rules are authored by human agents who use all available resources at their disposal in order to support these rules as long as they can gain advantages over other agents, that is, as long as these rules are beneficial to their own purposes. As stated above, rules create an environment of rule that is always characterized by an unequal distribution of privileges, therefore leading necessarily to exploitation (ONUF 1989: 83-88). Unsurprisingly, disadvantaged agents, will use all resources available to *them* in order to subvert rules and reverse the asymmetries that these rules cause (ONUF 1989: 60). Rules are linked to resources in the way that the former is the social and the latter the material component of what it is that human beings strive for. Again there is a mutual constitution between two parts in that “[r]esources are nothing until mobilized through rules, rules are nothing until matched to resources to effectuate rule.” (ONUF 1989: 64; see also ONUF 2002: 132-133).

In his discussion of rules, Onuf mostly discards the findings of legal positivism and postpositivist theories after having shown their respective limitations and draws the conclusion that rules must be investigated as a matter of language (ONUF 1989: 78). Drawing on the writings of Wittgenstein about rules in language, he asserts that “[r]ules govern language which people then use for social purposes” (ONUF 1989: 48). In other words, rules are statements that tell people how to act. They are also self-explanatory. Any inference about the content of a rule can be drawn from the rule itself, people need not even have to know its history or who authored the rule in the first place.

But why do people follow rules? Kratochwil remarked that apart from being guidance devices, rules allow us to pursue goals, share meanings, criticize assertions, justify actions and in general stabilize mutual expectations of one another. In short, they make communication possible and provide the opportunity to resolve conflicts or grievances in a peaceful manner (KRATOCHWIL 1989: 11; 34; 181). Onuf explained, thereby also answering the third question, that following rules is deeply ingrained in the process of human socialization. Beginning from our childhood we are conditioned to follow rules, because it is then that we start to learn how to exercise judgment and

how to make use of existing rules. As the moral development of children progresses, rules provide the link between them and their environment, and subsequently allow them to acquire the skills to interact with rules, that is, they learn to know what rules require of them and how they can use them for their own purposes (ONUF 1989: 97-115). The judgment on how to respond to certain rules results from practice and consciousness:

We do not simply learn to respond to instruction-, directive-, and commitment-rules, having learned to recognize them in successive stages of development. We judge them differently, once we have learned how to, and respond accordingly.” (ONUF 1989: 119)

Part of knowing how to respond to rules is to know their external dimension, that is, the consequences that arise from breaking rules. Breaking an instruction-rule will cause denigration or mockery. In the case of a directive-rule, which usually has some external structure of support (such as a law-making body), the result will be sanctions. For breaking a commitment-rule, that is, neglecting the rights and duties that one promised to commit to, one would very likely have to face reciprocal behavior (ONUF 1989: 120-121). For all of these rule-categories applies that their effect depends on internalization as well as their external support through institutionalization, the latter providing them with a higher degree of legality. This legality in turn is characterized by (a) a formal statement of rules, (b) the institutionalization of their external dimension of support, and finally (c) a specially trained personnel that is responsible for formalizing and institutionally supporting these rules. Accordingly, the support for instruction-rules comes in the form of exhortations, that for directive-rules is based on threats. Commitment-rules will be supported by opinions and interpretations issued by impartial third parties. (ONUF 1989: 135-139; also see KRATOCHWIL 1989: 48)

Legality of rules does not imply that rules must be legal to be effective or that there are only legal rules. Zehfuss, for example, using her case study of Germany's military involvement abroad, mostly followed a rather narrow definition of rules as being “legal rules.”<sup>15</sup> Speech acts in her rendering of Onuf's theory refer therefore almost exclusively to lawmakers' drafts related to changing Germany's constitution or Basic Law. While this approach makes perfect sense in the context of her subject, which touches on Germany's constitutional boundaries with regard to military

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15 She did, however, also mention a commitment-rule that was the result of repeatedly given promises about Germany's role in international politics by certain prominent parliamentarians. (See ZEHFUSS 2002: 177)



involvements, rules and their related speech acts should not be merely judged by their relationship to law. In fact, “law is better understood as a *particular style* of reasoning with rules” (KRATOCHWIL 1989: 211; my emphasis). Onuf, at one point, suggested to call laws “highly formal” rules, while norms or conventions could be referred to as “informal” rules (ONUF 2002: 132). In any case, the normative strength of rules increases if they possess a high level of formality and the longer agents follow them (ONUF 1998: 69).

The rule that is most in evidence in governing the Cross-Strait relationship since 1949 is one that can be called the “one China” rule. ZHENG (2001), in his application of the rule-based constructivist framework to Cross-Strait relations, identified it as one of two rules that were maintained by agents and their speech acts over the time from 1949 until 1999. He argued that the “one China” rule has remained in place during all those decades, despite the fact that definitions of what exactly “China” stood for (Republic of China or People's Republic of China), and therefore also what territories it encompassed, have changed over time, especially due to several “identity crises,” which the government in Taipei went through, it has never been directly broken. This did not even change after president Lee Teng-hui challenged this rule openly by proposing his “special state-to-state”-formula in 1999. Chapter II will take a closer look at this historical background and the reasons for this persistence. In chapter III, I will argue in the context of three discourses that, although this rule is still dominant in governing Cross-Strait relations, it does have a challenger in what might be termed the “status quo” rule. The second rule identified by Zheng, is the one that he calls the “rule of no military threat.” He argued that this rule has been in place since the involvement of the US military in the Korean War when Taiwan was used as a strategic base or an “unsinkable aircraft carrier.” Subsequent US protection made a Chinese attack on Taiwan unfeasible. On the other hand, the Mutual Defense Treaty between Washington and Taipei also prevented then ROC president Chiang Kai-shek to pursue his goal of militarily “reconquering” the areas that were then already under PRC control. This rule was presumably broken when Beijing fired “test missiles” into the waters off of Taiwan's coasts in 1995-1996, with the possible goals of strengthening its symbolic authority over Taiwan at a time when leaders there followed a route of emphasizing the island's separateness from China, as well as

increasing the credibility of its military power in the Taiwan Strait. However, taking into account the above discussion about the relationship between “words” and “world” in this framework, I would rather suggest a reading of the military component as highlighting the aspect of the “real limitations.” The whole discourse about US military support of Taiwan is intrinsically related to the “one China” rule: Beijing protests against arms sales, for example, because it sees them as an intrusion of a foreign power in its “domestic” affairs and dramatically complicates any plans of its own to solve the “Taiwan Issue” by force; Taipei on the other hand needs US military support in order to deter China's aggression and maintain its de facto sovereignty as either ROC or, even more so, if it wanted to declare independence as a new state. The effects of Taiwan's democratization, and the related question of self-determination of Taiwan's population, since the mid-1990s might be seen as the most imminent way to influence the institution of Cross-Strait relations and change the “one China” rule. But in the face of Beijing's evident military threats that are aimed at deterring such an event, it becomes clear that without the necessary military capabilities, that is, facing these material constraints, Taipei's potential to effectively break the “one China” rule will remain limited.

Describing the “one China” rule as dominant in the institution of Cross-Strait relations seems obvious. After all, agents in the PRC, ROC and the US, who are mainly involved in shaping this institution (but also most other countries in the world) follow their own distinct versions of a “one China” principle or a “one China” policy, which provides an important pillar for their respective foreign or China-Taiwan policies. At the same time, differences between their approaches, while preventing the “China/Taiwan” issue to be resolved in any party's favor any time soon, subsumes the relationship under a construct of a rather abstract “one China” concept that has many definitions and whose definitions in turn have evolved over time.

The prominence and role of the “one China” rule has been analyzed in various ways and under the use of very different frameworks, although it has not always been described as a rule. HUANG / LI (2010: 87-88), for example, referred to it as a “one China' strategic framework,” which, based on Beijing's “unyielding 'one China' principle” and the US “accommodating 'one China' policy,” was established after the US-PRC normalization in 1979 and whose roots date back to the “one China”



principles adhered to by ROC and PRC leaders since the 1950s. Since then this rule has become the prime source of many of “Taiwan's Dilemmas” as almost each of the dozen contributions in FRIEDMAN (2006) has pointed out. Similarly, WU (2005a) described this “hegemonic One China world order” as an “institution” that has gradually boosted Beijing's profile at the expense of Taiwan's diplomatic space and standing in the international arena. Although Wu used a historical and sociological version of a new institutionalist framework, his definition of “institution” offers many parallels to how rule-based constructivism defines rules:

[Institution can be defined as] a human-constructed arrangement, formally or informally organized, which consists of cultural-cognitive, normative, and regulative elements that serve to stabilize interactions or provide meanings to human actions.” (WU 2005a: 320)

He also stressed the importance of mutual constitution of agents and institutional structures for the development of these institutions. In the case of the “one China institution” this was done through the incorporation of the concept into diplomatic texts between the PRC and other countries, especially since the 1970s, as well as in various policy realms. Finally, he argued that this institution is constantly being reconstructed and reproduced by the PRC as it benefits from it the most.

In the later chapters it will be analyzed how, as a rule, “one China” gradually began to and continues to favor the People's Republic over the Republic of China (on Taiwan) in the international arena. After having reached this step it seems natural for agents in Beijing to use all available resources at their disposal to maintain the predominance of their interpretation of “one China,” while different agents in Taipei either try to emphasize their own interpretation or try to break the rule altogether.

### 2.3 Speech Acts

Rules are sustained by speech acts. According to the theory of speech acts, utterances not only represent deeds but can in fact *perform* them. Under the premise that people use language in order to achieve certain goals, speech acts establish a connection between a speaker's utterances and his or her intentions. Moreover, being the mechanism behind rules, speech acts can be understood as an “act of speaking in a form that gets someone else to act” (ONUF 1998: 66). Certain verbs like claim, promise, warn etc. are not merely descriptions of actions (like walk, leave, stand etc.) but at the same time performances of these actions. However, clearly identifiable

verbs are not a prerequisite for speech acts. Instead, speech acts may deploy their effect just through the context in which they are uttered (KRATOCHWIL 1989: 29). When there are rules (or norms) underlying these kinds of actions, speech acts have a normative component or are situated within a practice in which they “count’ as something” (KRATOCHWIL 1989: 7). Or in the words of ONUF (2001: 77): speaking is an “activity with normative consequences.” Simply put, in equalizing speech with deeds, the theory of speech acts elevates the act of speaking to the most important way in which human beings construct the world (ONUF 1998: 59).

The concept of speech acts as understood here dates back to the linguistic philosophical treatments of the term by J. L. Austin and John Searle. AUSTIN (1962) originally distinguished between three levels of speech acts: locutionary, illocutionary and perlocutionary acts. While the locutionary act refers to the (phonetic) performance of an utterance and the ostensible meaning of what is said, illocutionary acts refer to the actual intention behind the utterance. Perlocutionary acts go yet one step further in that they concern the effect that what was said had on others, for example, the listener's reaction to threats or promises. SEARLE (1969) equated most speech acts with illocutionary acts that are called rule-governed, and differentiated between five different types: assertives, directives, commissives, expressives and declarations. In his adaptation of the theory into the realm of social science theory, and in particular the field of International Relations, ONUF (1989: 89-90) regarded expressives and declarations as being unable to produce rules and therefore negligible for IR analysis, which leaves us with three classifications of speech acts that correspond to the three types of rules mentioned above: assertives, directives and commissives. All of them let us draw inferences about a speaker's intentions and they are often (but not necessarily) performed by using certain representative verbs. In the following paragraphs I will give a short description for each of the three types of speech acts followed by practical examples taken out of frequent Cross-Strait relationship discourses before discussing them in more detail in the following chapters.

Firstly, assertive speech acts are statements about beliefs that express what, in the eyes of the agents, is a real fact or what they wish to portray as such. By giving this kind of information assertive speech acts are coupled to the speaker's expectation

that the hearer accepts this belief. Some of the typical verbs linked to assertives are “state,” “affirm,” “insist” etc. Assertive speech acts create instruction-rules or establish principles. Common examples from the realm of Cross-Strait relations include the often repeated assertion by agents from Taiwan's government that “[t]he Republic of China is a sovereign country,”<sup>16</sup> or the statement often heard from Beijing's agents that “Taiwan is an inalienable part of China.”<sup>17</sup>

Secondly, directive speech acts tell us what we should do and inform us about the consequences if we fail to act accordingly. Thereby, the speaker reveals his intentions by letting the hearer know what kind of act he would like to have performed. Typical representative verbs include “ask,” “demand,” “permit,” “caution” etc. The rules caused by directive speech acts are called directive-rules. For example, before the long and controversially discussed Economic Cooperation Framework Agreement (ECFA) with China was finally implemented in June 2010, Mainland Affairs Council Minister Lai Shin-yuan (賴幸媛) warned in an interview with *Taiwan Today* that “[i]f Taiwan does not sign the ECFA, the country risks being marginalized and losing competitiveness overseas.”<sup>18</sup> Similar claims were repeatedly made before and after, sometimes more indirectly and more implicitly than in the given example but always with the same illocutionary force. For example, during a meeting with US scholars President Ma stated that “the ECFA will not only assist in normalizing economic relations between the two sides, but will also help Taiwan avoid being marginalized in the region.”<sup>19</sup> Directives often warn of legal sanctions in case of non-compliance. Beijing's Anti-Secession Law passed in March 2005 is a prime example. Article 8 states:

In the event that the “Taiwan independence” secessionist forces should act under any name or by any means to cause the fact of Taiwan's secession from China, [...] the state shall employ non-peaceful means and other necessary measures to protect China's sovereignty and territorial integrity.<sup>20</sup>

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16 PO (19 May 2011): “President Ma holds press conference to mark third anniversary of his inauguration,” via: <http://english.president.gov.tw/Default.aspx?tabid=491&itemid=24428&rmid=2355> (accessed: 2011-07-19).

17 TAO (23 February 2000): “The One-China Principle and the Taiwan Issue,” via: [http://www.gwytb.gov.cn/en/Special/WhitePapers/201103/t20110316\\_1789217.htm](http://www.gwytb.gov.cn/en/Special/WhitePapers/201103/t20110316_1789217.htm) (accessed: 2011-10-23).

18 *Taiwan Today* (12 March 2010): “ECFA talk with MAC Minister Lai Shin-yuan,” via: <http://www.taiwantoday.tw/ct.asp?xItem=96009&ctNode=427> (accessed: 2011-07-19).

19 Quoted after PO (14 April 2009): “President Ma meets American scholars Participating in International Conference on 30 Years of TRA,” <http://english.president.gov.tw/Default.aspx?tabid=491&itemid=19388&rmid=2355> (accessed: 2011-07-19).

20 NPC (14 March 2005): “Anti-Secession Law,” via: <http://www.npc.gov.cn/englishnpc/Law/2007->

Lastly, commissive speech acts occur when agents make promises that hearers accept. “Pledge,” “promise,” “vow,” “intend” are some of the typical verbs associated with this type of speech act. It is important to note that the normativity of commitments increases significantly when the according statement is made publicly instead of, for example, only to oneself (cf. ONUF 1989: 88). Commitments which are accepted by others serve as rules (=commitment-rules) for those who are making such commitments. One more recent example from the field of Cross-Strait relations would be President Ma's promise to “follow the letter and the spirit of the Constitution”<sup>21</sup> or his “three noes” pledge, which refers to his promises of no negotiations for unification, no declaration of formal independence and no use of force in order to keep the “status quo” over the Taiwan Strait.

The repetition of speech acts is important because it has the effect of making everyone involved think that the repetition itself becomes significant. As people start to believe that the words themselves and not the speakers who utter them, are responsible for the way things are, conventions are created that are already similar to rules. Just like rules, conventions, when given in the form of a speech act, generalize the relation between speaker and hearer. Put differently, rules given in the form of speech acts make hearers into agents to whom these rules apply (ONUF 1998: 66-67). Although every successful speech act possesses some degree of normativity, their repetition over time may furthermore increase their normativity and with them that of the respective rules and conventions that they help to sustain:

When any such rule becomes a convention, constitution of the rule by speech acts accepting its status as a rule begins to supplant its constitution by the repetition of speech acts with complementary propositional content. Then the rule is normatively stronger, its regulative character supporting its independent constitution, and conversely. The change in condition is signified by a change in nomenclature: constitution becomes institution.” (ONUF 1989: 86)

Speech acts are social performances because they have social consequences by affecting others and require them to respond on their own in one way or another. On the other hand, speech acts, by constituting the practices that make material conditions of the human experience meaningful, and charging them with normativity lead to the creation of rules that “fix preferences and expectations and shape the future against the past” (ONUF 1989: 183).

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12/13/content\_1384099.htm (accessed: 2011-07-19).

21 PO (20 May 2008): “Inaugural Address: Taiwan's Renaissance,” via: [http://english.president.gov.tw/Portals/4/FeaturesSection/Other-feature-articles/20080520\\_PRESIDENT\\_INAUGURAL/e\\_speech.html](http://english.president.gov.tw/Portals/4/FeaturesSection/Other-feature-articles/20080520_PRESIDENT_INAUGURAL/e_speech.html) (accessed: 2011-07-20).

In order to analyze speech acts related to Cross-Strait relations, I will take a look at sources that provide insights into how norms and rules influence behavior, such as written official documents (white papers, laws etc.), texts of speeches given on meaningful occasions by agents, documents by key individuals, press releases, interviews etc. Therefore, in the following chapters, source or content analysis of speech acts in these documents will be conducted. Apart from these written accounts, there is also a non-linguistic component, such as the participation of key party or government leaders in certain festivals or other practices that these agents observe in order to convey their interests and meanings. Using secondary literature to supplement these sources will help to put them into the appropriate context. I will now turn to discuss some features of agents and how these “relevant participants” can be determined in the Cross-Strait relationship.

## 2.4 Agents

At various points in my reading of rule-based constructivist ontology and the particular focus on rules and speech acts, I have referred to agents. It has been mentioned before that agents use speech acts to respond to rules and thereby influence the environment they act in. By being able to affect rules, agents can be defined as the active participants in society that act on behalf of a larger collective, for “collectives do not make choices; individuals do as agents of collectives” (ONUF 1989: 260). In order to act on their respective environment, agents use speech acts, that is, they make statements that in turn are supposed to make other people act in a certain way. The way that people are able to act on the world in which they live makes agency a social condition (ONUF 1998: 60). Agency usually consists of statuses, offices, and roles which depend on the respective institutional context (ONUF 1998: 72).

The relationship between rules and agents is not one-sided, instead they are mutually dependent and constitutive: rules do present agents with certain choices in that they help to define situations from any agent's point of view (ONUF 1998: 60) and prescribe what kind of goals are the appropriate ones to achieve; however the ability of agents to break rules shows that they “are not only programmed by rules and norms, but [that] they reproduce and change by their practice the normative structures by which they are able to act” (KRATOCHWIL 1989: 61). Therefore, on the one hand,

rules (as well as their related practices) form a stable pattern that functions as an institutional context in which agents make choices. On the other hand, agents may also choose to circumvent or redefine already existing rules or try to create new ones altogether. Whatever agents do (=say), they are usually aware of their own identities and their choices and they are only limited by the actions of other agents in society. Agents try to get what they want by “skillful manipulation of symbols, control over material values, and use of violence” (ONUF 1989: 228).

Who, then, are the relevant agents in the Cross-Strait relationship, whose speech acts are used to deal with the predominant “one China” rule and who construct an identity for Taiwan vis-a-vis China? I will argue that the main agents can be summarized into the following three groups:

Firstly, they are the high-ranking government officials on both sides of the Taiwan Strait including the Chinese and Taiwanese presidents as well as officials who are involved in conducting foreign policy and the personnel that is directly responsible for conducting Cross-Strait relations. On the Taiwanese side these include officials working for the Mainland Affairs Council (MAC) and the Straits Exchange Foundation (SEF). Their counterparts in China include China's Association for Relations Across the Taiwan Strait (ARATS) and China's Taiwan Affairs Office (TAO). For Taiwan in particular the analysis has to further include politicians of the opposition parties, who as agents with very different ideas as to the nature of Cross-Strait relations, have tried to influence and limit the decision-making process of the respective government officials, especially since the late 1980s. The interaction between agents in the ruling and opposition parties has necessarily led to compromises, adjustments and concessions time and again and was one of the main factors that have prevented any side from only pursuing their own respective goals when in government. As a democratic society since the late 1980s, these interactions were furthermore grounded in the perception and the expectations of the general public regarding Cross-Strait relations. Although agents may act on behalf of a larger collective, due to the rules and practices of a democratic society, they still have to take the preferences of this collective into account. The effect of domestic politics on Cross-Strait policy makers in Taiwan has been analyzed in detail by Wu (2005b). Over past decades several public and private institutions in Taiwan have conducted



surveys and compiled statistics to find out what exactly the preferences of Taiwan's public are and they have documented how these preferences have changed over time. Results of these surveys will be included in the analysis in order to find out how speech acts performed by agents relate to the ideas of the general public in Taiwan.

Secondly, there are the agents from the United States. Due to the US' close historical ties to Taiwan dating back to the early Cold War era, the US has always been an important player in the Cross-Strait relationship and continues to be involved in the island's security, for example through weapons sales but also by making certain statements. Any statement made and action taken by the US president or US foreign policy makers regarding the Cross-Strait relationship is widely perceived and scrutinized on both sides of the Strait as possible changes in US policies are generally assumed to have severe repercussions on Cross-Strait issues. This is even more the case as the US does not have a single authoritative document that characterizes its Taiwan policy and has for the most part adhered to an approach of “strategic ambiguity” (see CHENG 2008; Hsu 2010).

Thirdly, academia has necessarily contributed to the construction of the Cross-Strait relationship by analyzing, discussing, giving opinions on Cross-Strait developments and especially by making policy recommendations.<sup>22</sup> As Onuf has pointed out, students of International Relations (as well as any other discipline) may see themselves as observers, but while they communicate and speak about this world that they observe, they necessarily emphasize certain aspects over others, impose boundaries and otherwise influence the view of their subject matter. By making their observations normative, they actively take part in the process of construction for they themselves are never able to completely leave their own constructions (ONUF 1989: 43; ONUF 2002: 120-124).

I argue that together these three roughly defined groups of agents are mainly responsible for conducting the Cross-Strait relationship by what they say and do in the pursuit of their respective goals. Written materials, especially official documents by ROC, PRC and US agencies as well as academic literature will consequently be the main sources of analysis. A discussion of speech acts related to three discourses that are aimed at influencing the current institution of Cross-Strait relations will show how

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<sup>22</sup> For example, the role of intellectuals in developing nationalism on both sides has recently been analyzed by HAO (2010).

these agents interact with that environment in the following chapters.

## 2.5 Rule-based Constructivism and Cross-Strait Relations

The fact that the strand of constructivism as conceived by Onuf and further developed by the Miami IR Group has not become the mainstream in International Relations scholarship has had its effect (or better lack thereof) on studies regarding Cross-Strait relations. The mainstream version, that is, Wendtian constructivism, has been applied somewhat more often, although mostly tentatively and with mixed results. In one part of his analysis, ACHARYA (1999) tried to adapt the framework of mainstream constructivism to Cross-Strait relations only to notice its short-comings. Similarly, WU (2000: 426), in his more comprehensive overview of “nine contending approaches” to Cross-Strait relations, referred only to Alexander Wendt's definition of constructivism and concluded that as a “vanguard approach” constructivism “needs further polishing and elaboration to be an effective instrument” for Cross-Strait relation analysis. The only notable exception is the above-mentioned article by Zheng Shiping that was published in a book by the Miami IR Group of scholars.

In order to capture the fluidity of identities that has been a characteristic of Cross-Strait relations development, rule-based constructivism seems helpful to analyze the process of mutual constitution of agents and institutions. However, discussing a topic where there is being put much (or some would say hypersensitive) emphasis on words and their contested meanings, some preliminary clarifications on terminology used in this thesis seem necessary in order to avoid confusion. Throughout this thesis “China” shall refer to the People's Republic of China with its central government in Beijing that does not include the island of Taiwan nor any other place currently administered by the government in Taipei. Likewise “Taiwan” shall refer to what is still officially called the Republic of China and currently includes Kinmen and Mazu but not any other place on the “Chinese mainland.” Despite being aware of the overlapping claims over each others' territories by agents in both the PRC as well as the ROC (they will be discussed in depths in chapters II and III), I do firmly believe that these are the most commonsense definitions, although not everyone will agree that this choice is completely without consequences. HARRISON (2006) has already pointed out that even by merely contrasting “China” and “Taiwan”



in the way that I do here means to take part in the discourse that separates the two entities (at least semantically). Similarly, SHIH (2009: 195) has argued that by using a framework of International Relations theory, which is designed to analyze the relationships between different nations or states, the academic observer already reveals his standpoint and willingly or not contributes to define the status of Taiwan vis-a-vis China, that is, the nature of Cross-Strait relations. Although I have addressed the equal importance of agents in Taiwan, China and the US, by just looking at the chapter outline, it becomes evident that the structure of this thesis is rather Taiwan-centric in that it follows a chronology of historic events that have originated on the island. This is primarily done to allow for analytic clarity but might have unintended repercussions and I can not but point out my own self-awareness regarding this aspect here.

Another choice regarding the structure of this thesis, that might be seen as a restriction but was at least intended to serve the purpose of lucidity, and provide for a more pragmatic handle in the face of the opaqueness of “one China” discourses, is that I chose to analyze Cross-Strait speech acts surrounding the “one China” rule in the context of three specific discourses in chapter III. Before I turn to analyze the historical background of the “one China” rule as well as that of these discourses in chapter II, I will give a brief overview over their respective propositional contents:

(1) Taiwan's Status and the Republic of China Constitution (*Zhonghua Minguo xianfa* 中華民國憲法): questions regarding the sovereignty of the Republic of China are central to any discussion of the Cross-Strait relationship as they directly relate to Taiwan's international standing. The island's external relations and the ROC Constitution play central roles in this discourse. Insisting on being the only legal government of China of which Taiwan is supposed to be a part, agents in the PRC try to limit the ROC's space in the international arena with regard to diplomatic relations as well as its participation in non-governmental organizations. The constitution, as the state's most important document, has great normative force. Speech acts surrounding it are therefore directed at the state's core structure and denomination. Like many institutions of the Republic of China governmental structure, the ROCC was brought to Taiwan when the KMT took over control in the 1940s and relocated to the island. The ROCC version of 1947 became applicable at that time, although it was suspended

shortly thereafter until the era of Martial Law in Taiwan came to an end in 1987. As time went by, the likeliness of the ROCC being implemented for “all of China” any time soon faded away. Furthermore, the democratization of Taiwan required constitutional revisions and five of them were conducted in the 1990s alone under President Lee Teng-hui's leadership. When the DPP came to power in 2000 it displayed a rather ambivalent attitude towards the constitution as it did to the idea of a “Republic of China” in general. In accordance with its party ideology of pursuing formal independence for Taiwan, the DPP had in the past called for abolishing the ROC Constitution and writing a new constitution that would be tailor-made for a “Republic of Taiwan.” However, after being elected into office under the ROCC framework and facing domestic and non-domestic opposition, the DPP somewhat moderated its stance to one of accepting the ROCC for the time being out of practical considerations. When the KMT came back to power in 2008, the new government followed a very different path again. It gave up previous attempts at returning to the UN in order to focus on admission into some of its specialized agencies such as the WHA. Also, the attitude under the new Ma administration towards the constitution might be expressed in the slogan of a “constitutional one China” in which the ROCC is seen as an important cornerstone and stabilizing force for the “status quo” for the government in Taipei. Accordingly, the focus moved from changes *of* the constitution to one of adjustments *within* the system. Ma has pledged time and again that upholding the constitution and protecting the ROC's sovereignty is one of his utmost duties as president.

(2) The “1992 Consensus” (*jiu-er gongshi* 九二共識): according to its followers the consensus refers to an understanding reached between Taipei and Beijing in 1992 with the help of which the impasse in Cross-Strait negotiations at the time was overcome. It basically entails the notion that each side agrees to the existence of “one China” while there are different interpretations of what exactly “one China” means (namely PRC or ROC). While its proponents in Taiwan claim that the Koo-Wang talks of 1993 were a direct result of the consensus (SU / CHENG 2002: I-II), the pan-Green camp has mostly rejected its existence and did not make use of it during the Chen presidencies (not even interpreting it as “one China, excluding Taiwan”). Today about

every aspect of this term remains contested.<sup>23</sup> Whether it was really achieved in 1992 or to what degree Beijing embraces the core idea of the consensus remains unclear (although there are notable exceptions, agents in Beijing usually avoid directly referring to the “different interpretations” aspect of the “Consensus”). But although the concept faces strong opposition, it frequently appears in speech acts surrounding the Cross-Strait relationship and has long forced the DPP to come up with alternatives if it plans to persist on its rejection of the term. Since its inauguration, the new Ma government has frequently announced to conduct Cross-Strait relations on the basis of the “1992 Consensus.” The strong emphasis that it receives by the current government and the cautious embrace (or at least non-rejection) by Beijing have turned the “1992 Consensus” into an important support mechanism of the “one China” rule.

(3) Chinese nation (*Zhonghua minzu* 中華民族) and cultural assumptions: When the KMT came to Taiwan in the 1940s, it not only brought the political apparatus of the ROC to the island, but also the dominating cultural discourses of Chinese nationalism as it was espoused in the teachings of the ROC's founding father Sun Yat-sen. For Sun Yat-sen the Chinese nation had national, cultural, and racial dimensions. In his teachings, the Chinese were described as having “common blood, common language, common religion, and common customs,” making them “a single, pure race”<sup>24</sup> and a nation of “great antiquity, with more than four thousand years of authentic history.”<sup>25</sup> The many decades of Western imperialist aggression against China was an important background and source of motivation for Sun's ideas. His aim was to mobilize nationalism in his homeland to “reawaken the spirit and restore the standing of the Chinese nation,”<sup>26</sup> which he so fervently constructed. Diluting this discourse was deemed especially necessary in Taiwan by the KMT government since the islanders had just endured a 51 year long colonial experience which in its last years had aimed at “japanizing” the people of Taiwan. Although the KMT tried to

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23 To see just how far the opinion are apart from each other, the pro-independence Taiwan Solidarity Union (TSU) filed a law suit against President Ma Ying-jeou and former Mainland Affairs Council Su Chi, two ardent supporters of the phrase for treason and forgery, see *Taipei Times* (28 October 2011): “TSU Sues President, Su Chi for Treason,” via: <http://www.taipeitimes.com/News/front/archives/2011/10/28/2003516859> (accessed: 2011-11-20).

24 SUN Yat-sen (1953): *The Principle of Nationalism*. Translated into English by Frank W. Price. Abridged and edited by the Commission for the Compilation of the History of the Kuomintang. Taipei: China Cultural Service, 6.

25 Ibid. 10.

26 Ibid. 61.

instill its cultural orthodoxy of the a Chinese nation into the minds of the population during the Martial Law era, the following period of democratization opened up a window of pluralization which has become wider ever since. Just like in its political discourses, the early opposition movement and later the DPP tried to emphasize the separateness of Chinese and Taiwanese ethnic and cultural identities or at least emphasized an equal instead of subordinating standing between the two. During the eight years of DPP administration, policy-wise this was handled by conducting certain movements like the one of “nativization” or “name rectification.” Speaking from a different ideological angle, the KMT and agents in Beijing have called these movements attempts at “de-sinification.” Since 2008 the Ma government has been eager to reconcile “Taiwanese” and “Chinese” cultures by combining them into the new formula of “Chinese Culture with Taiwanese Characteristics.” Beijing on the other hand likes to invoke the picture of a common family, of brothers and sisters or “compatriots” living on both sides of the Strait and that have belonged together over the ages. While multiethnic discourses have emerged in Taiwan since the era of democratization, agents in Beijing still hold on to the idea of being a homogenous society of a Han ethnic group that covers more than 90 percent of its population and that follows the myth of sharing the same ancestry dating back to the Yellow Emperor who is said to have reigned “China” between 27<sup>th</sup> and 26<sup>th</sup> centuries BCE. Its definition of the Han as a single, unified race extends to Taiwan despite its very different history (see DIKÖTTER 2010), and functions as one of the justifications for unification.

In the next chapter, a historical background of the “one China” rule and a brief overview over the developments of these three discourses between 1950-2000 will be given. This will provide a the context for the changes that occurred after the time of Taiwan's first change of government party in the year 2000, which will be the starting point for chapter III.

### **3. Historical Background: The Development of Cross-Strait Relations, 1949-2000**

#### **3.1 Introduction**

Several important developments that have influenced Cross-Strait relations and the process of its construction in Taiwan, China, the United States as well as in academia after 2000 have their foundations in the five decades preceding the new millennium when the People's Republic of China and the Republic of China, that is, the Chinese Communists on the mainland and the Kuomintang on Taiwan started to oppose each other across the Taiwan Strait. By taking the positions that they did and formulating definitions of each other, the involved agents created the basic rule framework for their mutual interaction in this institution. This chapter will give an overview over these respective positions and their developments based on the rule-based constructivist framework as laid out in the previous chapter. This is done with two goals in mind. Firstly, the historical review will contextualize the developments that have taken place after the year 2000 and which will be discussed in chapter 4. Secondly, the origins of the three discourses introduced in the second chapter will be highlighted and made accessible for a more profound analysis, also in chapter 4.

#### **3.2 Cross-Strait Relations in the Context of the Cold War**

##### **3.2.1 The Inception of the “One China” Rule**

During the first three decades of the Cold War the groundworks of the Taiwan-China-US tripartite relationship were laid and its basic rules were formed by the agents on all three sides. After the KMT had gradually lost its ground in the Civil War against the Chinese communists despite heavy US support, its forces under the helm of Chiang Kai-shek moved from the mainland to Taiwan over the course of the year 1949 not only bringing with them more than two million refugee migrants but also most of the entire Republic of China's state apparatus that henceforth continued to survive on the island. Taipei became the ROC's “provisional capital.” On October 1, 1949 Chiang's opponent Mao Zedong (毛澤東) proclaimed the foundation of the

People's Republic of China. Although nominally there were now two Chinese states, both parties claimed to represent the only legal government over all of China while none of them saw the de facto division between them as a viable long-term option. Unification of “one China,” which included both sides of the Taiwan Strait, became the common goal and yet greatest source of friction between the two sides for agents in both Beijing as well as Taipei. One of the consequences was that neither of the two regimes offered dual diplomatic recognition to other countries, as a result of which the ROC broke diplomatic relations with France in February 1964 after Paris had established formal ties with the PRC (JACOBS 2006: 87-88).

Speech acts performed by both sides that created and sustained the “one China” rule were expressed in slogans that reflected policies of unifying all of the territories that belonged to the imagined “Chinese nation.” On the Chinese nationalist side, speech acts that were mostly in evidence included the proclamation of commitments such as “counterattacking the mainland and recovering China's territories” (*fan gong fu guo* 反攻復國). Other speech acts underlined the importance of pursuing unification under the Nationalist's guiding ideology of Sun Yat-sen's “Three Principles of the People” (*Sanmin zhuyi* 三民主義). The island of Taiwan was, in the eyes of the Nationalists, not more than (1) “a bastion of national recovery” or (2) “a model province,” where all the policies designed for the mainland were to be implemented first to prove the superiority of KMT rule over the CCP's.<sup>27</sup> The long-term inseparability was expressed in assertives such as “[n]o one can deny or ignore the fact that the territory, sovereignty, and people of the mainland are Chinese and belong to the Republic of China.”<sup>28</sup> Similarly, on the Communist side, speech acts that were performed repeatedly by agents such as premier Zhou Enlai (周恩來) asserted Taiwan's inseparability from China by stating, for example, that since Taiwan had been “a part of the sacred Chinese territory since ancient times” it had to be “liberated”<sup>29</sup> from KMT rule. Thus, the foundations of the “one China” rule were laid.

Although these speech acts from both sides all centered around the same goal of preserving “one China,” both sides of the Strait were restrained materially by the

27 GIO (1965b): “Double Tenth Message, October 10, 1965,” in: *President Chiang Kai-shek's Selected Speeches and Messages in 1965*. Taipei: Government Information Office, 86-89.

28 GIO (1965a): “New Year's Message, January 1, 1965,” in: *President Chiang Kai-shek's Selected Speeches and Messages in 1965*. Taipei: Government Information Office, 8.

29 For example see *People's Daily* (23 July 1954): “Taiwan definitely has to be liberated,” via: <http://58.68.145.22/directLogin.do> (accessed: 20 November 2011).



powerful US forces that allowed neither a Communist takeover of Taiwan nor a Nationalist recovering of the mainland as both were not in the US interest. US hard power therefore posed a severe limitation for the nature of the Cross-Strait relationship as constructed in Beijing and Taipei. When the Korean War broke out in June 1950, the US under president Harry Truman recognized the new strategic importance of Taiwan and instead of abandoning its old Chinese nationalist allies as originally intended, it decided to send its Seventh Fleet into the waters of the Taiwan Strait. This move not only virtually “neutralized” the area by severely limiting the possibilities of direct military confrontations between both sides, but also cemented the pivotal role of the United States in the Cross-Strait relationship. US military power in the Taiwan Strait was not only one of the main causes for the perpetuated “divided China’ problem” (MYERS / ZHANG 2005: 3), but also led to a lasting internationalization of the issue. In July 1950 US aid to the Republic of China government was resumed and sustained until 1965. More importantly, with regard to the ROC's international status the US committed itself to defending the government in Taipei by signing the US-ROC Defense Treaty on December 3, 1954. That was three months after the Communists had launched a heavy artillery bombardment of the ROC-held island of Kinmen, which lies just a few miles off of the coast of Fukien Province in what became known as the “First Taiwan Strait Crisis.” The treaty was ratified in March 1955 after the Dachen Island group had already fallen to the forces of the People's Liberation Army. The US committed itself even further after Congress had passed the “Formosa Resolution” that promised to defend Taiwan, the Pescadores, and “related positions and territories.”<sup>30</sup> The contents of the resolution were invoked during the “Second Taiwan Strait Crisis” that began with another heavy bombardment of Kinmen in August 1958. A month after the start of the crisis, agents in the ROC and the US issued a joint communiqué that reaffirmed their solidarity and US commitments with regard to a defense of Taiwan. However, these US commitments were bound to the condition that Chiang Kai-shek reined in his forces and demanded the concession of him to not primarily rely on the use of force in his endeavor to achieve “national recovery.” As a consequence, Chiang Kai-shek was forced to finally give up the “National Glory Program” (*guoguang jihua* 國光計畫), which was started

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30 CFR (25 January 1955): “Formosa Resolution,” via: <http://www.cfr.org/taiwan/formosa-resolution/p20651> (accessed: 2011-09-14).

in the 1960s and aimed at the goal of “national reunification.” Interestingly, with the beginning of the Korean War, US verbal support for a Taiwan being a part of Nationalist China came to an end.<sup>31</sup> After the middle of 1950, assertive speech acts by US agents revealed that they viewed the status of Taiwan as undetermined. In a public statement on June 27, 1950 Truman asserted that:

The determination of the future status of Formosa must await the restoration of security in the Pacific, a peace settlement with Japan, or consideration by the United Nations.<sup>32</sup>

By further referring to the “Chinese government on Formosa,” Truman implicitly denied sovereignty over Taiwan to both PRC and ROC. By intentionally leaving Taiwan's status in this “legal limbo” (HUANG / LI 2010: 20) the US reserved itself the right to intervene in the Taiwan Strait and further internationalize this conflict which would have otherwise been a domestic affair as proclaimed by the governments in Beijing and Taipei. Once again therefore, US influence denied both sides of the Taiwan Strait the opportunity to construct their relationship on their own terms. By the 1970s, agents in the US said it favored any settlement between the two sides that would be achieved in a peaceful manner by the respective parties. Agents across the Strait and especially in Taipei, for which the “undetermined status” implied the dangerous assumption that they were basically a government-in-exile, preferred to frequently refer to the Cairo and Potsdam declarations according to which Taiwan and the Pescadores should have been “restored” from Japanese authority to the Republic of China. However, in the San Francisco Peace Treaty that was finally signed between Tokyo and the allied powers (but without Chinese representatives) on September 8, 1951, Japan merely “renounced” its claims over Taiwan without specifying to whom these rights were transferred to.

Despite their ideological differences, there was a lot of common ground between the CCP and KMT leaderships as to the place of Taiwan within the orbit of “one China” and both sides were eager to reassure each other about this commonly-held ideal in the frequent exchange of secret envoys (HUANG / LI 2010: 42-43). The fact that Chiang Kai-shek was able to hold on to Kinmen and Matsu necessarily extended the remaining jurisdictional dimensions of the ROC over the borders of Taiwan Province

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31 See e.g. Truman's news conference held on December 22, 1949, via: <http://www.trumanlibrary.org/publicpapers/index.php?pid=1352&st=&st1=> (accessed: 2011-10-03).

32 TRUMAN LIBRARY (n/a): “Statement by the President on the Situation in Korea, June 27, 1950” via: <http://www.trumanlibrary.org/publicpapers/index.php?pid=800&st=&st1=> (accessed: 2011-09-23).



and tied his regime more closely to the traditional “Chinese territories” which helped to keep the “one China” rule intact and grounded in reality. This idea was shared by both sides of the Taiwan Strait and aimed at any possible advances in US policy circles at the time which promoted the idea of “two Chinas,” a move that by agents in both governments in Beijing and Taipei was detested as foreign intervention in China's internal affairs. This stance was expressed most prominently in PRC Defense Minister Peng Dehuai's “Second Message to Compatriots in Taiwan” on October 25, 1958 in which he called on all “patriots” to “act in unison in facing up to the foreigners” and to resist the “American plot” of creating two Chinas.<sup>33</sup> Similarly, the Chiang regime in Taiwan was against statements that described Taiwan's status as being unsettled or undetermined as it implied the notion of Taiwan independence. The shelling of the off-shore islands Kinmen and Matsu therefore became an important

symbolic gesture thereafter, whose the [sic] cardinal purpose was to continually associate the Taiwan issue with the unfinished Chinese civil war, and, by extension, to reinforce Beijing's claim that it was an internal Chinese issue. (HUANG / LI 2010: 63)

Although by the early 1970s many countries had already chosen to formally recognize Beijing's regime at the expense of Taipei, the first major diplomatic setback for the ROC came in October 1971 when it was “expelled”<sup>34</sup> from the United Nations and the “China seat” was given to the People's Republic. Gradually, the international community was willing to accept the reality that most of China's territory and population was governed by the PRC and gave diplomatic credit to the government in Beijing. Moreover, agents in Taiwan, insisting on the adherence to the “one China” rule just like their Beijing counterparts negated any opportunity for a dual recognition of the two sides in the UN and retaining a separate seat for Taiwan under a new name, despite the fact that some countries including the US had backed such a proposal (JACOBS 2006: 89-94).<sup>35</sup> But even the US finally followed suit and abandoned previous “two China” proposals when they signed the “Shanghai Communiqué” with Beijing on February 28, 1972. In this document the US Nixon administration “acknowledges”

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33 (n/a): “Document 62: PRC Defense Minister Peng Teh-huai's Second Message to Compatriots in Taiwan, October 25, 1958,” in: Chiu, Huangdah (ed.) (1973): *China and the Question of Taiwan*. New York: Praeger, 288-290.

34 Chiang Kai-shek called it a “voluntary withdrawal,” see GIO (1972): “New Year's Message, January 1, 1972,” in: *President Chiang Kai-shek's Selected Speeches and Messages in 1972*. Taipei: Government Information Office, 2.

35 ROC then-deputy foreign minister Yang Hsi-kun's 楊西崑 proposal of renaming the ROC and remain a seat in the UN as the “Chinese Republic of Taiwan” remained without success.

and “does not challenge” the Chinese position that the PRC was the sole legitimate government of China of which Taiwan was also a part. A small but important back door was kept open in order for the US to secure its own interests and maintain a degree of ambiguity. This back door consisted of the phrasing (“acknowledging” and “recognizing” lie worlds apart in diplomatic speech, see BUSH 2004: 130-136) as well as of the remark that the US has an “interest in a peaceful settlement” of the issue, reserving for it the right to continue to sell weapons to Taiwan.<sup>36</sup> Noticeably, the communiqué refers to Taiwan as a “part” of China instead of a “province” so as not to downgrade Taipei's status vis-a-vis Beijing (ibid. 131).

Although during all that time the ROC had marketed itself successfully as “Free China,” and was recognized as such by a large part of the international community, many freedoms guaranteed in the country's constitution remained inaccessible for its population for two reasons. Firstly, Martial Law was enacted in January 1950 and maintained until the mid-1980s, which severely limited civil and political liberties. Secondly, the Temporary Provisions Effective During the Period of Communist Rebellion (*Dongyuan kanluan shiqi linshi tiaokuan* 動員戡亂時期臨時條款), which curtailed many liberties granted in the ROC Constitution and gave emergency powers to the president, were first promulgated in 1948 but then extended indefinitely by the National Assembly in March 1954. Consequently, Chiang Kai-shek was elected to a total of five consecutive terms as president of the ROC, a position that he held until his death on April 5, 1975, and which enabled him to rule Taiwan unchallenged in an authoritarian way.

The claim of the Chiang regime to represent the original or orthodox China also influenced the discourse of culture in Taiwan at the time. The Nationalist ideas as to the nature of Chinese culture were deeply rooted in the teachings of Sun Yat-sen and his “Three Principles of the People.” Therefore, speaking of the “Chinese nation” or the “Chinese people” always encompassed both sides of the Taiwan Strait for agents in Taipei. The common bond of the people on both sides of the Strait was emphasized not only in their description as “600 million compatriots on the mainland”<sup>37</sup> but also

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36 (n/a): “Shanghai Communiqué, February 28, 1972,” via: <http://www.taiwandocuments.org/communique01.htm> (accessed: 2011-10-03).

37 GIO (1965a): “New Year's Message, January 1, 1965,” in: *President Chiang Kai-shek's Selected Speeches and Messages in 1965*. Taipei: Government Information Office, 5.

by stating that they had common ancestors in “Emperors Huang and Yen.”<sup>38</sup> Naturally, historical images frequently evoked in speeches by the president included references to the many millennia of Chinese history as well as experiences that were made on the mainland such as the Northward Expedition, the Resistance War against Japan or the “humiliation” of the Chinese nation at the hands of Western powers during the age of colonialism.<sup>39</sup> Similarly, agents in Beijing at the time like premier Zhou Enlai referred to “all decent Chinese (on both sides)” that should “unite as patriotic members of one big family” in resistance to US influences.<sup>40</sup>

Chinese nationalism with its ethno-cultural model calls for the institutionalization and standardization of the country's national culture (WANG 2004: 790-191). Seeing itself as the keeper of Chinese cultural orthodoxy, the KMT government launched a Chinese Cultural Renaissance Movement (*Zhonghua Wenhua Fuxing Yundong* 中華文化復興運動) in 1967, in a response to the Cultural Revolution (*Wenhua Dageming* 文化大革命) initiated one year earlier on the mainland by Mao Zedong, and which had led to the intentional destruction of many traditional cultural aspects of Chinese society. An important symbol for the assertion that the KMT was indeed the heir of traditional Chinese culture was the National Palace Museum with its tens of thousands of artifacts from all the millennia of Chinese history, that were shipped to Taiwan in the late 1940s, for “relics imply or even equate orthodoxy” in the Chinese context (WANG 2004: 793-794). In emphasizing the superiority of the Chinese nation over others, the KMT further wanted to support its claim of being the legitimate ruler over all of China while at the same time trying to prevent dissent spreading to an extent that was similar to the one of the late 1940s when Taiwanese elites criticized a corrupt and incompetent Nationalist leadership in Taiwan that in their view compared poorly to the time of Japanese Colonial rule, and for which they put the blame on the “backwardness” of the Chinese nation (PHILLIPS 2003: 10). These protests culminated in the February 28 Uprising in 1947 and led to the emergence of an independence movement initiated by exiled Taiwanese (first in Japan and later the United States). For the Nationalists on

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38 *ibid.*

39 GIO (1965b): “Double Tenth Message, October 10, 1965,” in: *President Chiang Kai-shek's Selected Speeches and Messages in 1965*. Taipei: Government Information Office, 71-74.

40 (n/a): “Document 52: PRC Premier Chou En-lai's Report to the Chinese People's Political Consultative Conference, March 5, 1957,” in: Chiu, Huangdah (ed.) (1973): *China and the Question of Taiwan*. New York: Praeger, 274-275.

the other hand Taiwan had to be re-sinicized after attempts by the former Colonial power to “japanize” the island's inhabitants. For this purpose they used the state's education system to strengthen the public's Chinese identity and to promote Mandarin as the only “national language.” By using its monopoly under martial law, the KMT could pursue its own “version of collectivistic ethnic nationalism” (HAO 2010: 43).

### 3.2.2 Cross-Strait Relations and the Impact of Taiwan's Democratization

The early years of Chiang Ching-kuo's (蔣經國) rule over Taiwan (1978-1988) were overshadowed by the diplomatic setbacks in the UN and in the ROC's relations with the United States as well as the resulting international isolation. As these developments undermined the KMT's legitimacy even regarding its rule over Taiwan (let alone China), it is often argued that Chiang recognized the need to turn his attention more towards Taiwan's domestic developments. Legitimacy for the government was now sought from economic successes as its international trade expanded despite increasing diplomatic isolation (in the late 1980s Taiwan had the largest foreign exchange reserves in the world) as well as a gradual process of democratization (WU 2007: 980). Under Chiang Ching-kuo a process of political reform was launched that led from “soft authoritarianism” to a democratic transition. The literature gives a variety of reasons that led Chiang Ching-kuo to take this step, ranging from international and domestic oppositional pressures to personal reasons such as his deteriorating health and his own political values.<sup>41</sup> The democratization on the other hand fostered an increasingly prominent concept of a separate “Taiwanese identity” as opposed to a “Chinese identity” within Taiwan's society.<sup>42</sup> In December 1980, the first supplementary elections for the Legislative Yuan and the National Assembly were conducted and followed by many more thereafter. On September 28, 1986 the Democratic Progressive Party became the first organized opposition party that had formed out of the previous *dangwai* (黨外) oppositional movement. And on July 15 the following year, the Emergency Decree was formally abolished, ending the almost four decades long period of Martial Law on the island. As a result, more rules and regulations regarding press freedom or the right to assemblies were relaxed in the

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41 For an extensive overview see NATHAN / HO 1993.

42 The effects of democratization on national identity in Taiwan have been discussed at length, for example in WACHMAN 1994.

following months and years. Finally, by designating Shieh Tung-min (謝東閔) and later Lee Teng-hui as his vice-presidential candidates, the status of native-born Taiwanese, who had long been barred from high government and party positions, was as high as never before.<sup>43</sup>

Despite the diplomatic setbacks in the international arena, there were little changes with regard to speech acts around Taiwan's China policy. Instead Chiang's public statements remained very consistent or even "rigid" for the time of his rule (CLOUGH 1993: 158). After the step of US-PRC normalization had been announced, president Chiang Ching-kuo made the following statement:

*The Republic of China is an independent sovereign state with a legitimately established government based on the Constitution of the Republic of China. It is an effective government, which has the wholehearted support of her people. The international status and personality of the Republic of China cannot be changed merely because of the recognition of the Chinese Communist regime by any country of the world. The legal status and international personality of the Republic of China is a simple reality which the United States must recognize and respect.*<sup>44</sup> (Emphasis added.)

This assertive stance became the backdrop for Chiang's "three noes" policy vis-a-vis the PRC of "no negotiations, no communication, and no compromise" (*bu jiechu, bu tanpan, bu tuoxie* 不接觸，不談判，不妥協). With regard to its construction of Cross-Strait relations as a domestic relationship, agents in the younger Chiang regime also stuck to old formulas in its performances of speech acts. With regard to the Cross-Strait sovereignty dispute, Chiang Ching-kuo held on to the assertion that

the government of the Republic of China is the sole legal government representing the people of the whole nation. The mainland is the territory of the Republic of China, and the government of the Republic of China will never abandon its sovereignty there.<sup>45</sup>

He objected to the idea that there was a "Taiwan issue," a term preferred by Beijing, and instead insisted that "there is only a China issue."<sup>46</sup> Similarly, any attempts for

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43 It is worth noting, however, that Chiang Ching-kuo was not without reservations about the trend that was later called the "Taiwanization" of the KMT. When asked in an interview if the nomination of Shieh Tung-min as vice-president was meant as a reaction to the political aspirations of native Taiwanese, Chiang replied: "When I nominated Mr. Shieh Tung-min as my running mate, I never thought about where he comes from. I knew only that he is Chinese. As a matter of fact, all the people in Taiwan are Chinese." [see GIO (1984): "Dialogue with David Reed, Editor of *Reader's Digest*" in: *Perspectives: Selected Statements of President Chiang Ching-kuo, 1978-1983*. Taipei: Government Information Office, 139-143. In later interviews he would continue to speak out against dividing the people living in "Free China" into Taiwanese and non-Taiwanese since both of them were Chinese.

44 (n/a): "Document 31 President Chiang Ching-kuo's Five Principles on US-ROC Relations in the Postnormalization Period, December 29, 1978," in: Chiu, Hungdah (ed.) (1979): *China and the Taiwan Issue*. New York: Praeger, 262-263.

45 GIO (1984): "Address to the Annual Constitution Day Meeting of the National Assembly, December 25, 1978," in: *Perspectives: Selected Statements of President Chiang Ching-kuo, 1978-1983*. Taipei: Government Information Office, 16-19.

46 GIO (1984): "Republic of China's Basic Position on Current Issues: Remarks at a Military Affairs



pursuing an independent Taiwan, a discourse that slowly but steadily emerged with democratization during the 1980s, were stigmatized as Communist schemes to undermine the ROC government and take over Taiwan.<sup>47</sup> Just like his father, Chiang Ching-kuo emphasized the importance of Taiwan's status as a “model province” in which traditional Chinese culture had not only been conserved but also further refined and which would function as a “bastion of national recovery” from which the Communists, who “illegally occupied” the mainland, would be expelled eventually. On the other hand, the KMT formally gave up the increasingly remote goal of “recovering the mainland” during its Twelfth Party Congress and instead stressed its efforts on “reunifying China” under the Three People's Principles. In that regard, the ROC Constitution was regularly invoked in speeches on important occasions not only as a guarantor for an “honest and competent government” but also as a prerequisite for the KMT rule's legitimacy over Taiwan and, by extension, all of China:

So long as the Chinese government, established under the Chinese Constitution, exists, the legality of the Republic of China exists. So long as the Constitution of the Republic of China exists, the legality of the Republic of China will exist [...] China has to be unified, it has to be identified with the constitutional system of the Three Principles of the People and unified under the name and flag of the Republic of China.<sup>48</sup>

Equally, there was no doubt concerning the relationship between the people on both sides of the Taiwan Strait which was constructed as one that consisted of ties of blood: “the billion compatriots on the Chinese mainland are our kith and kin, and the same flesh and blood.”<sup>49</sup>

Despite this tenacious stance, relations between the two sides grew increasingly complex. Total trade rose from US\$ 77 million to US\$ 1.1 billion between 1979 and 1985 (MYERS / ZHANG 2005: 18). After informal exchanges had increased, relations relaxed towards the end of the 1980s and by late 1987 Taiwanese residents including ROC military personnel were allowed to apply for visiting relatives in China. While this might have been done with the goal of strengthening the population's identity with China in mind, it has quite probably achieved the opposite (WACHMAN 1994:

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Meeting of the Armed Forces, January 12, 1981” in: *Perspectives: Selected Statements of President Chiang Ching-kuo, 1978-1983*. Taipei: Government Information Office, 93-99.

47 Ibid. 97-98.

48 GIO (1984): “Address to the Annual Constitution Day Meeting of the National Assembly, December 25, 1983,” in: *Perspectives: Selected Statements of President Chiang Ching-kuo, 1978-1983*. Taipei: Government Information Office, 54-58.

49 GIO (1984): “Congratulatory Message on the 1983 National Day, October 10, 1983” in: *Perspectives: Selected Statements of President Chiang Ching-kuo, 1978-1983*. Taipei: Government Information Office, 68-70.



112). However, these new contacts soon led to a “mainland fever” and by the end of 1989, about 800,000 Taiwanese had visited China (CLOUGH 1993: 156).

After the Cultural Revolution had forced China's leaders to focus on its internal matters and brought the PRC's Taiwan policy to a temporary halt, new initiatives in the late 1970s were boosted by the country's recent diplomatic successes and the insight that increasing economic links would lead to a dependence of Taiwan's economy on China's in the long-term. Speech acts by agents during the early years of Deng Xiaoping's (鄧小平) rule over the PRC were characterized by more flexibility on the one hand and more assertiveness on the other. An example for the softened attitude towards Taiwan can be found in the “Message to the Taiwan Compatriots” dated January 1, 1979. Not only is the call for Taiwan's “liberation” noticeably absent (and indeed even the bombardments of Taiwan's outlying islands were stopped thereafter) but in its stead one finds an appeal for “peaceful negotiations” in order to achieve China's “reunification.” On the other hand, an example for the increasing assertiveness can be found in wording that was included in the new PRC Constitution of 1982, and therefore loaded with a high degree of formality. Despite the fact that the PRC has never ruled a single day over Taiwan, its government wrote into the preamble of its constitution that: “Taiwan is part of the sacred territory of the People's Republic of China” and further stated the that “[i]t is the lofty duty of the entire Chinese people, including our compatriots in Taiwan, to accomplish the great task of reunifying the motherland.”<sup>50</sup> Despite the previously mentioned willingness of the CCP to enter into negotiations with Taipei, Deng Xiaoping gave a clear vision of what the China-Taiwan relationship was supposed to look like after negotiations, that is, like one between a central and a local government. Based on Marshal Ye Jianying's (葉劍英) “Nine-Point Proposal on Peaceful Reunification” of September 30, 1981 in which a PRC agent for the first time called on the CCP and KMT to hold talks “on an equal footing,” Deng Xiaoping proclaimed the formula of “one country, two systems” which promised to grant Taiwan extensive economic, cultural and even military autonomy for a certain period of time on the one hand while firmly integrating it as a local government into the jurisdiction of the People's Republic of China on the other. Naturally, it was rejected by Taipei and objectively did not offer anything that Taipei

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50 (n/a): “Constitution of the People's Republic of China, (Adopted on December 4, 1982),” via: <http://english.peopledaily.com.cn/constitution/constitution.html> (accessed: 2011-10-03).

did not already possess.

Decisions by agents in the US executive branch had never been more favorable towards the PRC than under the Nixon and Carter administrations. The constellation of the Cold War brought a new strategic importance to China. Taiwan by contrast was not needed as a support base anymore after the Vietnam War had ended (CLOUGH 1993: 137-138). The process of diplomatic normalization between the two countries had a huge perpetuating impact on the “one China” rule. Although the US recognized the PRC as the “sole legal government of China” in the “Joint Communiqué on the Establishment of Diplomatic Relations” that was signed on December 15, 1978, it once more merely reaffirmed its “acknowledgment” of “the Chinese position that there is but one China and [that] Taiwan is part of China” while pledging to only maintain unofficial relations with the people of Taiwan.<sup>51</sup> Furthermore, the move of de-recognizing an old ally in favor of its communist rival set off an internal struggle in the US which was (and remains to this day) characterized by a scrambling over influence over US Taiwan policy between the executive and legislative branches (see for example, GOLDSTEIN / SCHRIVER 2001: esp. 151-152; 170-71). Instead of fully abandoning Taiwan, the US Congress became the driving force that spoke in favor of continued US commitments to Taiwan, efforts which finally led to the establishment of the Taiwan Relations Act (TRA) in April 1979. A domestic law in nature, the TRA basically treats Taiwan as a sovereign nation-state and gives it security as well as economic guarantees. Indeed, Taipei soon “had come to value the TRA as affording protection and giving Taiwan a unique legal status, which it did not have in other countries where it lacked diplomatic relations.”<sup>52</sup> (CLOUGH 1993: 152) In sum, the US “one China” policy under the Carter administration was two-fold: on the one hand it wanted to accommodate Beijing's “one China” principle and stop openly questioning the internal nature of Cross-Strait relations by de-recognizing the sovereign status of the ROC. On the other hand the Taiwan Relations Act made sure that the US would not abandon the (former) allies on Taiwan completely (HUANG / LI 2010: 93-103).

During the Reagan administration, the US created a set of very contradictory

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51 (n/a): “Joint Communiqué on the Establishment of Diplomatic Relations January 1, 1979,” via: <http://www.taiwandocuments.org/communiqué02.htm> (accessed: 2011-10-03).

52 To be sure, other authors have pointed out the vagueness of the TRA's wording which they describe as leaving open the extent to which Washington would react. (HSU 2010: 143-144; GOLDSTEIN / SCHRIVER 2001)

commitment rules for itself, seemingly in an attempt to please all sides and to uphold its own strategic ambiguity with regard to Taiwan. On August 17, 1982 the third and final communiqué between the PRC and the US was signed and was aimed at addressing US arms sales to Taiwan that had long become the biggest issue of contention between the US and China in Beijing's eyes. In this communiqué the US promised to gradually decrease weapons sales to Taiwan and reaffirmed previously made statements with regard to Beijing's definition of "one China" and Taiwan's place therein. According to BUSH (2004: 163-175) in this final document Beijing was able to extract certain concessions from Washington and even insert a "moral asymmetry" therein without that the US would get much back in return. However, while still in the process of drafting the communiqué, Reagan made "six assurances" to Taipei, three of which concerned the arms sales issue. The assurances basically strengthened US commitments to Taiwan and gave optimistic prospects on the future of arms sales while promising not to consult with Beijing on this issue. Similarly during a press conference on July 28, 1982 Reagan promised that

"[w]e are not going to abandon our long-time friends and allies on Taiwan [...] I am going to carry out the terms of the Taiwan Relations Act [...] It is a moral obligation that we'll keep."<sup>53</sup>

These contradictory speech acts regarding the Cross-Strait relationship left Taiwan with a "considerable room to maneuver in maintaining a secure and separate existence alongside the mainland" (HUANG / LI 2010: 121) but also necessarily led to insecurity on the parts of agents in both Taipei and Beijing as to the reliability and true value of US commitments.

By the late 1980s agents in Beijing started to become more and more concerned about the effects of democracy on Taiwan's society and possible changes that the demise or replacement of the "old pro-unification guard" would have on the development of Cross-Strait relations. One of the effects of democracy had been a necessary preoccupation of the island's population with themselves rather than with "China," a development that had repercussions that went beyond the political sphere and also touched on cultural discourses such as the one of the Chinese nation. By the end of the 1980s, the DPP tried to overcome the concept of one more or less homogenous "Chinese people" that was at most be classified into several "ethnic

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53 (n/a): "The President's News Conference, July 28, 1982," via: <http://www.reagan.utexas.edu/archives/speeches/1982/72882e.htm> (accessed: 2011-10-03).

subgroups” and actively promoted the idea of the “four great ethnicities“ (*si da zuqun* 四大族群) that emphasized equality, not only for Taiwan's Hoklo majority and the newly arrived elite of “Mainlanders,” but also the one of Hakka (who make up about one fourth of Taiwan's population), as well as the the Austronesian-speaking aboriginal people of the island (HSIAU 2005: 144-145). However, any cautious efforts that aimed at a renewed KMT-CCP rapprochement and were driven by this new sense of urgency were relinquished after Chiang Ching-kuo's death in 1988.

### 3.3 Cross-Strait Relations under the Trend of Taiwanization

#### 3.3.1 From Rapprochement to Flexible Interpretations of “One China”

After Chiang Ching-kuo had passed away, Lee Teng-hui was sworn in as his successor on January 13, 1988. He became the first Taiwan-born president of the ROC. His presidency that lasted until early 2000 was in many ways a watershed for the developments in Taiwan as well as the Cross-Strait relationship that will be discussed in Chapter III. Under his tenure as president and KMT chairman the government and party underwent a process of Taiwanization, that is, more and more Taiwanese took over an increasingly larger share of the high positions in both institutions. As a result, by the time of the KMT's 13<sup>th</sup> Party Congress in July 1988 a majority of the Central Standing Committee members already were Taiwanese. At the same time the process of democratization begun under Chiang Ching-kuo was deepened and consolidated. The Legislative Yuan passed a law in 1989 that officially allowed the formation of new political parties and in the nation-wide December elections of that year the DPP was already able to land its first victory for that same body and even increased its representation there after another round of elections three years later. However, democratic developments were not restricted to party politics alone. As opposed to the Beijing which had struck down on its own domestic democracy movement at Tienanmen Square in 1989, president Lee chose to meet with the protesting students in Taiwan and promised them more democratic reforms. Soon the ROC state apparatus underwent some significant changes. In the summer of 1990, a quickly organized National Affairs Conference ended its convention by suggesting free and direct elections for the president, the mayors of the special municipalities

Taipei and Kaohsiung as well as the abolishment of the Temporary Provisions to the Constitution. Furthermore, the Council of Grand Justices ruled that all senior parliamentarians should retire from their offices that they had held since the late 1940s by the end of that year.<sup>54</sup> This paved the way for elections of a new National Assembly in December 1991, which, led by a KMT majority, further took upon itself the task of constitutional reform. As a consequence, an increasingly larger share of political posts became filled by the means of public elections, among them the ones for provincial governor and county magistrates. With the victory of Chen Shui-bian (陳水扁) in the Taipei mayoral election of 1994, a DPP politician, for the first time, took over the reigns of the capital. Also, in the area of freedom of speech, further liberties were granted, most notably here by decriminalizing the promotion of Taiwan independence in 1992. This allowed for a further distribution of the new discourse in Taiwan's society that defined the island's status as separate from China. Before Taiwan's democratization, the spreading of ideas of an independent Taiwan had been confined to outside of the island and were cultivated mostly in Japan and the United States. The prominence of this discourse was fueled starting from the late 1980s by the DPP's electoral successes as that party had absorbed many ideas of the overseas Taiwan Independence Movement and become its mouthpiece on the island. As early as April 1988, the DPP passed a proposal in which they stated that the party would advocate Taiwan independence under certain circumstances, such as in the event of secret negotiations between the KMT and the CCP. In 1991, it included the goal of conducting a referendum with the goal of establishing a "Republic of Taiwan" into its party charter. Not only became the KMT's members and the party's ideology increasingly subject to public scrutiny, but with the emergence of a new political force in Taiwan whose agents performed speech acts that were diametrically opposed to the KMT's own (and would grow in intensity as time went on), the KMT saw itself restricted in ways unknown to it before, which may explain for some of the adjustments that were to take place during Lee's years as president. At the same time, these new trends led to frictions within the KMT and finally resulted in a split within the party. KMT politicians of Taiwanese origin such as Lee Teng-hui himself became part of the "mainstream" faction, which was opposed by a "non-mainstream" faction,

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<sup>54</sup> In 1989, about 90 percent of the NA's members still represented areas that were not under control of the ROC government.

most members of which were of Mainlander background and who opposed the gradual process of diluting Taipei's claim over China. Therefore, in August 1993, many of the conservative elements finally broke away from the KMT and founded the New Party (NP) leading to a further diversification of Taiwan's political sphere.

During the first Lee Teng-hui years, Taiwan not only opened up domestically, but also with regard to its neighbor across the Strait. Most notably perhaps, with the abolishment of the Temporary Articles on May 1, 1991, Taipei unilaterally declared an end to the state of war between both regimes. More concretely, with the establishment of mail and telephone links, and the relaxation of regulations governing investments and family visits for people on both sides of the Taiwan Strait, the previous strict “no contact” policies literally became a thing of the past. The increased amount of exchanges on the other hand further required both sides to find a mechanism to solve many practical problems despite their mutual non-recognition. For this purpose, Taipei and Beijing created new agents whose task it was to conduct semi-official negotiations with the other side. Taipei established the Mainland Affairs Council (MAC) on October 18, 1990 followed by the semi-official, semi-private Straits Exchange Foundation (SEF) the following month. A corresponding organization was founded by Beijing in December 1991 when it created the Association for Relations Across the Taiwan Strait (ARATS). However, due to the different perceptions of each other's sovereign status, these two agencies had to solve their practical problems while circumventing the delicate issue of sovereignty. Since agreements and meetings were nevertheless conducted starting from 1993, it is here that the proponents of the “1992 Consensus” claim that an oral “agreement to disagree” on the meaning of “one China” was reached, and which founded the basis for the functional talks of the following years.

Changes in performances of speech acts during the course of Lee's presidencies are particularly remarkable, especially with regard to evolutions of assertions of Taipei's “one China” principle. At the beginning, Lee seemed to follow a similar line to that of his predecessor and championed Taiwan's belonging to China as well as the unification of the country, that is, the traditional ROC “one China” principle. In his inaugural address on May 20, 1990 for example, Lee stated that “Taiwan and the mainland are indivisible parts of China's territory, and all Chinese are compatriots of



the same flesh and blood.”<sup>55</sup> The clearest expression and most formally binding instance of this stance was the establishment of the National Unification Council (NUC) in September 1990, which worked out the National Unification Guidelines (NUG) until January the following year. The NUGs repeated the old assertions that “the mainland and Taiwan are both territories of China” or “to bring about national unification should be the common responsibility of all Chinese people.”<sup>56</sup> It then proposed a process of unification in three stages. However, while the NUG presented a strong, formal commitment to unification and an apparent stabilization of the “one China” rule on the surface, it is often noted in the secondary literature that the preconditions for negotiations such as the call on Beijing to implement democracy and rule of law, were deliberately set extremely high by Taipei, which made the accomplishment even of the “short-term” goals remote ones at best. Furthermore, the NUGs demanded that unification should “respect the rights and interests of the people of the Taiwan area.” In sum, one might therefore say that in actuality the NUGs aimed at avoiding “a sovereignty debate and postpone the unification issue for as long as possible (KUO 2002: 205). On July 16, 1992, the newly elected Legislative Yuan passed the Act Governing Relations between People of the Taiwan Area and Mainland Area, that promoted a new definition of China as “one country, two areas” or “one country, two entities,” which was directed against Beijing's “two systems” formula. More significantly, through this step, Taipei, for the first time, virtually recognized Communist jurisdiction over the mainland territory by claiming that China is divided between two political entities. At least for the KMT this remains an important interpretation of the Cross-Strait relationship until today.

The real breakthrough came in April 1993 when both sides conducted the first semi-official relations between SEF and ARATS representatives in what became known as the Koo-Wang talks that took place in Singapore. As only semi-official organizations, SEF and ARATS were able to tackle some concrete problems regarding investment activities and business opportunities but had to tangle around the difficult question of sovereignty. This was mainly due to the different concepts of or preconditions to unification by both sides in the early stages. While Taipei sought an

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55 Quoted after JACOBS / LIU 2007: 381.

56 MAC (1991): “Guidelines for National Unification,” via: [http://www.mac.gov.tw/ct.aspx?Item=51022&ctNode=5913&mp=3&xq\\_xCat=1997](http://www.mac.gov.tw/ct.aspx?Item=51022&ctNode=5913&mp=3&xq_xCat=1997) (accessed: 2011-10-19).

equal footing with Beijing on a government-to-government (*yi guo liang fu* 一國兩府) basis, Beijing still preferred a rank-order-like distribution of political power between both sides, in which it dominated the relationship (YUAN 1995). Lee tried to convey his idea of equality between both governments in his “six points” when he addressed the NUC in April 1995:

China's unification [must be] based on the reality that the two sides are governed respectively by two governments [that] in no way are subordinate to each other.

At the same time he reaffirmed that bilateral exchanges should be “based on Chinese culture” as it “has been the pride and spiritual support of all Chinese.”<sup>57</sup> Lee made many further positive references to the Chinese nation throughout his early years as president, which was in line with his definition of the Cross-Strait situation as one of a “divided China.”

However, gradually his tone changed towards a more Taiwan-centric position. Even as its chairman, Lee started to question the KMT's legitimacy over Taiwan by calling it a “regime that came to Taiwan from the outside” (*wailai zhengquan* 外來政權) in a 1994 interview with a Japanese writer. While he still kept referring to the importance of Chinese culture for Taiwan, Lee began to emphasize a special “Taiwanese consciousness” for the people living in Taiwan, whose society he defined as one of immigrants that had different backgrounds but should cherish this identity and all live together under the concept of a community of “New Taiwanese” (JACOBS / LIU 2007: 385). Eventually, his emphasis on Taiwan was not limited to the ethnic, cultural, or historical fields alone but went hand in hand with a political redefinition of Taiwan's relationship with China. Firstly, Taipei's “pragmatic foreign policy” (*wushi waijiao* 務實外交) since the mid-1990s was aimed at increasing Taiwan's international breathing space albeit a lack of official relations, a move that basically softened up the ROC's strict “one China” principle that had prevented dual recognition of ROC and PRC during the Cold War. Secondly, when Lee and other agents referred to their “nation,” they tended to use the term “Republic of China on Taiwan” (*Zhonghua Mingguo zai Taiwan* 中華民國在臺灣, ROCT) instead of Republic of China or just China. Consequently, Lee began to assert that “The ROC on Taiwan is a sovereign country.”<sup>58</sup> This change of designation for Taiwan's government

57 GIO (1996): “Address to the National Unification Council, April 8, 1995” in: *President Lee Teng-hui's Selected Addresses and Messages, 1995*, 21-28.

58 GIO (1994): “International Press Conference, May 20, 1993” in: *President Lee Teng-hui's Selected*

was perhaps most prominently conveyed in a widely-received speech given by Lee on June 7, 1995 at his alma mater Cornell University in the United States where references to the ROCT and its “21 million people” notably outnumbered those to the ROC or even to the goal of “reunification,” while any mention of “one China” was absent altogether. In his speech he also lauded the democratic and economic achievements of the previous years and portrayed the “Taiwan Experience” as a model that was worth copying by the leaders in Beijing.<sup>59</sup> All in all, this terminology was part of a new trend in speech acts of Taipei's agents in the Lee era, in which juxtapositions of “Taiwan” vs. the “mainland” became more common than those of the “ROC” vs. the “mainland” or the “Communist authorities.”

From the beginning of Lee's presidencies, the PRC had to deal with the uncertainty of Lee's willingness to support the “one China” rule on the one hand, and with the popularization of the discourse of an independent Taiwan on the other. To counter both and sustain the “one China” rule in these times of adversity, Beijing mainly stuck to previous assertive speech acts but made slight modifications. New to the approach in the Jiang Zemin (江泽民) era was an even stronger focus on economic cooperation with Taiwan that was connected to the hope to make Taiwan economically dependent on China in the long run and undermine any actions of “separatism.”<sup>60</sup> Shortly after a consensus on the meaning of “one China” had ostensibly been reached with the Taiwanese negotiators in 1992, agents in Beijing retracted to well-known speech acts. In 1993, the Taiwan Affairs Office, which had been established on a ministerial level by the PRC in 1988, published its first white paper on the topic of “The Taiwan Question and Reunification of China.”<sup>61</sup> Stating that the “Taiwan Question” was a result of the foreign aggression and humiliation of

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*Addresses and Messages, 1993, 45-72.* On the same occasion he also responded to criticism of this term, an answer which itself further exemplifies the new emphasis on Taiwan: “Though some [...] are disenchanted with the term 'the Republic of China on Taiwan,' the fact is that Taiwan is the bedrock of the ROC's existence.”

59 LEE, Teng-hui (1995): “Always in My Heart: The Spencer T. and Ann W. Olin Lecture delivered at Cornell University Alumni Reunion,” via: [http://www.news.cornell.edu/campus/Lee/Lee\\_Speech.html](http://www.news.cornell.edu/campus/Lee/Lee_Speech.html) (accessed: 2011-10-22).

60 To reach this goal Beijing even tolerated a trade deficit with Taiwan that amounted to US\$ 14.8 billion in 1995. (HUANG / LI 2010: 172)

61 This phraseology was countered by a MAC position paper published on September 30, 1993 with the title “There Is no Taiwan Question, Only a China Question.” In defining “China” as a historical and cultural entity, rather than a single sovereign political entity, this paper falls in line with previous attempts by Taipei's agents to create a sense of equality between the two governments or political entities that were both parts of a “divided China.”

China during its modern history, the paper asserted that Taiwan was an “inalienable part of China” and “has belonged to China since ancient times.” After a far-reaching historical account that ends with the interpretation of Taiwan's “return to China” after the conclusion of World War II (a goal that had been stated in the Cairo Declaration of 1943), the white paper goes on to blame the US for obstructing the settlement of the “Taiwan issue” and spoke out against arms sales to the Taiwan authorities. Since Beijing saw the Cross-Strait relationship as an internal issue, it did not renounce the use of military means but in general emphasized that it was pursuing the course of “peaceful reunification” and an application of the “two systems” formula. If any previous consensus regarding “one China” had indeed existed, it was now thrown overboard by the paper's narrow definition of “one China” as well as a rejection of any solution to Taiwan's future other than unification:

There is only one China in the world, *Taiwan is an inalienable part of China and the seat of China's central government is in Beijing*. [...] The Chinese Government [...] opposes "two Chinas", "one China, one Taiwan", "one country, two governments" or any attempt or act that could lead to "independence of Taiwan". The Chinese people on both sides of the Straits all believe that there is only one China and espouse national reunification. Taiwan's status as an inalienable part of China has been determined and cannot be changed. "Self-determination" for Taiwan is out of the question. (Emphasis added.)<sup>62</sup>

This restrictive definition of “one China” was also directed at the idea of a “divided China” with its implication of sovereign equality between both sides as well as Taipei's “pragmatic foreign policy.” Therefore, the white paper denied any similarities of the situation of the Taiwan Strait to the cases of the two Germanys or two Koreas. With regard to the Taiwan independence discourse agents in Beijing also performed a variety of new directive speech acts by issuing stern warnings about the consequences of a formal separation of the island from China as a new independent nation. The white paper warned that China would “closely follow” the course of events and “never condone any manoeuvre [sic] for 'Taiwan independence.’” At the same time Beijing made clear on numerous occasions that it would also talk to Taiwan's other parties, at least as long as these would uphold the “one China” principle. Many of these points were once again repeated in Jiang Zemin's “eight point” proposal towards Taiwan on January 30, 1995.<sup>63</sup> Central themes in these propositions were again the

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62 TAO (31 August 1993): “The Taiwan Question and Reunification of China,” via: [http://www.gwytb.gov.cn/en/Special/WhitePapers/201103/t20110316\\_1789216.htm](http://www.gwytb.gov.cn/en/Special/WhitePapers/201103/t20110316_1789216.htm) (accessed: 2011-10-21).

63 JIANG, Zemin (1995): “Eight-point Proposal,” via: <http://english.cri.cn/4426/2007/01/11/167@184028.htm> (accessed: 2011-10-22).

preeminence of the “one China” principle and the “peaceful reunification of the motherland.” Jiang made clear once again that Beijing did “not promise not to use force,” despite his conviction that “Chinese should not fight Chinese.” After all, he went on to define the “21 million Taiwan people” as “Chinese and our own flesh and blood.” Despite the usual assertions, the proposal might still be seen as conciliatory in its overall tone, a position that was soon given up by agents in Beijing and replaced by a more hard-line approach against the “Taiwan independence forces.” Feeling offended by Lee's speech at Cornell, Beijing postponed a second round of Wang-Koo meetings and went on to initiate the “Third Taiwan Strait Crisis” by firing missiles into the waters near Taiwan. In this way it wanted to send a strong message to “separatists” in Taipei as well as “foreign meddlers” in Washington, which it held responsible for allowing Lee the opportunity to get a US visa. These “missile tests” continued on several days until right before the 1996 presidential elections in Taiwan in order to intimidate parties and voters on the island who were in favor of breaking the “one China” rule.

Agents in Washington have become notably more subtle in their performances of speech acts since Taiwan's democratization in the late 1980s. The 1982 joint communiqué was the last set of speech acts regarding the Cross-Strait relationship of that relatively high formal significance in which the US agents made commitments to their Beijing counterparts at the expense of Taipei. On the other hand, under the Bush sr. and Clinton administrations the US honored their commitments to Taiwan by selling large amounts of F-16 fighters to Taiwan in 1992 and by approving the Taiwan Policy Review in September 1994 that was aimed at upgrading US-Taiwan military relations. The different views on how the US should conduct its relations with Taiwan in the US executive and legislative branches were the mechanics that finally allowed Lee Teng-hui to obtain a visa for a “private visit” to Cornell University in 1995. The State Department had not only tried to dissuade Lee from trying to come to the US but Secretary of State Warren Christopher went so far as to promise to Chinese foreign minister Qian Qichen (錢其琛) that such an event would be incompatible with the US “one China” policy. However, the US government was eventually unable to keep this promise after Congress exerted its influence in this matter and tilted the situation in Lee's favor. The strong reactions that these developments finally caused and reached

their highpoint with the missile crisis in 1995/1996 forced Washington to reluctantly and temporarily give up its “strategic ambiguity” with regard to Cross-Strait relations and sent aircraft carrier battle groups into the vicinity of Taiwan. Speech acts in this time once more exposed the structural flaw in the US “one China” policy that was reflected in contradictions of its commissive and directive speech acts towards Beijing on the one and Taipei on the other hand:<sup>64</sup> While it committed to its “one China” policy that defined Beijing as the sole legitimate government of China, it also performed directive speech acts that aimed at curbing Beijing's overly aggressive stance by stating its military actions were a “grave concern” to the US. At the same time US commitments to Taipei guaranteed a separate existence of Taiwan alongside the mainland, while it warned agents in Taipei that it would or could not help it, if it indeed went through with declaring independence. As HUANG / LI (2010: 201-202) have pointed out: The “Third Taiwan Strait Crisis” made clear again, that the US “one China” policy was mainly directed at creating stability in the Taiwan Strait, not at solving any issue of Taiwan or a divided China. However, these experiences led to a feeling of being at the mercy of domestic developments in Taiwan and China, that lay beyond US control. As a result agents in the US became more proactive after the 1996 election.

### 3.3.2 Towards Open Challenges of the “One China” Rule

On March 23, 1996 Lee Teng-hui and Lien Chan (連戰) became the first popularly elected leaders of Taiwan. They received more than 50 percent of the vote and with this powerful mandate, adjustments in speech acts performed by agents in Taipei continued. In his inauguration speech, Lee made some conciliatory statements such as referring to the Chinese nation as a common denominator for Cross-Strait relations. But at the same time he called on Taiwan to combine the island's experiences with the Western world with China's traditional culture and “create a new Chinese culture.”<sup>65</sup> Despite this new orientation and the fact that he held on to the assertion that “The

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64 See for example US DEPARTMENT OF STATE, OFFICE OF THE SPOKESMAN (1995): “Address and Question and Answer Session by Secretary of State Warren Christopher on U.S. National Interest in the Asia-Pacific Region, July 28, 1995” via: [dosfan.lib.uic.edu/ERC/briefing/dossec/1995/9507/950728/dossec.html](http://dosfan.lib.uic.edu/ERC/briefing/dossec/1995/9507/950728/dossec.html) (accessed: 2011-10-22).

65 GIO (1997): “Inaugural Address, May 20, 1996” in: *President Lee Teng-hui's Selected Addresses and Messages, 1996*, 81-91.



Republic of China has always been a sovereign state” it might be read as a reassurance to agents in Beijing that he also added:

Disputes across the Strait center around system and lifestyle; they have nothing to do with ethnic or cultural identity. Here in this country it is totally unnecessary or impossible to adopt the so-called course of “Taiwan independence.”<sup>66</sup>

Domestically however, the course of implementing policies whose goal it was to make state and society more Taiwan-centric continued unabatedly. Firstly, a National Development Conference in late 1996 ended with the suggestion of abolishing or freezing the provincial government of Taiwan since its jurisdiction almost entirely overlapped with that of the ROC's central government, a situation that in turn had led to many structural inefficiencies.<sup>67</sup> Secondly, the government ordered the Ministry of Education in 1997 to devise a new series of textbooks that focused on Taiwan at the expense of China and aimed, in the long-term, at establishing a “distinctively Taiwanese culture and value system” (CHAO / DICKSON 2002: 5). Thirdly, in the run-up to the election of Taipei mayor in 1998, Lee Teng-hui reverted to his old slogan of “New Taiwanese” when he voiced his support for the KMT candidate Ma Ying-jeou (馬英九), who was born in Hongkong, and thereby once more popularized previous definitions of Taiwan's special history as an multi-ethnic (as opposed to a merely Chinese) immigrant society.<sup>68</sup> With regard to China, definitions of the nature of Cross-Strait relations made in his previous term were consolidated through a variety of formal speech acts. In 1997, for example, the MAC published a new paper that described the relationship across the Taiwan Strait as one of “shared sovereignty, divided jurisdictions.” Although Lee would occasionally still refer to the importance of “China's reunification” or Taiwan's role as a “safe-keeper” of traditional Chinese culture, in his later years, the shift in focus on Taiwan became the more apparent the closer Lee's final tenure as president came to its end. Instead of experiences and events that were important for the history of China, Lee preferred to mention events in his speeches and addresses that were characteristic for Taiwan's local history such as the insurgence on February 28, 1947 or the 1996 elections, in other words, events that

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66 Ibid.

67 Another reason given for this step was Lee's rivalry with the provincial governor James Soong (宋楚瑜), who subsequently stepped down from his post in protest and would later compete against the official KMT candidate in Taiwan's 2000 election, thereby unwillingly contributing to the DPP's early rise to power (CHAO / DICKSON 2002: 7-8).

68 Despite the emergence of this discourse, some critics have accused Lee of having created ethnic tensions between “Taiwanese” and “Mainlanders” in Taiwan (see CHAO / DICKSON 2002: 16).

have contributed to create a shared memory of people living in Taiwan and that were separate from the Chinese mainland. In an interview with the *Washington Post* in November 1997, Lee outright stated that Taiwan was an “independent and sovereign country.”<sup>69</sup> Later when asked to clarify that statement, he said the problem was one of location:

Since it was founded in 1912, the Republic of China has been a sovereign country. Its current location is Taiwan. In another respect, when people abroad talk about the Republic of China, they actually call it Taiwan. In light of this type of acknowledgement, Taiwan is an independent sovereign country.<sup>70</sup>

However, many times during that same interview he also emphasized the importance of people's and the KMT's identification with Taiwan, which allows the conclusion that the above assertion was more than just a play on words and reflected more of a sense-of-mission on Lee's part.<sup>71</sup> This semantic separation of Taiwan and China was flanked on the one hand by his policy of “no haste, be patient” (*jie ji yong ren* 戒急用忍) that sought to slow down trade and investment and thereby mitigate Taiwan's dependence on the mainland economy, as well as the pursuit of acquiring more advanced weapons from Europe and the US on the other.

The DPP was even more outspoken than Lee. General point of reference for their criticism was the ROC Constitution which they considered to be “illegitimate” for Taiwan due to its historical connection with China. Therefore certain clauses in it, such as the one reserving seats for overseas Chinese in the National Assembly seemed especially absurd to them. However, in 1990 the DPP pledged for a “Magna Carta” that would keep but freeze the constitution (in the hope that this would avert an act of aggression on the PRC's part) while opening up the opportunity for creating a new one that was explicitly tailored for Taiwan. In the same draft, the DPP also opted for a “normal” tripartite division of powers instead of the ROC's five-part one, and favored

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69 RICHBURG, Keith R. (1997): “Leader Asserts Taiwan is 'independent, sovereign,’” in: *Washington Post*, November 8, 1997, via: <http://www.washingtonpost.com/wp-srv/inatl/longterm/china/stories/lee.htm> (accessed: 2011-10-22).

70 GIO (1998): “My Taiwan, My Life: An Interview Conducted by Komori Yoshihisa, Editor-at-Large of Sankei Shimbun, March 1998,” in: *President Lee Teng-hui's Selected Addresses and Messages, 1997*, 17-61.

71 As later events have shown, Lee became more outspoken after he stepped down from office and was expelled from the KMT because many in his party felt his actions had undermined party unity and were a decisive factor in helping the DPP candidate to snatch away the victory in Taiwan's 2000 presidential elections. In the following years, Lee not only started to refer to Taiwan as a separate “nation” and became one of the prime supporters of “correcting Taiwan's name” (JACOBS / LIU 2007: 390-391). But he also helped to establish a new Taiwan nationalist party, the Taiwan Solidarity Union (TSU) in 2001.

direct elections for the president, in order to further weaken the “ROC influence.” These demands were elaborated in the “Draft for a Taiwanese Constitution,” formulated in 1992. The party emphasized its disavowal for the ROC Constitution and favored a new independent state by openly proposing new definitions for the name of the state (“Taiwan” instead of ROC), new territorial boundaries (that excluded mainland China and Outer Mongolia), as well as an American style government system. Institution-wise, the DPP wanted to abolish the National Assembly that it saw as redundant and illegitimate and favored instead a stronger Legislative Yuan as the sole parliament. Furthermore, the party advocated the inclusion of referenda and plebiscites into the constitutional provisions, since one of its goals was to use such a tool to let Taiwan's population decide on their “national” future. It further argued in favor of direct elections of the presidents on the ground that it regarded the ROC president as a “symbol of an immigrant regime” (see LIN 2002: 136). Needless to say, the DPP also supported the KMT's mainstream faction in abolishing or suspending the provincial government, albeit for a different reason i.e., to “eliminate any suggestion that Taiwan was merely a province of China” (NOBLE 1999: 102). On May 8, 1999, the party passed its “Resolution on Taiwan's Future.”<sup>72</sup> In it they asserted that after the constitutional reforms and free elections since the early 1990s, “Taiwan is a sovereign and independent country” and “not a part of the People's Republic of China.” It demanded that any change to this “status quo” should be subject to a plebiscite. The DPP also accepted “Republic of China” as Taiwan's name “under its current constitution.” Under these premises, the resolution called for equality with China and aimed at encouraging a peaceful dialogue between the two sides. The assertive speech acts with regard to Taiwan's status made it clear that maintaining the “one China” rule was not in the interest of the party. Indeed, the DPP opined that

Taiwan should renounce the “one China” position to avoid international confusion and to prevent the position's use by China as a pretext for annexation by force.

The document went further by stating the DPP's goals of Taiwanization of the public education system as well as “rebuilding” an awareness for Taiwan's history and culture. However, the DPP's speech acts could not violate the “one China” rule, because the party was in opposition and did not have the means to implement policies

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<sup>72</sup> DPP (1999): “Resolution on Taiwan's Future,” via: <http://www.taiwandc.org/nws-9920.htm> (accessed: 2011-10-23).

that would break the “one China” rule. Their performances did, however, exert influence over the domestic and Cross-Strait discourses and, as their ideas gradually became part of the mainstream, they would have restricted the KMT from being overly pro-unification, if it ever were to embark on such a course. It came, of course, much different. Before Lee left office, he did so on a note that would severely challenge (albeit still not violate) the “one China” rule. During an interview with the German broadcaster *Deutsche Welle* on July 9, 1999, Lee made the following assertions in a well-prepared<sup>73</sup> answer to a question on Cross-Strait relations:

The 1991 constitutional amendments have placed cross-Strait relations as a state-to-state relationship or at least a special state-to-state relationship [ *teshu de guo yu guo guanxi* 特殊的國與國關係 ], rather than an internal relationship between a legitimate government and a renegade group, or between a central government and a local government.<sup>74</sup>

Although agents in Taipei went on to clarify that this “Two States Theory” (*liangguo lun* 兩國論), as it was later called by the media, was not connected to any changes in policy, it created much controversy in Taiwan and triggered strong reactions from agents in Beijing and Washington. The DPP saw it as a gift. Although MAC published a position paper on August 1, in which it called on both sides of the Strait to return to the idea of both sides having a different interpretation of “one China,”<sup>75</sup> Lee Teng-hui did not attempt to find a tone that Beijing might have interpreted as more conciliatory and instead repeated his “two-states”-remarks in his National Day Address the following month.

An important backdrop for these changes that allowed agents in Taipei to gradually challenge the “one China” rule was the public's embrace of Lee's ideas of fighting for Taiwan's international space as well as the Taiwan-centricity of his policies. As Taiwan become more democratic, the public's perception of government policies became a matter of concern, especially when these policies touched on the sensitive issue of national identity. To measure public opinion, various polls have been conducted by the MAC and the Election Study Center of National Chengchi University since the early 1990s (see appendices 7.1-7.3). They show that by the mid-1990s the percentage of Taiwan's population that supported an immediate or eventual

73 For a discussion of the background on this formula see SHENG 2001: 210-228.

74 (n/a) (1999): “Interview of Taiwan President Lee with *Deutsche Welle* Radio,” via: <http://www.taiwandc.org/nws-9926.htm> (accessed: 2011-10-23).

75 MAC (1 August 1999): “Parity, Peace, and Win-Win: The Republic of China's Position on the 'Special State-to-state Relationship',” via: <http://www.fas.org/news/taiwan/1999/880803.htm> (accessed: 2011-10-23).

unification with China stagnated and then dropped towards the end of the 1990s. In 1999, their number was about equal to the one of people who supported independence, either “as soon as possible” or after a period of maintaining the status quo. While both numbers are dwarfed by the majority of more than 45 percent to around 50 percent of the population who supported to either maintain the status quo<sup>76</sup> indefinitely or at least postpone a decision until a later time, two trends became obvious. First, an increasingly larger percentage of people on the island spoke in favor of independence. Second, more and more people in Taiwan started to ethnically identify themselves as purely Taiwanese as opposed to purely Chinese.<sup>77</sup> More importantly, as can be seen in the MAC poll (appendix 7.1), a boost in the numbers of pro-independence answers registered concurrently with aggressive moves by the PRC against Taiwan, as was most obvious in the case of the missile firings in 1995-1996. In other words, the PRC itself, through its own words and actions, contributed to a rise in attitude among Taiwan's population that was detrimental to its goal of achieving “peaceful reunification.” On the other hand, a huge majority of Taiwanese agreed to Lee's state-to-state remarks as a variety of surveys have shown.<sup>78</sup>

Agents in Beijing could not do much rather than more passively respond to these developments in Taiwan. “Peaceful reunification” flanked by military deterrence remained the cornerstones of its Taiwan policy. Probably in awareness of the changes in the Taiwan people's perception of their own identity but still resolved to keep pushing for Beijing's own “one China” principle, Jiang Zemin said that his government would place “its hope on those people in Taiwan who have a glorious patriotic tradition” when he addressed the 15<sup>th</sup> CCP National Congress in September 1997. A more defiant stance was revealed in PRC's agents recourse on calling Taiwan a “province of China” on more occasions than before, purposefully denying any degree of equality between both sides, especially in the immediate aftermaths of the presidential elections in 1996. This stance was moderated over the course of the next two years, enabling both sides to conduct another round of Koo-Wang talks in 1998.

76 It should be noted that no definition of “status quo” is given in these surveys.

77 In the Chinese version of the survey “Chinese” is translated as *Zhongguo ren* (中國人), which has a more political connotation such as in “people of a state called China” rather than, for example *Huaren* (華人) which could be translated as “Chinese as a cultural group.” It should also be noted that the “middle ground” between the above-mentioned answers, that is, the self-identification as “Taiwanese and Chinese” received by far the most responses.

78 MAC (1999): “Public Support for Special State-to-State Relationship (1999-09),” via: <http://www.mac.gov.tw/ct.asp?xItem=54854&CtNode=5954&mp=3> (accessed: 2011-10-23).



Preceding this meeting was a redefinition of “one China” at least in the PRC's dealings with Taiwan. The ARATS proclaimed that

There is only one China in the world, Taiwan is a part of China, and China is not reunified yet. The two sides should make common efforts to discuss reunification through consultations on an equal footing under the principle of one China. The sovereignty and territory of a country is indivisible and Taiwan's political status should be discussed under the premise of one China.<sup>79</sup>

Almost needless to say that this relatively open-minded approach (references to the PRC as the sole legitimate Chinese government were left out) was abandoned after Lee's announcement of his “state-to-state” formula. Subsequently, directive speech acts became most in evidence on the part of Beijing. The president and TAO officials condemned Lee, sending strong warnings to Taipei not to amend the Constitution in accordance with that theory and urged a return to the “one China principle” (see HUANG / LI 2010: 237). However, when they realized that the independence discourse in Taiwan gained momentum and threatened to severely challenge the “one China” rule, the TAO issued another white paper<sup>80</sup> to set the tone on its own terms right before Taiwan's March 2000 presidential election. It consisted of many well-known and already established speech acts with regard to Taiwan's status that basically aimed at countering everything that agents in Taipei tried to convey with their “state-to-state” theory. It defined Taiwan alternatively as an “inalienable part of China” and even denigrated its status to that of a “province” in which the KMT government was merely a “local authority in Chinese territory.” The paper then went on to blame Lee Teng-hui for “betraying” the “one China” principle, and identified the president as the head of the “separatist forces” on the island that not only tried to pursue “Taiwan independence” or the creation of “two Chinas” but also to ideologically undermine the “Chinese awareness” among Taiwanese. It contrasted these developments of recent years with the presidencies of the two Chiangs that despite ideological differences did not challenge the “one China” rule. It warned Taiwan that if it “denies the One-China Principle and tries to separate Taiwan from the territory of China, the premise and basis for peaceful reunification will cease to exist.” Interestingly, not only failed it to mention the consensus that was supposedly reached in 1992, and only referred to that time by claiming that back then both sides had reached a verbal agreement on the

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79 Quoted after HUANG / LI 2010: 218-219.

80 TAO (23 February 2000): “The One-China Principle and the Taiwan Issue,” via: [http://www.gwytb.gov.cn/en/Special/WhitePapers/201103/t20110316\\_1789217.htm](http://www.gwytb.gov.cn/en/Special/WhitePapers/201103/t20110316_1789217.htm) (accessed: 2011-10-23).



“one China” principle, but it also warned Taipei of postponing unification talks indefinitely. Addressing the US, the paper demanded agents there to implement the commitments made in the three communiqués and help bring about a settlement of this “most crucial and most sensitive issue in the relations between China and the United States.” It was befitting then of the strict tone with its narrow “one China” definition in this white paper when China's premier Zhu Rongji (朱鎔基) bluntly warned the Taiwanese during a press conference on the eve before the 2000 election:

[...] at present, Taiwan people are facing an urgent historic moment. They have to decide what path to follow. They absolutely should not act impulsively. Otherwise, it will be too late for regrets.<sup>81</sup>

Unfortunately for Beijing, its directive speech acts proved increasingly ineffective as they achieved the opposite of what agents there had intended.

After the missile crisis, which had forced the US to take actions that were detrimental to its previous approach of “strategic ambiguity,” its agents deemed it necessary to more strictly define its own “one China” policy after March 1996. Instead of implementing significant policy shifts, agents in Washington limited themselves to strengthening previous commitment rules towards Beijing and Taipei. After all, the view that the existing “one China” policy remained a pillar for peace and stability in the Taiwan Strait and had allowed Taiwan to become a prosperous democracy, prevailed in US policy circles (DICKSON 2002: 266). During a press conference on May 17, 1996, Secretary of State Warren Christopher explained the fundamentals of US policy towards China and Taiwan: while the US expected them to solve their issues among themselves, they wished for both sides to engage and not confront each other. Furthermore, Christopher stated that the US “strongly believed” that any solution should be achieved by peaceful means alone and should be acceptable to both sides.<sup>82</sup> The clearest assertions were sent by President Clinton's public “three noes” statement in June 1998 during a visit to China. By emphasizing that the US would not support (1) “two Chinas,” or “one China and one Taiwan,” (2) “Taiwan independence,” nor (3) membership for Taiwan in organizations that require statehood (such as the UN), it struck a chord with Beijing's proposals. At the same time, and in line with its attempt to balance out both sides (HSU 2010: 140), US

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81 Quoted after ZHAO 2002: 233.

82 US DEPARTMENT OF STATE, OFFICE OF THE SPOKESMAN (1996): “American Interests and the U.S. China Relationship, May 17, 1996,” via: <http://dosfan.lib.uic.edu/ERC/briefing/dossec/1996/9605/960517dossec1.html> (accessed: 2011-10-23).

officials reiterated the “six assurances” to Taipei and underlined these commitments with the announcement of a sale of a new arms package.<sup>83</sup> After Lee's “state-to-state” comments, President Clinton reassured Jiang Zemin in a telephone conversation that the US could continue to uphold its “one China” policy and not change its stance on the status of Taiwan. In the aftermath, irritated agents in Washington, to whom Lee's statements obviously came as a surprise in their clarity, addressed numerous warnings at Taipei to not change the “status quo” unilaterally. Agents in Washington conveyed their wish of being notified in advance before any controversial changes took place and basically expected from Taipei

to maintain a separate but not separatist posture in Cross-Strait relations: that is, Taiwan should neither surrender its “democratic existence” to the PRC nor assert its “distinct sovereignty” and thereby undermine the existing one-China context.” (HUANG / LI 2010: 206)

However, efforts from Washington to influence the situation in the Taiwan Strait were once more not limited to the executive branch alone. In 1999, the US Congress was deliberating the Taiwan Security Enhancement Act, so to speak an update to the TRA, that aimed at strengthening military ties with the island. This was in part a reaction to Clinton's “three noes” policy that had been seen as overly pro-Beijing. The act eventually failed to pass the Senate, but the US legislative branch had proven itself once more as a proactive force that favored Taiwan over China. However, rather than resulting from a specific concern for Taiwan, this attitude was and remains mostly a result of Congress' disdain for the PRC and fueled by anti-executive branch sentiments (DICKSON 2002: 264-274).

### 3.4 Academic Construction of Cross-Strait Relations: Some Thoughts

Giving a full account of academic constructions of the Cross-Strait relationship over the whole time span between the 1950s until the late 1990s would be a rather difficult undertaking as it would require the researcher to read all or at least a big chunk of academic publications that were written about this topic in all different kinds of languages and published during that time period. Therefore, only some general arguments can and shall be made at this point about the role of academics in the process of construction using some examples of Chinese and English language

<sup>83</sup> Between 1988 and the late 1990s Taiwan usually ranked as the second or third largest recipient of US arms sales, even ahead of US treaty allies such as Japan or South Korea. (GOLDSTEIN / SCHRIVER 2001: 162).

publications. If we start from the assumption that, as a general premise, scholars or scholarly institutions lack the financial or material resources, even in cases when they are supported by the state, to carry out threats or delivering on commitments that would noticeably change the situation across the Taiwan Strait, we can rule out that they are able to make effective directive or commissive speech acts. However, the same can not be said about assertive speech acts. As highly-educated, specialized and therefore competent participants in the construction process, academics make comments on Cross-Strait relations that possess a high degree of authoritative formality, which in turn contributes to or influences discussions in policy circles or different levels of government. Sometimes scholars will be asked by government institutions to portray the “official” view on events, most constantly in the PRC, but also outside of it. For example, the *History of Taiwan* (*Taiwan shi* 臺灣史) edited by Lin Hengdao (林衡道) and published by Taiwan's Provincial Government in 1977 unsurprisingly defined the status of the island as a province of China. Other works such as *Taiwan in Modern Times* (1973: vii) pursued the self-proclaimed goal of proving that “Taiwan is an integral and inalienable part of China.” Similarly, scholars from the West (mostly from the US), unable to conduct research on the Chinese mainland until well into the 1970s, studied Taiwan as a microcosm of China and thereby served the KMT's agenda of representing the whole country even if that may not have been their intention (PHILLIPS 2003: 15). Only few works advocated independence for Taiwan at that early stage. One notable case is George Kerr's<sup>84</sup> eyewitness account of the 1947 uprising, published under the title *Formosa Betrayed* in 1965. More outspoken works about Taiwan's status as separate from China were books by exiled Taiwanese such as Su Beng (史明, *Taiwan ren si-bai nian shi* 臺灣人四百年史) or Peng Ming-min (彭明敏, *A Taste of Freedom: Memoirs of a Formosan Independence Leader*).

Interestingly, after Taiwan's democratization and Taiwanization in the 1980s and early 1990s, more and more scholars seemed to have followed Taiwanese government officials by frequently using the term “Republic of China on Taiwan” which was used sometimes under Chiang Ching-kuo and became mainstream under Lee Teng-hui as shown above. At that time academics started to realize that

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a democratization which was initiated to some extent because Taiwan was part of a larger China

84 George Kerr was stationed in Taiwan as a US diplomat during the 1940s.

seems to be leading to Taiwan's increasingly well-established and irreversible *de facto* separation from that China, as the island's politics become more and more responsive to the preferences of the majority. (NATHAN / Ho 1993: 55)

By making descriptive statements in narrations about Taiwan (or the ROCT or Nationalist China etc.), scholarly authors actively took part in the process of elaborating a unique meaning for Taiwan and ultimately became complicit in producing the “Taiwanese national idea” (HARRISON 2006: 43) which was of course a proclaimed goal of government agents in Taipei after the 2000 election.

### 3.5 Conclusion

The purpose of this chapter was to give an overview of how agents in Taipei, Beijing and Washington as well as in the academic community have constructed the institution of Cross-Strait relations over the period from 1949 until early 2000. The “one China” rule has been identified as the most vital and consistent regulator of this institution as agents on all sides have created and sustained this rule by performing respective speech acts, which have been exemplarily analyzed mostly in their more formalized forms. Although the rule was created by the three of them, there were of course significant differences in approaches. Figure 2 is the attempt at a simplified graphic approximation of the construction process of the Cross-Strait relationship during that the time period 1950 until 1990. During that time period, agents in both Beijing and Taipei held on to the idea that they were the sole legal government and representatives of China respectively, although they differed in their interpretation regarding the nation's name (ROC vs. PRC) and threatened each other over (re)taking or annexing the opposite side's territory which they claimed to be part of their own. However, they were restrained by agents in Washington who followed their own “one China” policy and supported only a peaceful solution to the impasse. This rather inflexible standoff was characteristic throughout the 1970s and 1980s, despite the fact that the international community (including the US) tended more and more to support the PRC as the only official and legal government of China. This was mainly due to continued commitments on the part of Washington to both governments. To Beijing it promised to honor the contents of the three joint communiqués that were signed between 1971 and 1982, while making promises to Taipei by following the TRA and keeping the “six assurances” through which it would continue to provide the

island with means to defend itself militarily.

Although insistence by agents in Beijing and Taipei in front of domestic and international audiences that they held on to a unified political unit called “China” and the fact that the US' purposefully internationalization of their relationship had led to an impasse or freeze of the relationship between the two, the picture began to change slowly but steadily during the 1980s. Firstly, their contradictory portrayals of each other as respective “out-group” stood in contrast to assertions that they were all “one big family” or “compatriots” connected by a common history and culture and necessarily led to tensions in the long-run. Secondly, Taiwan's political democratization during the 1980s gave room to those voices in the island's society that emphasized a more Taiwan-centric focus of the island's political (or national) future. By the mid-1980s the newly established Democratic Progressive Party attempted to further shift the focus of Taiwan's political identity away from the idea of a unification with China. Although, the official position of Taiwan's KMT government was to hold on to the idea of “one China,” thus still giving credence to this rule, these ideas eventually found their way into government circles which led to repercussions

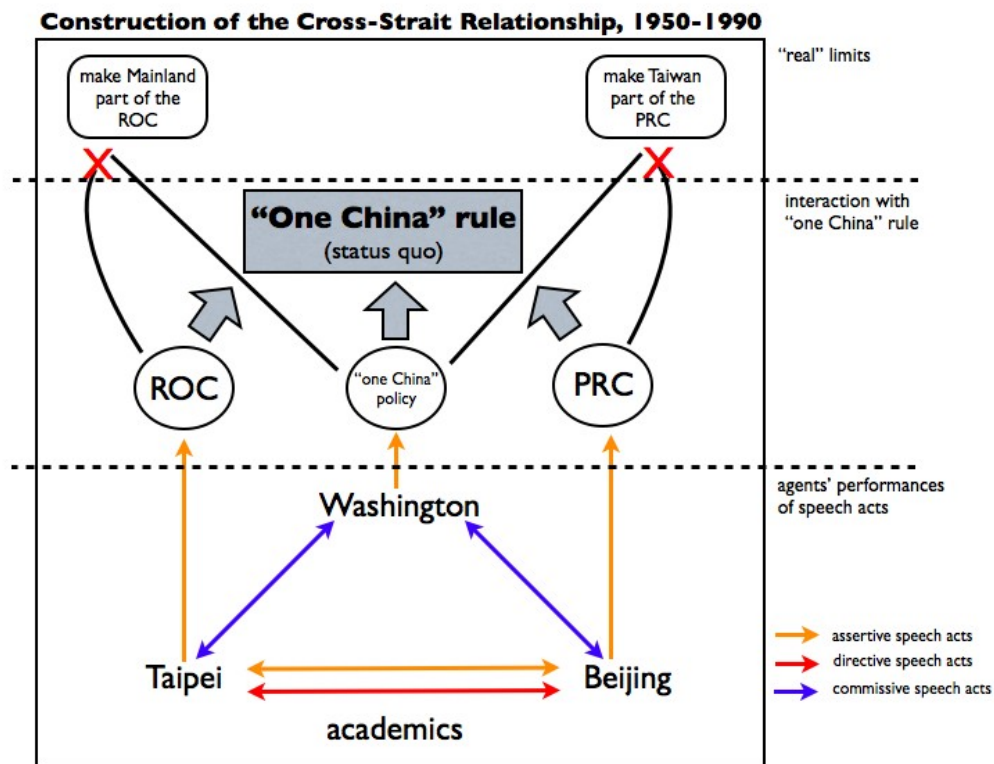


Figure 2: Construction of the Cross-Strait Relationship, 1950-1990.

of how agents interacted with the “one China” rule.

Early in the period when the third-generation leaderships took over in Taiwan and China, the previous Cold War impasse was overcome. PRC and ROC used their resources as governments to create new agents, that is, by creating the TAO and ARATS on the Chinese side, and the MAC and SEF on the Taiwanese side, both enabled more people to act as agents on their behalf. Although the exact circumstances that surrounded the “1992 Consensus” remain obscure and controversial in Taiwan's political sphere, what can not be denied is that during the early years of Lee Teng-hui's first term, an apparent relaxation in Cross-Strait relations has led to the first direct (albeit semi-official) negotiations between both sides since the Cold War impasse. These new agents then opened up new possibilities for rule-making between Taiwan and China despite the lack of a diplomatic relationship (YUAN 1995). However, with the beginning of the 1990s, there were significant adjustments with regard to the construction process, especially by agents in Taipei (Figure 3). After the constitutional amendments in which Taipei recognized the PRC's jurisdiction over the mainland territories, the previous exchange of directive

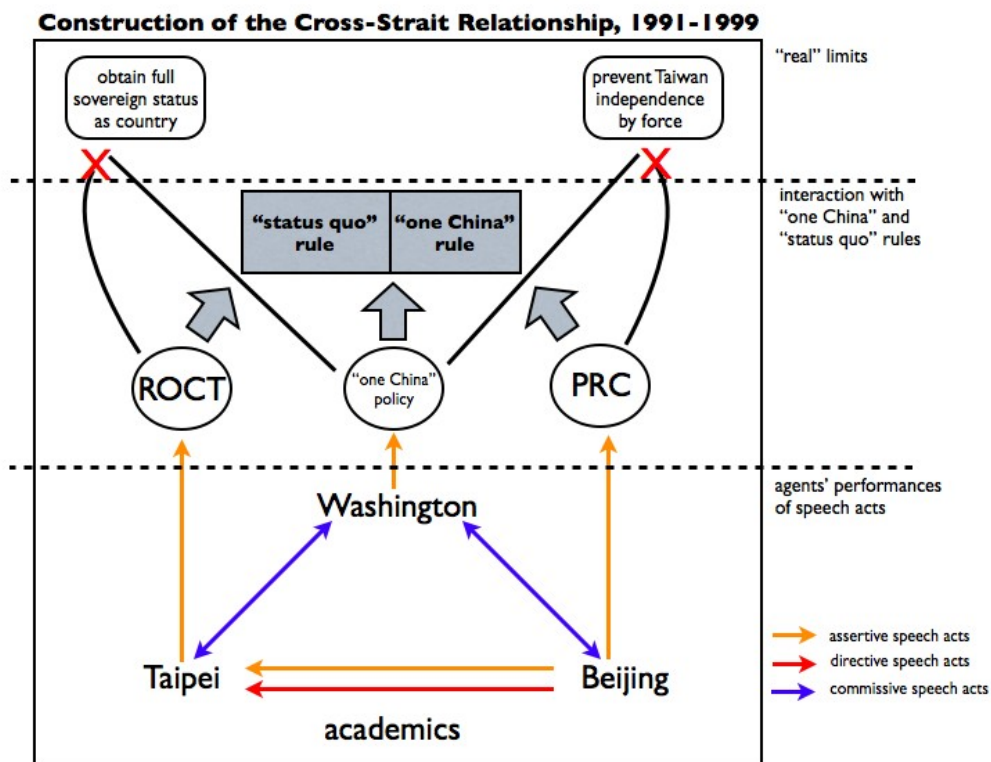


Figure 3: Construction of the Cross-Strait Relationship, 1991-1999



and assertive speech acts between the two became much more one-sided. While Beijing, in line with its view of Cross-Strait relations as an “internal matter,” continued to define Taiwan as one of its “provinces” or at least “parts” and did not abandon its threats of using military force against the island, Taipei became increasingly self-occupied. When the political liberalization in Taiwan continued throughout the 1990s, leading to island-wide elections for the office of president in 1996 and giving Taiwanese more and more opportunities to emphasize their own political identity, politicians in governing as well as opposition circles started to emphasize the role of Taiwan's population in determining the (political) future of the island vis-a-vis the People's Republic of China. The discourse in Taiwan's society had shifted from one of military confrontation or security to one of democracy. But this was not the only way in which the previously “top-down” designated “one China” rule was challenged during that time. At first, Taiwan's government under Lee Teng-hui attempted to redefine its understanding of “China” by introducing new formulas reflecting a divided country with equally shared sovereignty, such as “one country, two governments” or “one country, two entities.” Afterwards it called the political character of “one China” into a question, not only by redefining China foremost as a historical or cultural entity but especially when Lee made his “special state-to-state relationship” statement in 1999. Although he denied pursuing policies that aimed at creating “two Chinas,” “one China, one Taiwan” or “Taiwan independence,” and did not push through with constitutional amendments that changed the ROC's boundaries of the mid-1940s, Lee nevertheless became more Taiwan-centric in his words and actions and drew increasingly smaller circles when it came to make statements about his country's sovereignty, shifting the discourse away from “who represented China,” to “who represented Taiwan.” This resulted in the prevalence of the “Republic of China on Taiwan” terminology, descriptions of Taiwan as the “homeland” for all people living on the island, as well as in the references to Taiwan's 21 million people as opposed to China's 1.2 billion (a population that he still addressed when he took office in the late 1980s). This stance was increasingly at odds with what Beijing was willing to give, that is, at maximum, granting Taipei some sort of intra-Chinese equality on a party-to-party level, while insisting on representing Chinese sovereignty to the outside world alone. However, speech acts by Beijing were adjusted insofar as

they now aimed at preventing a (formal) independence of Taiwan, a clear violation of the “one China” rule.

The US continued its policies of keeping both sides at bay and emphasizing the need to find a peaceful solution. While President Clinton's “three noes” were the most emphatic commitment favorable to Beijing, Washington continued to abide by the TRA which provided Taiwan with arms sales during the 1990s.<sup>85</sup> Although the US continued to emphasize the responsibility of both sides to find a solution by themselves, the TRA, as a US domestic law that effectively regulates relations with a foreign state, continued to function like a wedge that prevented Beijing from closing the door on what it said should be a domestic affair. Using its powerful military and standing as the world's lone remaining super power, it created real restrictions to both sides of the Taiwan Strait: by blocking Taiwan's new ambitions to find international recognition in the UN (and other organizations) separate from China, but also by showing its readiness to react if Beijing became overly aggressive as it did in 1995-1996.

Beijing's interest in maintaining the “one China” rule is obvious for it benefits it greatly. In 1969, 67 countries recognized the ROC while only 49 recognized the PRC. Since 1971 more countries recognized the PRC's legitimacy over China than did support the ROC. By the end of Lee's final term, the number of diplomatic allies had shrunk to 27 for the ROC,<sup>86</sup> while that of the PRC had grown to 160 (CHAO / HSU 2006: 57). Furthermore, as DITTMER (2006) has pointed out, Taiwan has played a vital role for identity formation in China since the proclamation of the PRC and become an important pillar for the legitimacy of CCP rule over the mainland (see also FRIEDMAN 2006; DELISLE 2008: 393).

Facing the above-mentioned internal and external changes in Taiwan, it becomes obvious why the “one China” rule became increasingly unfavorable for Taiwan which caused the reaction in its people and leaders to challenge it. Since the government in Taiwan has increasingly become identified with the island alone, a new environment that would recognize them as an independent sovereignty would be more

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85 One might also make the case that by calling it the “Taiwan Relations Act” and referring to the “people of Taiwan” throughout the document as well as in other statements, agents in the US (unintentionally) took part in creating the changes of Cross-Strait construction.

86 Although his “pragmatic foreign policy” did yield some positive results in terms of unofficial and economic relations with major countries. (CHAO / HSU 2006)

beneficial. Hence, by amending the constitution and redefining the ROC(T)'s sovereignty, by downplaying historical and cultural links with China, and finally by only half-heartedly agreeing to even a “different interpretation” approach that would still subsume Taiwan under “one China,” agents in the Lee administration have effectively weakened the “one China” rule over time and laid down the foundations for the agents that were to follow and who happened to be even less interested in maintaining this rule.

At the end of the historical period that was under discussion in this chapter, a new trend for rule making in the Cross-Strait relationship appeared. During the democratization of Taiwan, the ROC has become taiwanized, that is, its territory has become increasingly identified with the main island and some off-shore islands. Also agents in Beijing have gradually adjusted their position from actively taking Taiwan by force to preventing it to declare independence. In many ways, the change of Taiwan's political system from authoritarianism to democracy has set new real limitations or restrictions for leaders on all sides. Taipei is bound to find a middle-way between “unification” and “independence” if it wants to appeal to the mainstream of “pro-status quo” voters. Washington has taken a much more silent stance on matters related to Cross-Strait relations, obviously aware of the fact that it has to respect the will of the majority on the island. Finally, even Beijing's leaders have started to recognize the importance of appealing to the Taiwanese (electorate) directly, although they did so clumsily and with unintended consequences. These adjustments and changes have led to a weakening of the “one China” rule and laid the groundworks for a new rule that we might adequately term the “status quo” rule. Early in the new millennium and at the end of Lee Teng-hui's tenure as ROC president, these were the foundations from which a new, much different Taiwanese leadership was to continue the construction process.

## **4. A Constructivist Analysis of Recent Cross-Strait Relations, 2000-2011**

### **4.1 Introduction**

The previous chapter gave an account of the historical background of Cross-Strait relations from the 1950s until the year 2000 and was theoretically grounded in a rule-based constructivist framework as presented in chapter 2. This analysis highlighted broadly who the major agents were and what speech acts they used in order to establish the “one China” rule that was mainly responsible for governing the institution of the Cross-Strait relationship. However, it was also shown that as agents in Taipei yielded their positions in government to another group of agents over time and through democratic means, the way in which these new agents interacted with the “one China” rule changed as well. Instead of pursuing an eventual course of unification with China, as their predecessors had done, agents in the Lee Teng-hui government tended to emphasize a new local identity for Taiwan which caused a gradual weakening of previous assertions that the island was part of another larger political entity. In this regard the government was even outdone by the then-opposition Democratic Progressive Party, which openly advocated independence. When the DPP was elected into office in early 2000, further changes in the construction process could be anticipated as the party was unlikely to support the dominant “one China” rule that had long stopped to favor the government in Taipei. The new trend that speech acts by Lee Teng-hui and other agents had followed during the course of the 1990s played a pioneering role for the new DPP agents. Instead of having to challenge the “one China” rule by themselves from scratch they could build on the early premises of the “status quo” rule that had started to emerge under Lee Teng-hui. While this new rule was not necessarily conducive to turning ambitions of establishing a new separate country into reality in the short run, its ambiguity allowed at least for attempts to perform speech acts in order to mold this rule into the desired direction as opposed to the much clearer “one China” rule. Instead of continuing with a focus on a chronology of political events, the following subchapters will analyze

how speech acts have been utilized across the Taiwan Strait and in the United States in the context of three discourses to highlight the changes and constants throughout the period from 2000-2008 and explore them more deeply. When the KMT came back to power in 2008, it could again be anticipated that its course of constructing the Cross-Strait relationship would shift once more as it did not share the DPP's ideals. Therefore, this chapter also aims at contrasting the developments between 2000-2008 and between 2008-2011 respectively.

## 4.2 Challenging the Rules: DPP Rule under Chen Shui-bian, 2000-2008

### 4.2.1 Taiwan's Status and the Republic of China Constitution

On March 18, 2000 Chen Shui-bian and his running mate Annette Lu (呂秀蓮) were elected into the presidential office with 39.3 percent of the popular vote. In a three-way race that had split the pan-blue camp, the independent candidate James Soong (宋楚瑜), who a few months later would go on to found the People First Party (PFP), came in at a close second with 36.8 percent while the KMT candidate Lien Chan (連戰) recorded a third place with only 23.1 percent. The two other external parties in the Cross-Strait relationship institution used this opportunity to repeat their respective common speech acts: whereas Washington contented itself with encouraging both sides to conduct peaceful dialog and reaffirmed its set of commissives regarding Beijing ("one China" policy, the three communiqués) as well as Taipei (Taiwan Relations Act) in a congratulatory note by President Clinton,<sup>87</sup> Beijing, that now had to face the reality of a pro-formal independence government in Taiwan, issued a mixture of assertions and a hardly covered directive via its Taiwan Affairs Office:

There is only one China in the world and Taiwan is an inseparable part of Chinese territory. The election of the local leader in Taiwan and its result cannot change [this fact]. The "One China" principle is the prerequisite for peaceful reunification. "Taiwan Independence" of whatever form is absolutely impermissible. We should listen to the new leader's words and watch his deeds.<sup>88</sup>

Despite the fact that this statement represented a stance not much different from

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87 US GOVERNMENT PRINTING OFFICE (2000): "Statement on the Election of Chen Shui-bian as President of Taiwan," via: <http://frwebgate1.access.gpo.gov/cgi-bin/TEXTgate.cgi?WAISdocID=0qDrJo/1/1/0&WAISaction=retrieve> (accessed: 2011-11-12). Although forty members of Congress were, once more, more assertive by saying that Taiwan should not be compelled into accepting Beijing's "one country, two systems" formula. (See COPPER 2002: 11)

88 TAO (18 March 2000): "Statement of the Taiwan Affairs Office of the Central Committee of the Communist Party of China and the Office of the Taiwan Affairs of the State Council," via: <http://il.china-embassy.org/eng/zt/twwt/t159615.htm> (accessed: 2011-11-11).

before, from here on, high-ranking agents like Vice Premier Qian Qichen (錢其琛) and TAO head Chen Yunlin (陳雲林) shifted the emphasis from previous assertions that “China” was equal to the PRC onto the new notion that “both the Mainland and Taiwan together make up one China,”<sup>89</sup> coming close to a definition that was compatible with the ROC Constitution.

Although the establishment of a sovereign and independent “Republic of Taiwan” that has no political connection to the Chinese mainland, and the People's Republic of China in particular, remains one of the DPP's most prominent goals until today,<sup>90</sup> by the time it was voted into office the party had already learnt its lesson from elections in the early 1990s when its strong emphasis on the pursuit of formal independence had scared away voters instead of attracting them (NOBLE 1999: 92; 100). However, the new situation after the 2000 election highlighted even more the constraints that a pro-independence government party had to face: its room for action was not only curtailed by their political opposition and China's military threats alone, but even more so by the constraint of what the majority of Taiwanese finds acceptable. Therefore, the idealists within the DPP had taken a more pragmatic position during the course of the 1990s, and in 1999, when its National Party Congress passed the “Resolution for Taiwan's Future,” the state's name “Republic of China” was recognized as the appropriate and constitutional name for Taiwan. At the same time, the DPP had also emphasized that Taiwan (or the ROC according to its own definition) was not a part of the PRC and possessed independent sovereignty already. Furthermore, it proposed that only Taiwan's inhabitants should be allowed to make future changes related to the island's status, which included a theoretical acceptance of unification if that was desired by a majority of its people (RIGGER 2001: 131).<sup>91</sup> This new situation together with the relatively weak mandate for the new DPP government after May 2000 formed the context for Chen's initial set of commissive speech acts, through which he moderated the pro-independence stance of his party, and which became known as his “five noes” pledge. Recognizing that as the tenth-

89 See, for example, *Xinhua* (25 August 2000): “Qian Qichen Meets Delegation of Taiwan's United Daily News,” via: [http://www.gwytb.gov.cn/zlzx/jhzt/201101/t20110123\\_1725585.htm](http://www.gwytb.gov.cn/zlzx/jhzt/201101/t20110123_1725585.htm) (accessed: 2011-11-11). (Chinese)

90 See DPP (2010): “Party Charter,” via: [http://www.dpp.org.tw/upload/history/20100604120114\\_link.pdf](http://www.dpp.org.tw/upload/history/20100604120114_link.pdf) (accessed: 2011-11-09). (Chinese)

91 Since most Taiwanese favored the “status quo” and neither (immediate) independence nor (immediate) unification, the DPP could be openly “generous” with regard to this issue, even though it went against its own preference. (See SCHUBERT 2002: 320)



term president of the Republic of China he “must abide by the Constitution” as well as “maintain the sovereignty, [and] dignity of our country,” he promised in his inauguration speech that

During my term in office, I will *not* declare independence, I will *not* change the national title, I will *not* push for the inclusion of the so-called “state-to-state” description in the Constitution, and I will *not* promote a referendum to change the status quo in regard to the question of independence or unification. Furthermore, there is *no* question of abolishing the Guidelines for National Unification and the National Unification Council.<sup>92</sup> (My emphasis.)

This part of his speech given on the occasion of his inauguration naturally had a high degree of normative force as it was meant to assure the other parties involved in constructing the Cross-Strait institution, namely Beijing and the US, that he had no intention to move beyond rules thus far established, that is, maintain the “status quo,” which had itself increasingly become a new rule under his predecessor. Therefore, for the remainder of Chen's presidency, his later actions would be measured against these promises by agents in Washington and Beijing. He only made one vague reference to “one China” by saying that both sides may “jointly deal” with the question of a “future 'one China,’” thereby neither completely denying nor embracing it. In his first New Year's Eve speech he repeated this formula while adding “[a]ctually, according to the Constitution of the Republic of China, 'one China' should not be an issue,”<sup>93</sup> but he left open any concrete solution or further course of action as how he would deal with this matter.

The DPP, which had just begun to accept the ROC Constitution on the basis of which it was elected into office and its legitimacy as ruling party now rested on, only in its “Resolution for Taiwan's Future” the previous year, now also had to face the additional constitutional constraints that the adherence to this document required of them (see LIN 2002: 153; WANG 2004: 803-809).<sup>94</sup> The fact that the sixth constitutional amendments conducted in April 2000 were still in line with the DPP's ideology, as the National Assembly, which the party saw as a relic institution symbolizing the ROC of old, once more saw its functions reduced and its rights to further constitutional

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92 GIO (2001): “Taiwan Stands Up: Advancing to an Uplifting Era: Inauguration Speech, May 20, 2000,” in: *President Chen Shui-bian's Selected Addresses and Messages (I): A New Era of Peace and Prosperity*. Taipei: Government Information Office, 8-17.

93 GIO (2001): “Bridging the New Century: Seeking a New Framework for Cross-Strait Integration, December 31, 2000,” in: *President Chen Shui-bian's Selected Addresses and Messages (I): A New Era of Peace and Prosperity*. Taipei: Government Information Office, 40-45.

94 Also, CHAO / MYERS (1994: 218) noted that even during the pre-DPP era, the opposition movement “tried to maneuver *within* the existing legal environment, while testing the political waters.” (My emphasis.)

amendments or changing the ROC territory transferred to the Legislative Yuan, did not significantly change the overall situation for the party. Further amendments became a very remote possibility, when the DPP was unable to win a majority of seats in the lawmaking body after being outperformed by the parties of the pan-blue camp in the December 2001 election.

Like their counterparts in Taipei, agents in Beijing continued to stick to their respective assertions, namely that Taiwan and the Mainland were both parts of one China, but despite these diametrically opposed positions both sides were able to improve their relationship on the economic front when the “three mini-links” (*xiao santong* 小三通) were established between the islands under ROC jurisdiction Kinmen and Matsu and the Chinese cities of Xiamen and Fuzhou on January 1, 2001.<sup>95</sup> In the wake of the collision between a US reconnaissance plane and a Chinese fighter plane over the South China Sea that year, and probably encouraged by President Chen's “five noes” commitments, US President George W. Bush announced another large weapons sale to Taiwan in April 2001 and famously promised that the US would do “whatever it takes” to help Taiwan defend itself.<sup>96</sup> The comment drew the ire of TAO head Zhang Mingqing (張銘清) who called it a “threat” and an act of foreign interference in “China's internal affairs.”<sup>97</sup> That US-Taiwan relations were at their healthiest at that time, became even clearer when President Chen was allowed to make two high profile transit stops in the United States during his first year in office.<sup>98</sup>

Although the overall external situation was not unfavorable for Taiwan, internally, the atmosphere on the island, which went through an economic recession and was plagued by political deadlock, was volatile. Beginning in 2002, the DPP

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95 In this early period a pragmatic approach regarding functional issues like this prevailed on both sides. Consequently, these links were neither termed “domestic,” which would have been Beijing's preference, nor “international,” as the DPP would have liked them to be classified. As a compromise they were eventually called “Cross-Strait links.”

96 *The New York Times* (26 April 2001): “U.S. Would Defend Taiwan, Bush Says,” via: <http://www.nytimes.com/2001/04/26/world/us-would-defend-taiwan-bush-says.html?pagewanted=all&src=pm> (accessed: 2011-11-12).

97 *China Daily* (28 April 2001): “Official: US Threat Can't Bar China's Reunification,” via: [http://www.gwytb.gov.cn/en/SpokespersonRemarks/201103/t20110316\\_1787997.htm](http://www.gwytb.gov.cn/en/SpokespersonRemarks/201103/t20110316_1787997.htm) (accessed: 2011-11-12).

98 In another development that can be interpreted as strengthening US-Taiwan relations in accordance with the TRA, the bipartisan Taiwan Caucus was inaugurated the following year. Although, like the US executive, this new body does not have a unified stance on the status of Taiwan, it does advocate the principle of self-determination for the island's people, a position that remains unacceptable to Beijing as it had made clear in its February 2000 white paper and on many other occasions.

government became increasingly assertive in its views. When Chen addressed the World Taiwanese Congress (*Shijie Taiwanren Dahui* 世界台灣人大會), the main topic of which was the “rectification of Taiwan's name” in early 2002, he stated publicly that one of the more important tasks lying ahead was to change the current governmental system because it was unsuitable for Taiwan, the “ocean nation of 23 million people.”<sup>99</sup> Likewise, his first New Year's Message had concluded with the strong assertion that “Taiwan is our motherland. [...] Let us work together for a brighter future for our nation's 23 million people in the 21<sup>st</sup> century.”<sup>100</sup> That he equaled Taiwan alone and not any territory on the Asian mainland with his “nation” became even clearer in August 2002 with an assertive statement during a gathering of another pro-independence organization that received a lot of attention and that was to cement the DPP's original ideologic position in public as well as Cross-Strait discourse for the following years:

Taiwan is our country [...] Taiwan is not part of someone else's country, nor is it a local government or a province. Taiwan cannot be a second Hong Kong or Macau because it is a sovereign and independent country. Simply put, there is one country on each side of the Taiwan Strait (*yi bian yi guo* 一邊一國) and therefore Taiwan and China have to be separated clearly.<sup>101</sup>

Chen also stressed that conducting a referendum to decide about the future of Taiwan was a basic human right for the population of the island. Through repetition on many other occasions these assertive speech acts gained normative force over time and increasingly undermined the existing rules framework.

Despite the clarity and vehemence of its view regarding Taiwan's status, the DPP government was unable to conduct any further constitutional changes or amendments that were related to the island's status.<sup>102</sup> At home it was constrained by the pan-blue camp, who held a majority in the legislature,<sup>103</sup> as well as the preference of the Taiwanese population for maintaining the “status quo.” Abroad, in addition to

99 WTC (2002): “Speech by Chen Shui-bian,” via: [http://www.worldtaiwanesecongress.org/WTC2002/president\\_address\\_2002.htm](http://www.worldtaiwanesecongress.org/WTC2002/president_address_2002.htm) (accessed: 2011-11-09). (Chinese)

100GIO (2001): “New Values for a Peaceful and Prosperous Future, New Year Message, January 1, 2001,” in: *President Chen Shui-bian's Selected Addresses and Messages (I): A New Era of Peace and Prosperity*. Taipei: Government Information Office, 46-50.

101 *China Times* (2002): “President Chen: Taiwan and China, One Country on Each Side of the Taiwan Strait,” via: <http://forums.chinatimes.com/report/2002ten/internal/92010807.htm> (accessed: 2011-11-10). (Chinese)

102The last major amendment was passed in June 2005, when the National Assembly, which had already given up its prerogatives of electing the president and the vice-president, finally voted in favor of abolishing itself and turned over its remaining functions to the Legislative Yuan.

103The pan-blue majority not only prevented the DPP from committing to constitutional changes, but also restrained the government by cutting the arms budget numerous times, making it impossible to acquire the equipment that was promised in President Bush's weapons sales announcement in 2001.

facing the threat of an increasingly powerful PLA, it had to deal with rather blunt statements by agents in Washington that it might not get involved in a conflict in the Taiwan Strait that was caused by “unilateral” actions conducted by Taipei. Washington's favorable tone toward Taiwan had changed with adjustments in its overall China policy after embarking on the “war on terror” in the wake of September 11, 2001, which forced it to follow a path of engagement with China and become more cautious with initiatives toward Taiwan, instead of taking a tough stance as the Bush administration had originally intended (SUTTER 2008). Being thus unable to overcome the “one China” rule immediately while at the same time showing no interest in perpetuating the emerging “status quo” rule, the Chen government instead focused on pursuing a “semantic” form of independence by following campaigns of “name rectification” (*zhengming* 正名) and “nativization” (*bentuhua* 本土化). In praxis this meant, for example, that the word “China” in names of major national agencies and state enterprises was exchanged for “Taiwan.” Also, starting from September 1, 2003 passports were issued with “Taiwan” written on the cover. Finally, Chen brought up the issue of calling a referendum to coincide with the 2004 elections nearing the end of his first term, which he had to abandon after combined pressure from Washington, Beijing and the KMT.<sup>104</sup> However, even after a new referendum bill had been passed with the KMT majority that made it extremely difficult for the executive to call one, the President still found a legal basis for initiating a “defensive referendum.” An increasingly weary Washington, saw itself forced to time and again reiterate its “one China” policy and express its concern over Chen's decisions that it feared would ultimately lead to “unilateral changes in the status quo.” Obviously, Chen's later statements starting from the “two countries on each side” comment were in conflict with his commitments that he made in his inaugural speech, a contradiction which had led to a gradual decrease of trust between Taipei and Washington, while proving to Beijing that its previous suspicions about Chen as pursuing formal independence were justified. That is why Washington and Beijing found themselves often together in opposing any moves by the DPP towards de jure independence and

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<sup>104</sup>The two originally planned referendums were related to the controversial construction of the Fourth Nuclear Power Plant as well as Taiwan's ambition to enter the WHO on the basis of the “two countries on each side” idea. While none of them was therefore directly related to change Taiwan's de jure status as a country, popular approval of any one of them would have made it easier for conducting further referendums on more sensitive topics in the future (MYERS / ZHANG 2005: 86).

when Jiang Zemin was welcomed by Bush to the US in late October that year, both repeated the importance of adherence to their respective “one China” ideas in order to “maintain peace” in the Taiwan Strait. Even worse for Taipei, one senior official in Washington went beyond the usual emphasis on the importance of the “status quo” and specifically advised the DPP government to take threats by the CCP seriously, adding that “there are limitations with respect to what the United States will support as Taiwan considers possible changes to its constitution.”<sup>105</sup>

In his later speeches Chen continued to scale back by reaffirming previous commitments, and yet continued to subvert the “one China” rule by redefining the “status quo” according to DPP ideology. The idea of the referenda might be interpreted as a way to superimpose the “status quo” rule in the DPP's definition over the “one China” rule once and for all by using the “real” constraint of democracy in Taiwan as a way to restrict Beijing. Because if a majority of Taiwanese would vote in favor of such a proposal from which one would be able to imply a basis for a political separation of Taiwan from China by democratic means, China would have a much tougher case to justify the use of military force. As polls have shown (see appendix 7.2/7.3) previous attempts by Beijing to intimidate the Taiwanese population militarily, such as in 1996, had led to spikes in the categories for “supporting independence” as well as in the self-identification as “Taiwanese,” suggesting further alienation by Beijing's action that could be exploited for domestic purposes. However, once the referendum plan did not work out as hoped for the DPP, but having received a boost of confidence after being (albeit narrowly) reelected with slightly over 50 percent of the popular vote in 2004, the party fell back on the usual way of rule creating via speech acts and used them to continually edge out the “one China” rule by highlighting Taiwan's uniqueness vis-a-vis China.

In his second Inaugural Speech in May 2004, Chen said it was “a fact” that the Republic of China was as “now exist[ing] in Taiwan, Penghu, Kinmen and Matsu.”<sup>106</sup> And in his National Day speech that year, he obviously tried to strike a balance between the DPP's view and the ROC's constitutional constraints by proclaiming that:

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105(n/a): “Testimony of Assistant Secretary of State James A. Kelly Before the House International Relations Committee, April 24, 2004,” via: <http://www.mtholyoke.edu/acad/intrel/china/kelly.htm> (accessed: 2011-11-13).

106MAC (2005): “President Chen's Inaugural Speech: Paving the Way for a Sustainable Taiwan (Excerpt), May 20, 2004,” in: *Important Documents on the Government's Mainland Policy*. Taipei: Mainland Affairs Council, 46-48.



The sovereignty of the Republic of China is vested with the 23 million people of Taiwan. The Republic of China is Taiwan, and Taiwan is the Republic of China. This is an indisputable fact.<sup>107</sup>

To make his case even more clearly he called Taiwan “a country of 36,000 square kilometers” in that same speech all the while stating that he “would like to reaffirm the promises and principles set forth in my inaugural speech, [commitments, which] will be honored during my presidency,” although, quite obviously, the above statement was not in line with the ROC Constitution whose territorial claims extend over mainland territory.

Although Beijing had slowly but steadily scaled back its references to China as being the PRC and followed what is often called a “pro-status quo approach” since the Hu Jintao (胡锦涛) era, Beijing still had its own definition of what “status quo” meant just like the DPP and KMT (or Washington for that matter). Instead of achieving “peaceful unification” as early as possible, merely “striving for the prospect of peaceful unification” as well as a “peaceful and stable development of Cross-Strait relations” became the new official goals (HUANG / LI 2010: 271). Preventing independence was more important than achieving unification with Taiwan. This new wording was formalized in a TAO statement issued on May 17, 2004. In that statement Beijing not only chastised Chen for not holding up his pledges from 2000 but also warned that “‘Taiwan Independence’ does not lead to peace” and that if the DPP continued on this path, they would only “meet their own destruction by playing with fire.”<sup>108</sup> The new adjustments put Beijing in a more closer position to the one followed by the US who had also continued to adjust their “one China” policy by stressing that they would “not support” independence for Taiwan.<sup>109</sup> At a press conference in September 2004, Secretary of State Colin Powell made this point very clear when he stated that

there is no support in the United States for an independence movement in Taiwan because that would be inconsistent with our obligations and our commitment to our One China policy.<sup>110</sup>

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107MAC (2005): “President Chen's Address to the National Day Rally, October 10, 2004,” in: *Important Documents on the Government's Mainland Policy*. Taipei: Mainland Affairs Council, 17-22.

108TAO (17 May 2004): “Taiwan Affairs Office Issues Statement on Current Cross-Strait Relations,” via: <http://www.china-embassy.org/eng/zt/twwt/t111117.htm> (accessed: 2011-11-11).

109This change had occurred at least as early as June 2003, see for example, THE WHITE HOUSE, OFFICE OF THE PRESS SECRETARY (1 June 2003): “President Bush's Meeting with Chinese President,” via: <http://georgewbush-whitehouse.archives.gov/news/releases/2003/06/20030601-4.html> (accessed: 2011-11-11).

110(n/a): “Transcript: Powell, China's Li Zhaoxing Discuss North Korea, Taiwan, Sudan, 30 September 2004,” via: <http://usinfo.org/wf-archive/2004/040930/epf403.htm> (accessed: 2011-11-13).



On his China trip, less than a month after the above statement he made a rare assertive statement regarding Taiwan's status, saying: "There is only one China. Taiwan is not independent. It does not enjoy sovereignty as a nation, and that remains our policy, our firm policy."<sup>111</sup> However, this divergence between all parties involved as to their views on and interpretation of the "status quo" with all the entailing unintended consequences was the reason for the creation of the "status quo" rule on the one hand while it was also the source for constant challenges that arose with the struggle over its definition on the other. The fact that a majority of Taiwanese merely wanted to maintain an undefined "status quo" also supported this development. In his March 4, 2005 "four point" statement, President Hu once again showed clearly Beijing's own definition:

Adherence to the one-China principle serves as the cornerstone for developing cross-Straits relations and realizing peaceful reunification of the motherland. Although the mainland and Taiwan are not yet reunified, the fact that the two sides belong to one and the same China has remained unchanged since 1949. This is the status quo of cross-Straits relations. [...] China belongs to the 1.3 billion Chinese people including the 23 million Taiwan compatriots, so do the mainland and Taiwan Island. Any question involving China's sovereignty and territorial integrity must be decided collectively by the entire 1.3 billion Chinese people.<sup>112</sup>

He also stressed that his side hoped Chen would honor his reaffirmed "five noes" commitment and that Beijing would never stop placing its hope in Taiwan's people. However, in a move that was to entirely sway back the momentum of construction of the Cross-Strait relationship into the hands of Beijing, only a few days later the CCP passed the Anti-Secession Law through which the party wanted to give itself a "legal foundation" for "maintaining the status quo" as outlined above. In fact, through the high level of legality, this move formalized previous speech acts in an unprecedented way. This was not only true for the assertive statements such as the one that there "is only one China in the world" and that both "the mainland and Taiwan belong to one China," (Art. 2) but also for commissive ones such as the commitment to "achieve peaceful unification" and the promise that after reunification "Taiwan may practice systems different from those on the mainland and enjoy a high degree of autonomy" (Art. 5). Finally, and perhaps most disturbingly, directive speech acts of using "non-peaceful means" should Taiwan declare formal independence (Art. 8), were also

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<sup>111</sup>Quoted after HUANG / LI 2010: 290.

<sup>112</sup>*People's Daily* (3 March 2005): "Hu Jintao's Four-points Guideline," via: <http://english.cri.cn/4426/2007/01/11/167@184032.htm> (accessed: 2011-11-12).

formalized.<sup>113</sup> The Law was criticized for its assertive and directive character in Taiwan on the grounds that it ran counter to mainstream opinion on the island and led to a large-scale protest rally. Washington asked Beijing to cool off tensions and officials there described the law as “unhelpful” while advocating a peaceful solution that was acceptable to both sides.<sup>114</sup>

The ROC Constitution continued to frequently come under fire by the then-government. Previously, Chen had reached an informal ten-point agreement with James Soong after the two had met in February 2005, in which both stated that the island's national status was already defined by the ROC Constitution, by which Chen promised to abide in order to maintain the “status quo.” Shortly thereafter, he publicly admitted that he was “unable” to change the nation's title.<sup>115</sup> However, the passing of the ASL gave reason to his party to circumvent the “five noes” pledge once again, which were, after all, made under the precondition that China would not show any intent of using military force. Therefore, in his New Year's speech 2006 Chen not only reiterated his definition of Taiwan as a country of 36,000 square kilometers, that was “not subject to the jurisdiction of the People's Republic of China, and whose 23 million people were the only sovereigns of the island, but he also promised a “new Taiwan constitution” by 2008, one that would be “timely, relevant, and viable”<sup>116</sup> showing his intent to not merely continue the original state but achieving a form of independence. This new commitment could not but be seen in contradiction with his “five noes” pledge, therefore further undermining his reliability in the eyes of Washington and Beijing. Furthering the spiral of mutual challenges to the “one China”/“status quo” rules, was Chen's announcement on January 29 at a rally of DPP supporters. Not only did he voice his intention to abolish the NUC and the NUG (which had basically been dormant since the DPP assumed government

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113NPC (14 March 2005): “Anti-Secession Law,” via: [http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content\\_1384099.htm](http://www.npc.gov.cn/englishnpc/Law/2007-12/13/content_1384099.htm) (accessed: 2011-07-19). Originally termed “Law of Reunification of the Motherland” or “Anti-Taiwan Independence Law” in earlier drafts, the final name of the ASL is also a reflection of Beijing's interpretation of the “status quo,” that is Taiwan is as of now already a part of China.

114*Agence-France Press* (10 March 2005): “U.S. Calls New China Law on Taiwan 'Unhelpful,’” via: <http://taiwansecurity.org/TSR-ASL.htm> (accessed: 2011-11-13).

115*BBC News* (1 March 2005): “Chen Shui-bian Admits that he is “unable” to Change Nation's Title,” via: [http://news.bbc.co.uk/chinese/trad/hi/newsid\\_4310000/newsid\\_4310600/4310697.stm](http://news.bbc.co.uk/chinese/trad/hi/newsid_4310000/newsid_4310600/4310697.stm) (accessed: 2011-11-12). (Chinese)

116GIO (2006): “President Chen's New Year's Message, January 1, 2006,” via: <http://www.gio.gov.tw/taiwan-website/4-oa/20060101/2006010101.html> (accessed: 2011-11-12).

responsibility), but also that Taiwan should try to enter the UN under the name “Taiwan,” instead of “Republic of China,” which had failed during the previous year to achieve this goal. Chen also renewed his call for a popular vote on a new constitution for the following year.<sup>117</sup> Thus trapped by an increasingly complex network of contradicting commitments to the US as well as his supporters, and incompatible assertions, Chen had to try another balancing act when he finally announced on February 27 that the “NUC cease to function” and the “NUG cease to apply.” Beijing denounced the move as an attempt at changing the “status quo.” Officials in the US State Department and other agencies had on many occasions reminded Chen of his commitments made in his (reaffirmed) “five noes” pledge, ever since he first announced his intent to produce a new constitution. Regarding the latest move, they paid great attention to Chen's wording. The US State Department stressed the importance of the NUC being merely “frozen” and not actually “abolished” and asked Taiwan's government to publicly reaffirm that the “status quo” had not been changed.<sup>118</sup> At one point they even found it necessary to remind Taipei that it

has made public commitments with regard to its cross-strait policy. Those commitments are well known. We appreciate them and we take them seriously [...] They have made those commitments – we hold them to them.<sup>119</sup>

A final attempt at “rectifying” Taiwan's constitutional situation took place when the DPP passed its “Normal Country Resolution” in 2007. In this document the party insisted anew that Taiwan did not belong to China and that therefore its official name should be “rectified,” in particular with respect to its participation in international organizations, for which, as the DPP argued, the name “ROC” had become increasingly impractical and had failed to yield any results in the past. Furthermore, the resolution specifically criticized the “inappropriate constitutional structure” of the ROC for leading to an “abnormal political system” in Taiwan.<sup>120</sup> However, the DPP still did not openly advocate using a plebiscite on Taiwan's constitutional name but – as a sort of substitute – took up the idea again that its people decide via referendum

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117 *Taipei Times* (30 January 2006): “Scrap Unification Guidelines, Chen Says,” via: <http://www.taipeitimes.com/News/front/archives/2006/01/30/2003291105> (accessed: 2011-11-12).

118 US DEPARTMENT OF STATE (27 February 2006): “Daily Press Briefing,” via: <http://2001-2009.state.gov/r/pa/prs/dpb/2006/62221.htm> (accessed: 2011-11-13).

119 US DEPARTMENT OF STATE (14 March 2006): “Daily Press Briefing,” via: <http://2001-2009.state.gov/r/pa/prs/dpb/2006/63120.htm> (accessed: 2011-11-13).

120 DPP (2007): “Draft of the Normal Country Resolution,” via: [http://www.dpp.org.tw/news\\_content.php?menu\\_sn=7&sub\\_menu=43&sn=336](http://www.dpp.org.tw/news_content.php?menu_sn=7&sub_menu=43&sn=336) (accessed: 2011-11-10). (Chinese)

whether Taiwan should use the name “Taiwan” when applying for participation in the UN (and other international organizations).<sup>121</sup> When trying to turn this statement into actual actions in conjunction with the 2008 election, not only Beijing, but also Washington showed itself increasingly outspoken. Fearing again that the “UN referendum” as heralded in the DPP's proposal would pave the way for changes in the unstable “status quo,” US agents performed a few speech acts that were unfavorable for Taiwan's government in 2007. In late August, National Security Council Senior Director for Asian Affairs Dennis Wilder, said that

for membership in the United Nations requires statehood. Taiwan, or the Republic of China, *is not at this point a state in the international community*. The position of the United States government is that the ROC -- Republic of China -- *is an issue undecided* and it has been left undecided ... for many, many years.<sup>122</sup> (My emphasis.)

More devastatingly, for the DPP's cause, the following month, Deputy Assistant Secretary of State, Thomas Christensen said in a speech at the US-Taiwan Defense Industry Conference that:

Some Taiwan leaders in recent years have asserted that Taiwan independence is the status quo that should be defended. On that point, let me be perfectly clear: while U.S. opposition to Chinese coercion of Taiwan is beyond question, *we do not recognize Taiwan as an independent state*, and we do not accept the argument that provocative assertions of Taiwan independence are in any way conducive to maintenance of the status quo or peace and stability across the Taiwan Strait. For the reasons I have given above, in fact, we rank such assertions along with the referendum on joining the UN under the name Taiwan as *needless provocations* that are patently not in the best interests of the Taiwan people or of the United States.<sup>123</sup> (My emphasis.)

Therefore, the DPP basically adopted a course that was opposed by all sides, and in a way, just as rigid as Chiang Kai-shek's, who firmly insisted on using the name “ROC” some forty years earlier, albeit in a completely opposed direction.<sup>124</sup>

#### 4.2.2 The “1992 Consensus”

From the early beginning of Chen Shui-bian's first presidency, the DPP rejected the core idea of the “1992 Consensus,” that is, the notion that both sides had agreed to

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121The referendum was eventually held together with the presidential election in 2008. It remained invalid, however, because the necessary threshold for voter turnout had not been reached.

122Quoted after *Taipei Times* (2 December 2007): “Lessons From the UN Referendum,” via: <http://www.taipetimes.com/News/editorials/archives/2007/12/02/2003390828> (accessed: 2011-11-20).

123Quoted after CHRISTENSEN, Thomas (2007): “Speech to U.S.-Taiwan Business Council,” Defense Industry Conference, September 11, 2007, Annapolis, via: [http://www.us-taiwan.org/reports/2007\\_sept11\\_thomas\\_christensen\\_speech.pdf](http://www.us-taiwan.org/reports/2007_sept11_thomas_christensen_speech.pdf) (accessed: 2011-11-20).

124One might argue that of course the DPP's approach was more democratic than that of the old KMT regime, but many instances of its “name rectification campaign” had been proceeded with even though no prior consensus on the respective issues had been achieved beforehand.

adhere to “one China,” although each of them would have different interpretations as to the official name of that “one China” (*yi ge Zhongguo, ge zi biao shu* 一個中國，各自表述). In essence, the “1992 Consensus” is a commitment to the rule of “one China” and, depending on its interpretation, the “status quo.” The DPP argued that no legal document had been produced that would give proof of a consensus during the 1992 talks in Hong Kong that served as a preparation for the functional talks that were later conducted between SEF and ARATS. Former President Lee Teng-hui, whose tenure covered the time span to which the “1992 Consensus” supposedly traces back its historical roots stated at a seminar in 2002 that even he as then-head of state was not aware of such a consensus.<sup>125</sup> For the DPP, therefore, insisting on the “1992 Consensus” was equally unacceptable as was abiding by the “one China” principle. Although the DPP would probably agree that the PRC could represent “one China,” it viewed Taiwan as a sovereign political entity in its own right. However, the party was also interested in establishing some sort of friendly relations with the PRC after 2000 and therefore kept speaking of the “1992 talk” or “1992 spirit” (*jiu-er jingshen* 九二精神) as a replacement for the more controversial term “1992 Consensus.”<sup>126</sup> That is also why in 2002, Chien Hsi-chieh (簡錫皆), a former DPP legislator, appealed in an op-ed piece concerning the “1992 Consensus” to Beijing to replace the “one China” principle with a “peace principle,” if it was sincere in its hope for lasting peace across the Strait.<sup>127</sup> Only few voices within the pan-green camp regarded the fact that some people said a consensus between both sides had been reached (even though not necessarily in 1992) as a sign of a softer Chinese tone on the sovereignty issue at the time.<sup>128</sup> However, because the pan-green camp was generally interested in talks with China regarding economic and trade-related issues, President Chen again invited Beijing to return to negotiations on the “basis of the 1992 meeting in Hong Kong” in

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125 *Taipei Times* (27 December 2002): “‘One China’ a Relic of War, Lee Says,” via: <http://www.taipeitimes.com/News/taiwan/archives/2002/12/27/188730> (accessed: 2011-11-14). Although by that time his close ties to the pan-green camp were an established fact after he had “co-founded” the pro-independence Taiwan Solidarity Union in 2001. These developments might put some of the statements he made after leaving the KMT into perspective.

126 MAC (2005): “President Chen’s Address to the National Day Rally, October 10, 2004,” in: *Important Documents on the Government’s Mainland Policy*. Taipei: Mainland Affairs Council, 17-22.

127 *Taipei Times* (4 February 2002): “Give Cross-Strait Peace a Chance,” via: <http://www.taipeitimes.com/News/editorials/archives/2002/02/04/122742> (accessed: 2011-11-14).

128 *Taipei Times* (9 January 2003): “Taiwan Welcomes Offer From China,” via: <http://www.taipeitimes.com/News/taiwan/archives/2003/01/09/190303> (accessed: 2011-11-14).



his 2004 National Day Address, but stopped short of mentioning the “Consensus” itself.<sup>129</sup> And indeed some achievements like charter flights for the lunar new year holidays between the two sides were reached in the following years without that the Taiwanese government had to declare that it recognized the term.

The KMT, has emphasized the importance of the “Consensus” since the year 2000. By sticking to their own definition of what “one China” meant, the party showed its willingness to not give up on “one China” rule in general and continue to maintain it. Only when this position seemed to be unfavorable for the blue camp at the end of 2003, after the SARS crisis had led to much anti-China sentiments in Taiwan, gradually swaying electoral momentum into the DDP's favor, Lien Chan stated publicly that the blue camp would stop using the term so as not to give the DPP another opportunity to portray the KMT as “selling out Taiwan.”<sup>130</sup> Apart from that short-term abandonment, both the KMT's Lien Chan and the PFP's James Soong strongly disapproved of the DPP's rejection of the “1992 Consensus,” because they deemed it irreplaceable if Cross-Strait negotiations and trade talks were to be resumed. When Lien Chan made his plans to visit China public with the goal of overcoming the bilateral impasse, he said he would base the Cross-Strait relationship on the “1992 Consensus.” The opposing views of DPP and KMT are not without irony since a debate about a consensus, that, in its most positive interpretation, was supposed to bridge the gap with the “arch rivals” in Beijing, in fact, led to much dissent and further political deadlock within Taiwan itself.

When James Soong and Lien Chan went to China in 2005 to start new Cross-Strait talks on their own, after having been defeated in the 2004 elections, pro-independence advocates such as the Northern Taiwan Society demanded that during the contacts the “Consensus” should not be mentioned at all.<sup>131</sup> Lien Chan, however, went on to work out a five-point agreement with Hu Jintao, termed “Vision for Cross-Strait Peace,” and which they based on the “1992 Consensus.”<sup>132</sup> Although, at the

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129MAC (2005): “President Chen's Address to the National Day Rally, October 10, 2004,” in: *Important Documents on the Government's Mainland Policy*. Taipei: Mainland Affairs Council, 17-22.

130*Taipei Times* (17 Decemer 2003): “Unification Can Wait, Pan-blue Leaders Say,” via: <http://www.taipetimes.com/News/taiwan/archives/2003/12/17/2003079893> (accessed: 2011-11-15).

131*Taipei Times* (26 April 2005): “An Open Letter to the People of Taiwan,” via: <http://www.taipetimes.com/News/editorials/archives/2005/04/26/2003252066> (accessed: 2011-11-14).

132*Taipei Times* (30 April 2005): “Lien, Hu Share 'Vision' for Peace,” via: <http://www.taipetimes.com/News/front/archives/2005/04/30/2003252532> (accessed: 2011-11-15).



time, Lien Chan could not speak for Taiwan's government since he was in the opposition with the KMT, this did not deter him from trying to sell the idea that only the acceptance of the “1992 Consensus” would bring a resumption of Cross-Strait negotiations to the international community, as he did, for example, during his visit to Washington in July 2005 when he spoke in front of an international audience.<sup>133</sup>

Before his own trip to China a few days later, James Soong announced that his meeting with the Chinese officials would likely lead to a new definition of the “1992 Consensus,”<sup>134</sup> but there is no indication that this actually bore any fruits.<sup>135</sup> Instead, he reiterated his support for the term and stated in his meeting with the ARATS chairman Wang Daohan (汪道涵):

The 'one China' principle, but with different interpretations, is a reasonable description of the reality of the cross-strait situation. The Taiwanese people hope that China respects the reality of their existence. The Republic of China's Guidelines for National Unification also mention this.<sup>136</sup>

His People First Party (PFP) then tried in a very confrontational way to cement the “1992 Consensus” as it were into law by including it into the first article of its proposed “Cross-Strait Peace Advancement Bill” (*liang'an heping cujin fa* 兩岸和平促進法) which was rejected by the green camp. President Chen verbally lashed out at Soong and Lien for their mentioning of the “Consensus” on many occasions during their respective trips to China, saying that accepting the term would put Taiwan on the same level as Hong Kong.<sup>137</sup> Therefore, after the trips the impasse continued.

The pan-green camp saw itself finally confirmed in its opposition to the “Consensus” when in 2006 the former MAC chairman, Su Chi, admitted publicly that he had made the term up in 2000 in the hope that it would serve as a basis for continued Cross-Strait negotiations despite the fact that a pro-independence

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133 *Taipei Times* (20 July 2005): “Lien Urges World to Press Chen on Cross-Strait Talks,” via: <http://www.taipetimes.com/News/taiwan/archives/2005/07/20/2003264241> (accessed: 2011-11-15).

134 *Taipei Times* (5 May 2005): “I'm No Messenger, James Soong Says,” via: <http://www.taipetimes.com/News/taiwan/archives/2005/05/05/2003253214> (accessed: 2011-11-15).

135 Soong did try to add the notion of “two sides, one China” (*liang'an yi Zhong* 兩岸一中) in a six point communiqué with Hu, although this formula has not replaced the “1992 Consensus” afterwards, nor did it play any further prominent role in this discourse. Also, by subsuming the “two sides” under “one China” the new formula was even less attractive to the DPP than the more ambiguous “1992 Consensus.” (see: *Taipei Times* (26 May 2005): “Definitions Differ on 'Two Sides, One China,’” via: <http://www.taipetimes.com/News/editorials/archives/2005/05/26/003256682> [accessed: 2011-11-15]).

136 Quoted after *Taipei Times* (9 May 2011): “1992 Consensus a Reality: Soong,” via: <http://www.taipetimes.com/News/taiwan/archives/2005/05/09/2003253794> (accessed: 2011-11-15).

137 *Taipei Times* (13 May 2005): “Chen Attacks 'Consensus,’” via: <http://www.taipetimes.com/News/taiwan/archives/2005/05/13/2003254452> (accessed: 2011-11-14).

government was now being in power.<sup>138</sup> Su stated that he thought the phrase would be ambiguous enough so that both Beijing and the DPP might find it equally useful. However, even after Su Chi's revelation, Ma Ying-jeou, who quickly rose among the ranks in the KMT, still showed himself committed to its existence and mentioned that Cross-Strait talks should be restarted under the framework of the “1992 Consensus” during a speech at Harvard University.<sup>139</sup> He even kept on urging President Chen to also recognize it during a televised meeting in April that same year. When Ma became the KMT's presidential hopeful for the 2008 election, he increasingly went on the offensive, connecting not only the prospect of overcoming the deadlock in Cross-Strait relations but also regional stability to the acceptance of the “1992 Consensus.”<sup>140</sup> At a 2007 investment forum in Taipei, Ma made it clear that he had grown fond of the fact that the term “1992 Consensus” left many grey areas in that it did not clearly define the relationship between China and Taiwan by saying: “[...] the '1992 Consensus' is something we call a 'masterpiece of ambiguity,' where each side could interpret the nature [of 'one China'].”<sup>141</sup> The DPP as well as pro-independence organizations such as the Formosan Association for Public Affairs (FAPA) continually criticized Ma for insisting on the existence of the “1992 Consensus.”<sup>142</sup> However, by voicing their strong objections to the term they also contributed to keeping the discourse alive, especially when Chen challenged the “Consensus” again, going so far as to say that he would respect it if the KMT could make PRC President Hu Jintao publicly state in their next meeting that it, in fact, really meant for Beijing “each side having their different interpretation of one China,” something that agents in Beijing had so far failed to do. The next meeting between KMT and CCP leaders was,

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138 *Taipei Times* (22 February 2006): “Su Chi Admits the '1992 Consensus' Was Made Up, via: <http://www.taipetimes.com/News/taiwan/archives/2006/02/22/2003294106> (accessed: 2011-11-14). Su Chi had made a similar statement in his 2002 book that was published by the KMT think tank, the National Policy Foundation, without triggering a similar strong reaction at the time. (See SU / CHENG 2002: VII)

139 *Taipei Times* (23 March 2006): “DPP Roasts Ma for Remarks,” via: <http://www.taipetimes.com/News/taiwan/archives/2006/03/23/2003298761> (accessed: 2011-11-14).

140 *Taipei Times* (18 March 2007): “Ma Adamant on '1992 Consensus,’” via: <http://www.taipetimes.com/News/taiwan/archives/2007/03/18/2003352791> (accessed: 2011-11-15).

141 Quoted after *Taipei Times* (26 June 2007): “Ma Touts APEC as Basis for Regional Trade Deals,” via: <http://www.taipetimes.com/News/taiwan/archives/2007/06/26/2003366898> (accessed: 2011-11-15).

142 *Taipei Times* (23 March 2006): “DPP Roasts Ma for Remarks,” via: <http://www.taipetimes.com/News/taiwan/archives/2006/03/23/2003298761>; *Taipei Times* (23 March 2006): “FAPA Labels Ma's Cross-Strait Comment 'Unacceptable,’” via: <http://www.taipetimes.com/News/taiwan/archives/2006/03/26/2003299283> (both accessed: 2011-11-14).

however, again fruitless in this regard, since Hu would not make such a commitment.<sup>143</sup>

Despite that, the DPP appeared to have no effective counter against the KMT's continuing adherence to the "Consensus." Having been defeated in both 2008 national elections by large margins, the pan-green camp as a whole could not really do much else than taking the spectator's seat and observe how the discourse kept unfolding itself in front of them, merely being able to denying its existence and criticizing its ideological proximity to the "one China" principle time and again. Ma's consistent adherence to the "1992 Consensus" and especially its "different interpretations" component, on the other hand, made it almost seem like a necessity that he turned this concept into a cornerstone of his China policies after being elected.

As has been shown in the previous parts of this thesis, China has made it clear many times that it will always adhere to the "one China" principle. Right before early 2000 when China published its white paper, Beijing asserted with great clarity that this "one China" was the PRC whose central government was in Beijing, that had inherited the legitimacy of government over the whole country, including Taiwan, from the ROC after the Civil War. Since then, the CCP has been relentless in denying any notion of "two Chinas" or "one China and one Taiwan." If there was a indeed a consensus reached in 1992, what happened to it by the time the white paper was published in 2000? Interestingly however, Beijing's position regarding the "1992 Consensus" is contradictory. On the one hand it has used the term and even said its existence was an "undeniable fact" and rejected the idea that another formula such as "1992 spirit" would be an adequate replacement for it.<sup>144</sup> On the other hand, CCP leaders have never publicly approved that it actually meant to include "each side having its own interpretation" of "one China." In fact, the definition of the term given on the website of the CCP's mouthpiece *People's Daily* states flatly that there has never been a consensus between both sides regarding "different interpretations of one China."<sup>145</sup>

Nevertheless, during the early DPP rule, agents in Beijing regularly urged

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143 *Taipei Times* (17 April 2006): "No Room for Interpretation of 'One China,' MAC Says," via: <http://www.taipetimes.com/News/front/archives/2006/04/17/2003303092> (accessed: 2011-11-14).

144 *People's Daily* (1 May 2001): "PD Commentary on 1992 Cross-Straits Consensus," via: [http://english.people.com.cn/200105/01/eng20010501\\_69056.html](http://english.people.com.cn/200105/01/eng20010501_69056.html) (accessed: 2011-11-14).

145 *People's Daily* (21 November 2001): "The 1992 Consensus," via: <http://tw.people.com.cn/GB/14864/14920/860191.html> (accessed: 2011-11-14). (Chinese)

Taiwan's government to return to the “one China” principle as well as the “1992 Consensus,” if they wanted to restart negotiations, showing that both slogans had basically the same meaning to them.<sup>146</sup> Only in 2002 there seemed to be some softening in China's stance when Chen Yunlin (陳雲林), head of China's Taiwan Affairs Office, announced somewhat surprisingly that Beijing would neither raise the “one China” principle nor the “1992 Consensus” as preconditions for resuming talks. This statement was later qualified by China's Taiwan Affairs spokesman, Zhang Mingqing (張銘清), who said that Taiwan still had to admit that Cross-Strait relations were to be described as internal affairs, suggesting more of an adjustment of China's wording strategy instead of a real policy change.<sup>147</sup> Zhang also called Chen's 2004 appeal to a resumption of negotiations on the “basis of the 1992 meeting in Hongkong” a “fake” and hereafter reiterated that talks would only be possible if Taiwan's government recognized the “1992 Consensus.”<sup>148</sup>

The position that all that Taiwan had to do was to accept the “1992 Consensus” in order to restart negotiations was once again reiterated by the chairman of China's People's Political Consultative Conference, Jia Qinglin (賈慶林), in early 2005<sup>149</sup> as well as in Hu Jintao's “four point” proposal in March. In the latter speech Hu mentioned the “Consensus” numerous times but defined it merely as “embodying” the “one China” principle.<sup>150</sup> Also in the same year, ARATS published a new book on the “Consensus” in which it attributed to its historical existence but also, once again, distanced itself from the “different interpretations” part of the formula which it called a “later addition by the Taiwan side.”<sup>151</sup>

In its discussions with the US, China's position on the “Consensus” was less ambiguous, since it was rarely mentioned at all, indicating that it was meant for Cross-Strait not international consumption. One of these rare occasions when it was

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146 *People's Daily* (22 May 2000): “Authorized Statement Regarding the Question of Cross-Strait Relations Issued by the CCP and the State Council's Taiwan Affairs Office,” via: <http://www.people.com.cn/GB/paper39/632/71857.html> (accessed: 2011-11-15). (Chinese)

147 *Taipei Times* (3 June 2002): “Opposition Hurting Cross-Strait Ties,” via: <http://www.taipei-times.com/News/editorials/archives/2002/06/03/138780> (accessed: 2011-11-14).

148 *Taipei Times* (14 October 2004): “Chen Counsels Patience with China,” via: <http://www.taipei-times.com/News/front/archives/2004/10/14/2003206771> (accessed: 2011-11-14).

149 *Taipei Times* (18 February 2005): “China repackaging stale demands,” via: <http://www.taipei-times.com/News/editorials/archives/2005/02/18/2003223552> (accessed: 2011-11-14).

150 *People's Daily* (3 March 2005): “Hu Jintao's Four-points Guideline,” via: <http://english.cri.cn/4426/2007/01/11/167@184032.htm> (accessed: 2011-11-12).

151 See ARATS 2005: 3.

mentioned in another context was a talk between then US President George W. Bush and Hu Jintao on the sidelines of the APEC meeting in 2004, when Hu reportedly complained that Taiwan refused to accept the “Consensus.”<sup>152</sup> However, when China's top foreign policy official, Tang Jiaxuan (唐家璇) was received by the US State Department some time later, he rejected the idea that asking Taiwan to adhere to the “one China” principle and the “1992 Consensus” should be called preconditions since the existence of both were an “obvious objective fact.” Furthermore, he revealed that China's bottom line would continue to be the “one country, two systems” formula, that is even more restrictive than the ambiguous “Consensus.”<sup>153</sup> When Lien Chan met Hu in Beijing, the Chinese president emphasized the historic significance of their talk and that China would welcome everyone who acknowledged the “1992 Consensus.” Of course, the common ground for their meeting was also that both of them ruled out Taiwanese independence which was obviously an unacceptable precondition for a DPP government that emphasized the right of self-determination for its people.

Just like many in the KMT, Beijing's agents seemed to have been unaffected by Su Chi's public statement regarding the “Consensus” and kept adhering to the term as they did before without any changes whatsoever, an immediate example for which would be Hu Jintao's speech on April 16, 2006.<sup>154</sup> There was one more somewhat notable exception, when in a phone call with George W. Bush the US President wanted Hu to reach out to Taiwan after the 2008 elections. According to a US official, Hu supposedly said

[...] that it is China's consistent stand that the Chinese mainland [sic] and Taiwan should restore consultation and talks on the basis of the '1992 consensus,' which sees both sides recognize there is only one China but agree to differ on its definition.<sup>155</sup>

This statement, a quote of another quote of something that was said in a telephone conversation, is as close a statement as one will find for Beijing's initiative to show some degree of acceptance for the “different interpretations” part of the “Consensus,” and might as well be an addition by the US official who briefed the media on the call.

152 *Taipei Times* (22 November 2004): “Bush Calls on China to Show Restraint,” via: <http://www.taipeitimes.com/News/front/archives/2004/11/22/2003212058> (accessed: 2011-11-14).

153 *Taipei Times* (29 July 2005): “Chinese Official Sticks to His Gung as He Visits the US,” via: <http://www.taipeitimes.com/News/taiwan/archives/2005/07/29/2003265488> (accessed: 2011-11-14).

154 *People's Daily* (16 April 2006): “Hu Jintao Raises Suggestions on Development of Cross-Straits Relations,” via: [http://english.peopledaily.com.cn/200604/16/eng20060416\\_258801.html](http://english.peopledaily.com.cn/200604/16/eng20060416_258801.html) (accessed: 2011-11-14).

155 Quoted after *Taipei Times* (28 March 2008): “Bush Urges Hu to Reach Out to Taiwan,” via: <http://www.taipeitimes.com/News/front/archives/2008/03/28/2003407348> (accessed: 2011-11-14).



It is hard to attribute any normative force to it whatsoever. Chinese state media also made no mention of it in its Chinese versions. However, if true, the timing of the statement would be quite striking, since the telephone call took place only a few days after Ma Ying-jeou, an avid supporter of the “Consensus,” had already been voted into office.

As outlined in the previous subchapter, the agents in Washington responsible for making statements regarding the Cross-Strait relationship have been purposefully ambiguous about their position on Taiwan's sovereignty in the past, neither showing support for a formal independence nor that it should become a province of the People's Republic of China, while stressing numerous times that any development in Cross-Strait relations should be peaceful. This careful deliberation was also reflected in their attitude towards the “Consensus,” where the US government has been anything but vocally active, which might be interpreted as a reflection of their status defining comments of Taiwan as “unsettled.” While Washington has made it clear early on, that it would not support any unilateral decision by the Chen government to declare independence, it is doubtful if the US would prefer an outcome that would see Taiwan to unify with China. Consequently, any statements regarding the “1992 Consensus” were made by individuals and bears a rather insignificant normative force. For instance, during a 2001 question-and-answer session in Taipei, scholar and former Assistant Secretary of Defense during in the Clinton years, Joseph Nye, called into question that the US would go to war with China in the case of Taiwan declaring its formal independence and suggested

What we said is there should be a dialogue. If you go back to 1992, you can have 'one China with different interpretations' as a basis for beginning talks. It doesn't mean you'll have to accept the PRC definition of Taiwan as a province.<sup>156</sup>

A few weeks later, AIT director Raymond Burghardt agreed after a “completely personal analysis” with the position of President Chen that no consensus was reached in 1992, but that any agreement at the time might still serve as a basis from which Cross-Strait talks could be restarted without making any political commitments.<sup>157</sup> In

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<sup>156</sup>Quoted after *Taipei Times* (7 July 2001): “US May Not Back Independent Taiwan,” via: <http://www.taipeitimes.com/News/front/archives/2001/07/07/93065> (accessed: 2011-11-14).

<sup>157</sup>*Taipei Times* (29 August 2001): “AIT Head Backs Talks Without Preconditions,” via: <http://www.taipeitimes.com/News/front/archives/2001/08/29/100574> (accessed: 2011-11-14). He reiterated this standpoint again in early 2008 during a meeting with President Chen Shui-bian when the latter made a stop-over in Alaska. (See *Taipei Times* [15 January 2008]: “Chen Says 'Four Noes' Pledge Dies With Him,” via: <http://www.taipeitimes.com/News/taiwan/archives/2008/01/15/>



this facilitating spirit, the US State Department publicly commended Chen Shui-bian when he mentioned the possibility of the Hong Kong talks of 1992 as a basis for resuming Cross-Strait negotiations, and said it was a good sign to reduce tensions between the two sides.<sup>158</sup> Likewise, the US encouraged China to talk to Chen and Taiwan's government when Lien visited Beijing in 2005, but the State Department again avoided to mention the "1992 Consensus."<sup>159</sup> In 2008, after the telephone conversation between Presidents Hu and Bush, Burghardt somewhat backtracked from his earlier statement when he said that the US interpretation of what the "Consensus" entails, was not important.<sup>160</sup> Ever since Ma became president, officials in Washington seemed to be more at ease about his conciliatory tone towards Beijing and stopped to mention the "Consensus" altogether.

To sum up, during its eight years in power, with the beginning of which the discourse surrounding the "1992 Consensus" began, the DPP mostly rejected the idea on the grounds that it was too close to Beijing's "one China" principle and therefore in contrast with the DPP's view of Taiwan's status vis-a-vis its neighbor. The KMT, on the other hand, embraced the "Consensus" as a means to restart a process of negotiations with China that had come to a standstill since the late 1990s. For China, recognizing the "Consensus" during the DPP era was more or less equal to an expression of recognizing its "one China" principle in that it does not recognize the "different interpretations" part of the formula as it was (and is) understood in Taiwan. But even on that basis, the CCP only seems to accept the "1992 Consensus" as a means for Cross-Strait-internal dialog, not as a model for the international arena as a whole. Finally, the US who has generally disapproved of any preconditions for peaceful negotiations between Taiwan and China in the past has been cautious with statements regarding the "Consensus," neither completely acknowledging nor rejecting it.

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2003397335 (accessed: 2011-11-14).  
158 *Taipei Times* (11 October 2004): "US Welcomes 'Constructive Message,'" via: <http://www.taipeitimes.com/News/front/archives/2004/10/11/2003206418> (accessed: 2011-11-14).  
159 *Taipei Times* (20 July 2005): "Washington Tells China to Talk to Chen," via: <http://www.taipeitimes.com/News/front/archives/2005/05/01/2003252651> (accessed: 2011-11-14).  
160 *Taipei Times* (29 March 2008): "Ma Cautiously Welcomes Hu Comments," via: <http://www.taipeitimes.com/News/front/archives/2008/03/29/2003407488> (accessed: 2011-11-14).

### 4.2.3 Chinese Nation and Cultural Assumptions

The new DPP administration continued the trend of “nativization” by using assertive speech acts, often packed into the highly normative form of laws, that, in effect, put more emphasis on the Taiwanese, as opposed to merely Chinese, language, culture, and history of the island, and promoted Taiwan literature as well as Taiwan Regional Studies as academic disciplines. At the same time, the amount of classical Chinese in school curricula for Chinese language courses was gradually downsized, which had the further effect of de-emphasizing Taiwan's cultural links with China. When Chen Shui-bian was voted into office, the discourse of a multi-ethnic, multi-cultural society had been underway for quite a while already and had, through the efforts of an increasingly active civil society since the beginning of democratization, led to concrete institutional results such as the creation of the cabinet-level Council for Indigenous Affairs in 1996. After the DPP took over government responsibility, these developments were further continued with the establishment of the Council for Hakka Affairs in 2001, whose goal it is to sustain and promote Hakka culture, as well as the passing of the Indigenous Basic Law in 2007 that aimed at protecting the rights of Taiwan's aboriginal population. The new focus on the diversity of Taiwan's ethnicities and cultures, as opposed to one all-encompassing Chinese culture, was characterized, among other trends, by the promotion of their different languages,<sup>161</sup> customs, and festivals. For example, occasions such as the Hakka Yimin-Festival in Hsinchu or Taipei and the Hakka Tung Blossom Festival in Miaoli have been promoted as large-scale Hakka celebrations regularly since 2002. Furthermore, some colleges and institutes for Hakka and Indigenous Studies were created.

In line with this overall facilitating spirit, Chen stated in his first inaugural speech:

We must open our hearts with tolerance and respect, so that our diverse ethnic groups and different regional cultures may communicate with each other, and so that Taiwan's local cultures may connect with the cultures of Chinese-speaking communities and other world culture, and create a new milieu of 'a cultural Taiwan in a modern century.'

Instead of mentioning the “Chinese nation” or its relevance for Taiwan as did most of his predecessors, including, to some degree, Lee Teng-hui, Chen merely spoke of “Chinese-speaking communities.” The DPP objects the idea of the Chinese nation, not

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<sup>161</sup>Under Martial Law KMT rule, these languages were classified as “dialects” and their use discouraged in favor of the “national language,” that is, Mandarin Chinese.

only because of its Chinese nationalist origins, but also because it stands in contrast to the more modern idea of a diverse society that gives equal room to all its minorities (at least in principle) who live together as a community of fate. Although Chen acknowledged that “the people on the two sides [of the Taiwan Strait] share the same ancestral, cultural, and historical background,” he qualified that by the additional description of himself and all the citizens of the island as “children of Taiwan.”<sup>162</sup> This statement put a new spin on the usual familial assumption between both sides or assertions preferred by Beijing and the KMT that described the people on both sides as belonging to the “same family” by basically underlining the uniqueness of Taiwan has the “common parent” of all Taiwanese.<sup>163</sup> This different line of thinking found its expression in the new formula of the “Taiwan Spirit.” In his first National Day Speech, Chen said that the island's democratic achievements were the result of this “Taiwan Spirit” that was “shared by all of our 23 million compatriots.” His definition of the spirit again emphasized Taiwan's diverse society of which the cultural roots to the mainland were a part, but not the most important one:

The Taiwan Spirit originated from the interaction and mutual influence of Han and Austronesian cultures. It was successfully forged through all of our hardships and dreams. [...] Although we came from different places, and although there were once differences between the Hoklos, the Hakkas, the indigenous peoples, and the more recently arrived residents, we are now all merged in the Taiwan Spirit, sharing both our fortunes and hardships.<sup>164</sup>

Under Chen, even the “national treasures” of the National Palace Museum, formerly seen as an expression of legitimacy to represent Chinese orthodoxy, were now defined as a part of Taiwanese history or, more concretely, as a historical imprint of the many decades of KMT rule over the island. In other words, just as the KMT's “retreat” to Taiwan, culminating in the February 28 Incident, had become part of Taiwan's own historical narrative, “Chinese culture” was now made part of “Taiwanese culture.” By further including Taiwanese and aboriginal artifacts into the museum's collection, the discourse of a multicultural “Taiwanese” society became even more institutionalized.

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162GIO (2001): “Taiwan Stands Up: Advancing to an Uplifting Era: Inauguration Speech, May 20, 2000,” in: *President Chen Shui-bian's Selected Addresses and Messages (I): A New Era of Peace and Prosperity*. Taipei: Government Information Office, 8-17.

163Chen did make a similar statement in his New Year's Eve Speech, but obviously without the political connotation of belonging to the “same one China” that Beijing derives from this kind of assertion. GIO (2001): “Bridging the New Century: Seeking a New Framework for Cross-Strait Integration, December 31, 2000” in: *President Chen Shui-bian's Selected Addresses and Messages (I): A New Era of Peace and Prosperity*. Taipei: Government Information Office, 40-45.

164GIO (2001): “Constituting a New Paradigm of Democracy for all Chinese Societies: Address to the National Day Rally, October 10, 2000,” in: *President Chen Shui-bian's Selected Addresses and Messages (I): A New Era of Peace and Prosperity*. Taipei: Government Information Office, 26-29.

(WANG 2004: 806)

One of the goals of China's economic development in the Hu Jintao era was to allow for a resurgence of the Chinese nation. With regard to Taiwan, his “status quo approach” of maintaining the “one China” rule also aimed at “preserving some sort of 'familial bond'” between Taiwan and China (HUANG / LI 2010: 315). Speech acts from agents in Beijing in this regard had the same goal (and content) under Hu as they did under his predecessors. A typical example for this stance that was portrayed not only Cross-Strait-internally but, in line with China's claim over Taiwan, also to the outside world, can be seen during Hu's state visit to Brazil in late 2004 when he stated that the “23 million Taiwan people are our flesh-and-blood compatriots.”<sup>165</sup> Although he stressed that both were part of the same family, he announced that reunification could come after the country's development. Similar cultural assumptions were repeated in Hu's “four point” proposal, one of many occasions, on which assertive speech acts aimed at connecting the idea of both sides constituting a family with the overarching construct of the Chinese nation that in turn becomes, at the same time, purpose and justification for the goal of “peaceful reunification.”

The 1.3 billion Chinese people, including the Taiwan compatriots, all love peace and sincerely hope to maintain peace and live in peace. They share an even greater hope that the *flesh-and-blood brothers in one family* can resolve their own problems peacefully. *A peaceful resolution of the Taiwan question and peaceful reunification of the motherland conforms to the fundamental interests of compatriots across the Taiwan Straits and the Chinese nation*, as well as the currents of peace and development in the world today. This is the fundamental reason why we have always been making unremitting efforts for the realization of peaceful reunification.<sup>166</sup> (My emphasis.)

When then-KMT chairman Lien Chan met the Chinese President in China during his 2005 visit, Hu made a similar statement and stressed that both sides should strive for a resurgence of the Chinese nation together (and he even abstained from mentioning “reunification”).<sup>167</sup> Lien Chan, on the other hand, voiced his opposition to Taiwanese independence, the DPP's efforts at “name rectification” and producing a new constitution as well as what the Chinese Nationalists denounced as “de-sinification,” that is the other side of the DPP's “nativization” coin.

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165 *People's Daily* (16 November 2004): “Hu Jintao Meets with Overseas Compatriots in Brazil: China Has to Develop and Reunify,” via: <http://tw.people.com.cn/GB/14810/14858/2990167.html> (accessed: 2011-11-16). (Chinese)

166 *People's Daily* (3 March 2005): “Hu Jintao's Four-points Guideline,” via: <http://english.cri.cn/4426/2007/01/11/167@184032.htm> (accessed: 2011-11-12).

167 *Xinhua* (29 April 2005): “Welcome Address of Hu Jintao's Afternoon Meeting with Lien Chan in the Great Hall of the People,” via: [http://big5.xinhuanet.com/gate/big5/news.xinhuanet.com/taiwan/2005-04/29/content\\_2895152.htm](http://big5.xinhuanet.com/gate/big5/news.xinhuanet.com/taiwan/2005-04/29/content_2895152.htm) (accessed: 2011-11-16).

All in all, it is striking to see that the most obvious lines of differences did not anymore run between Taiwan and China as they did for the most part of the 1949-1999 era. Instead they could be situated within Taiwan, that is between the governing and opposition parties. No matter whether it was with regard to upholding the “one China” rule via the constitution, the “1992 Consensus,” or the idea of the Chinese nation – there were more commonalities between CCP and KMT as between KMT and DPP.

### 4.3 Revitalizing the Rules: KMT Rule under Ma Ying-jeou, 2008-2011

#### 4.3.1 Taiwan's Status and the Republic of China Constitution

In May 2008 the KMT came back to power with Ma Ying-jeou becoming the 12<sup>th</sup> term president of the Republic of China. Similar to Chen Shui-bian, Ma Ying-jeou started on a set of commitments with regard to the general direction of Cross-Strait relations in his inaugural address, which became known as his “three noes” (*san bu* 三不) pledge. This promise of “no independence, no unification, no use of force” (*bu du, bu tong, bu wu* 不獨, 不統, 不武),<sup>168</sup> basically was a high-order enshrinement of the “status quo” rule, further flanked by his “diplomatic truce” initiative through which neither the ROC nor the PRC would continue to try to lure away each other's diplomatic allies.<sup>169</sup> The prerogative to define what the “status quo” meant (at least within Taiwan) had now been passed on to the new democratically elected KMT government. Right from the start, speech acts by agents of the Ma administration were aimed at reverting the course of strengthening the normative authority of the Constitution. In May 2008, Ma stated in his inaugural address:

As President of the ROC, my most solemn duty is to safeguard the Constitution. In a young democracy, respecting the Constitution is more important than amending it. My top priority is to affirm the authority of the Constitution and show the value of abiding by it. Serving by example, I will follow the letter and the spirit of the Constitution [...]<sup>170</sup>

Pledges to safeguard and to respect the Republic of China Constitution, or

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168PO (20 May 2008): “Inaugural Address: Taiwan's Renaissance,” via: [http://english.president.gov.tw/Portals/4/FeaturesSection/Other-feature-articles/20080520\\_PRESIDENT\\_INAUGURAL/e\\_speech.html](http://english.president.gov.tw/Portals/4/FeaturesSection/Other-feature-articles/20080520_PRESIDENT_INAUGURAL/e_speech.html) (accessed: 2011-07-20).

169By the time Ma stepped into office, 171 countries recognized the PRC while only 23 had official diplomatic relations with the ROC. As of November 2011, there have been no further changes.

170PO (20 May 2008): “Inaugural Address: Taiwan's Renaissance,” via: [http://english.president.gov.tw/Portals/4/FeaturesSection/Other-feature-articles/20080520\\_PRESIDENT\\_INAUGURAL/e\\_speech.html](http://english.president.gov.tw/Portals/4/FeaturesSection/Other-feature-articles/20080520_PRESIDENT_INAUGURAL/e_speech.html) (accessed: 2011-07-20).



commissive speech acts allows us derive certain information as to the new government's identity, especially in comparison with its predecessor. The DPP government originally wanted to amend the Constitution, not only because many of its members did not identify with a political entity called "Republic of China" (even after it had been defined as being "Taiwan") but also for the practical reason that according to the Constitution the ROC includes the territories of two internationally recognized countries: the PRC and the People's Republic of Mongolia. "Affirming the authority of the Constitution" and "follow[ing] the letter and the spirit," of it on the other hand also means to recognize the territorial assumptions that are made therein. Quite obviously, the new government would not continue the course based on the "one country on each side" framework.

That this was indeed the case became clear in a variety of assertive speech acts, that, touching on Taiwan's international status, were quite fittingly, conveyed in international media outlets. In an interview with the *El Sol de México* on September 2, 2008,<sup>171</sup> Ma asserted that according to the ROC Constitution, there was only one state on its territory, that is, the Republic of China, and that therefore relations between Taiwan and China may be described as "special" but were by no means "state-to-state relations" (*fei-guo yu guo guanxi* 非國與國關係), an apparent reversal of Lee Teng-hui's 1999 "special state-to-state" formula. He also rejected the idea of the existence of "two Chinas" and asserted that the "special relationship" was one between the "Taiwan Area" (*Taiwan diqu* 臺灣地區) and the "Mainland Area" (*Dalu diqu* 大陸地區) of the Republic of China.<sup>172</sup> When the Presidential Office was asked to clarify these statements, the spokesperson invoked the authoritative text of the Constitution or more precisely the *11<sup>th</sup> Amendment to the Constitution* as well as the *Statute Governing the Relations between the Peoples of the Taiwan Area and Mainland Area* (*Taiwan diqu yu dalu diqu renmin guanxi tiaolie* 臺灣地區與大陸地區人民關係條例) to highlight the presidential statement's formal authority.

One month later, in October 2008, President Ma again called on the Constitution to make a statement about the country's political identity by defining it over its

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171The following quotes are translated from the original interview in the *El Sol de México* (2 September 2008): "Taiwan Promotes Reconciliation," via: <http://www.oem.com.mx/oem/notas/n836891.htm> (accessed: 2011-11-16). (Spanish)

172Although to be correct, the Constitution does not contain a reference to the "Taiwan Area," it speaks only more generally of the "Free Area" meaning all parts of the ROC territory that are effectively administered by Taipei. It does, however, contain the term "Mainland Area."



territory. And again the interview was given in the international press, this time in the Japanese magazine *Sekai* (世界). Therein, the president reiterated that according to its Constitution, the Republic of China was an “independent and sovereign state” and added that “Mainland China is also a part of the territory of the ROC.”<sup>173</sup> Taking both statements given in the international media outlets into account it becomes clear that by abiding by the ROC constitutional framework the Ma administration does not view “Mainland China” itself as a country, and therefore by implication neither “Taiwan” because both of them are only “regions” and as such parts of the overarching political structure called “Republic of China.” In this the new government's position is similar to that of previous KMT governments before Lee Teng-hui's state-to-state formula and a complete reversal of the Chen Shui-bian administration's preference to turn “Taiwan” into a country in its own right with no jurisdictional and territorial claims over what is recognized by most states of the international community as PRC territory.

Just as the DPP tried and continues to try to convey its own ideology through a certain choice of words, Ma's pledge of upholding the Constitution requires certain language conventions in other areas as well, as can be derived from other instances when the government dealt with foreign political and media circles. One example was when in November 2008, the representative of Taiwan's Economic and Cultural Representative Office (TECRO), Jason Yuan (袁建生), reportedly wrote a congratulatory note to newly president-elect Barack Obama and signed this note with “Republic of China” instead of “Taiwan.”<sup>174</sup> This action would not be noteworthy in itself was it not a reversal of a practice by the former DPP government that tried to proliferate the use of the name “Taiwan” for the country. A second example was related to the choice of designation used for Beijing-controlled China. Whereas the international community usually refers to the “People's Republic of China,” many KMT officials shy away from using this name when addressing an international (or domestic) audience and instead use “Mainland China” (*Zhongguo dalu* 中國大陸), “the Mainland” (*Dalu* 大陸) or refer directly to the “the Chinese Communists”

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173Quoted after *Taipei Times* (8 October 2008): “Ma Refers to China as ROC Territory,” via: <http://www.taipetimes.com/News/taiwan/archives/2008/10/08/2003425320> (accessed: 2011-11-16). A reference to the interview can be found on the magazine's website under <http://www.iwanami.co.jp/sekai/2008/11/036.html> (accessed: 2011-11-16).

174*Taipei Times* (7 November 2008): “Ma Congratulates Obama,” via: <http://www.taipetimes.com/News/taiwan/archives/2008/11/07/2003427935> (accessed: 2011-11-16).

(*Zhonggong* 中共). So also did head-of-state Ma Ying-jeou in a long interview with *The Washington Post* on December 9, 2008 when he used the above terms around 35 times without once mentioning “The People's Republic.”<sup>175</sup> In early 2011, the president went on the offense to advocate during a meeting with government officials the idea of returning to the use of “mainland” when referring to the PRC.<sup>176</sup> After being criticized by pan-green politicians for “denigrating Taiwan's sovereignty” the Presidential Office merely insisted that such a wording was based on the constitution and intended to “avoid confusion.”<sup>177</sup> Yang Yi (楊毅), spokesman of Beijing's Taiwan Affairs Office welcomed the comments and reiterated “[b]efore the two sides are unified, the fact that the mainland and Taiwan are part of China remains unchanged.”<sup>178</sup> The reason for Ma's choice of words is, that if a high-positioned agent such as the president himself referred to a “People's Republic of China” this would be an implicit recognition of that state's legitimacy as well. Despite Ma Ying-jeou's proposition that Cross-Strait relations should be guided by a principle of “mutual non-denial” (*xianghu bu founen* 相互不否認), a phrase that he has used since his campaign in 2007, this does not translate in mutual recognition, because the basic positions of CCP agents in Beijing and KMT agents in Taipei regarding each other's state's status does not allow for such a step. This became evident at a “Forum on Constitutional Interpretation” that was held in Taipei that same month. Here Ma asserted again, this time in front of a public and mostly academic audience, that:

Within the framework of our Constitution, I would define the Mainland as ‘Mainland region’ and Taiwan as ‘Taiwan region’ — this is what the *Act Governing Relations between the Peoples of the Taiwan Area and the Mainland Area* [...] is all about.

He went on to elaborate that: “According to our Constitution, we cannot recognize that there is another country on the mainland, which is part of the Republic of China.”<sup>179</sup> In other words, the current government has adopted a position of “mutual

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175 *The Washington Post* (9 December 2008): “Transcript of Interview,” via: <http://www.washingtonpost.com/wp-dyn/content/article/2008/12/09/AR2008120902788.html?sid=ST2008120902792&pos=> (accessed: 2011-11-16).

176 *Taipei Times* (8 February 2011): “Ma Wants a Return to Use of 'Mainland,’” via: <http://www.taipeitimes.com/News/taiwan/archives/2011/02/08/2003495360> (accessed: 2011-11-20).

177 *Taipei Times* (9 February 2011): “Calling China the 'Mainland' is Based on Constitution: Lo,” via: <http://www.taipeitimes.com/News/taiwan/archives/2011/02/09/2003495441> (accessed: 2011-11-20).

178 Quoted after: *Taipei Times* (24 February 2011): “Beijing Praises Ma's Use of 'Mainland' Designation,” via: <http://www.taipeitimes.com/News/front/archives/2011/02/24/2003496648/1> (accessed: 2011-11-20).

179 Quoted after *Taipei Times* (22 December 2008): “Ma Repeats Region-to-Region Comment,” via: <http://www.taipeitimes.com/News/taiwan/archives/2008/12/22/2003431770> (accessed: 2011-11-16).

denial of each other's sovereignty and mutual non-denial of each other's jurisdiction."<sup>180</sup> The frequent references to the *Act Governing the Relations between the Peoples of the Taiwan Area and the Mainland Area* are not only meant to clarify the Ma government's position on Cross-Strait relations but serve the double purpose of creating a convention by pointing out the fact that a formal document had been in place even under previous governments despite their different ideologies. For example, when the president attended a *Workshop on Mainland Affairs*, which was attended by senior government officials in Taipei, he said:

The concept [of the Act] was introduced 17 years ago [1991] during Lee Teng-hui's presidency and the former Democratic Progressive Party administration did not change it at all during its eight years in power.<sup>181</sup>

The president also used this opportunity to assert once more (this time in front of a different audience) that “[t]he free region [Taiwan, Penghu, Kinmen, Matsu] and the mainland area are part of the territory of the Republic of China” and “The Republic of China is a sovereign country, whose sovereignty has been independent since it was founded in 1912.”<sup>182</sup> Also, in basically all of his important speeches, Ma resorted back to the older name of “Republic of China” instead of “Republic of China on Taiwan” or simply “Taiwan” when referring to his country.

Emphasizing the Constitution does not yet in itself dispel the criticism of some pro-formal-independence proponents in Taiwan that question not only the Constitution but also the legitimacy of ROC rule over Taiwan in general. Proponents of this view that goes back to ideas of the Independence Movement that saw the KMT regime of the Cold War era as an “illegal immigrant regime” argue that 1) Taiwan had not been part of the ROC when it was founded in 1912, because the Qing government had given the island away after losing the First Sino-Japanese war (1894-1895) by signing the Treaty of Shimonoseki some 17 years earlier; 2) when Japan lost the Pacific War and was forced to renounce its claims over its former colonies (including

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180Although, sometimes these lines were blurred as in the case when the ROC's Ministry of Justice demanded legal jurisdiction over the mainland when Taiwanese allegedly committed crimes there. (see *Taipei Times* (11 February 2011): “Taiwan Planning to Try Fraud Suspects If Repatriated: MOJ,” via: <http://www.taipeitimes.com/News/taiwan/archives/2011/02/11/2003495611> [accessed: 2011-11-20]).

181Of course, as mentioned in the previous section, since the KMT who is against changing this Act (or the Constitution for that matter) in a way that would favor the DPP's ideology, held a majority in the Legislative Yuan even during these eight years of DPP government, made changes to the act impossible without.

182Quoted after *Taipei Times* (29 December 2008): “Ma Sticks to ROC Constitution's Writ,” via: <http://www.taipeitimes.com/News/taiwan/archives/2008/12/29/2003432343> (accessed: 2011-11-16).

Taiwan and Korea) in the San Francisco Peace Treaty of 1951, the Japanese side had never specified that the recipient was indeed the Republic of China. Such a position would hollow out any legitimacy of the Constitution since it effectively portrays the ROC government on Taiwan after 1945 as a “foreign regime” or “government-in-exile.”<sup>183</sup> In order to counter these claims, Ma Ying-jeou again made use of assertive speech acts to strengthen the Constitution's authority. During a ceremony at the Taipei Guest House in April 2009 he asserted that the Treaty of Taipei of April 28, 1952 confirmed “between the lines” that the ROC had become the legal ruler over Taiwan.<sup>184</sup> For the new administration, even the Declarations of Cairo (1943) and Potsdam (1945), often considered to be mere “press releases” in pro-independence circles, were to be regarded as binding “treaties” in accordance with international law.<sup>185</sup> Therefore, when the head of Japan's Interchange Association, Masaki Saito (齋藤正樹), challenged that position in May 2009 by describing Taiwan's status on an annual meeting of the *Republic of China (ROC) International Relations Association* in Chiayi County as being “still unresolved,” he caused outrage among government officials and KMT members, although the US had voiced that same position back in 2007.<sup>186</sup> And when in 2011, DPP legislator Twu Shiing-jeer (涂醒哲) called the ROC a “past entity” or “government-in-exile,” Premier Wu countered that it was a state that had been in “unwavering existence” because its constitution has been kept until today and all of Taiwan's elections were based on it.<sup>187</sup> Just as the validity of the Constitution, so too has this position regarding the legality of ROC rule since then been reiterated numerous times in the form of statements in order to increase its significance and normativity. While agents of the green-camp have never stopped

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183The applicability of such terminology has been discussed in detail by several scholars, see for example STANFORD PROGRAM ON INTERNATIONAL AND CROSS-CULTURAL EDUCATION (2004): *Introduction to Sovereignty: A Case Study of Taiwan* and in particular HARTZELL/LIN: *The Status of the Republic of China on Taiwan as a Government in Exile*, via: <http://www.taiwankey.net/dc/rocexile.htm> (accessed: 20 November 2011). See also CHEN / HSUEH / LI / HU 2005.

184*Taipei Times* (29 April 2009): “Treaty Confirmed Sovereignty: Ma,” via: <http://www.taipeitimes.com/News/taiwan/archives/2009/04/29/2003442293> (accessed: 2011-11-16).

185*Taipei Times* (11 October 2010): “Taiwan Belongs to ROC: Ma,” via: <http://www.taipeitimes.com/News/taiwan/archives/2010/10/11/2003485094> (accessed: 2011-11-20); see also the statement by the Ministry of Foreign Affairs: *Taiwan Today* (5 September 2011): “MOFA Reaffirms Sovereignty Over Taiwan, Penghu,” via: <http://taiwantoday.tw/ct.asp?xItem=175313&ctNode=454&mp=9> (accessed: 2011-11-20).

186Saito eventually resigned from his post in December that year after the KMT urged the Executive Yuan to declare him a persona non grata.

187*Taipei Times* (12 October 2011): “ROC Not an Exile Government: Wu Says,” via: <http://www.taipeitimes.com/News/front/archives/2011/10/12/2003515524> (accessed: 2011-11-20).

their criticism and time and again renewed their call for abolishing the old constitution in order to give Taiwan one that would be more suitable to its current situation,<sup>188</sup> the KMT's agents such as the party's former chairman Wu Poh-hsiung (吳伯雄) have insisted that their interpretation was equal to “maintain[ing] the status quo.”<sup>189</sup>

For the preparation of his reelection campaign Ma's side came up with the slogan of “the ROC is our country and Taiwan is our home” calling both of them “inseparable.”<sup>190</sup> Tsai Ing-wen (蔡英文), the DPP's presidential candidate, on the other hand, emphasized on National Day in 2011, that the DPP would go back to its older position that consisted of the assertions “Taiwan is the ROC, the ROC is Taiwan, the ROC government today is the government of Taiwan.”<sup>191</sup> This moderate statement caused a stir within the pan-green camp and the Taiwan Solidarity Union (TSU) contradicted it, saying that “Taiwan is Taiwan. It is a de facto independent country. The TSU always maintains that what Taiwan really needs is name rectification and a new constitution.”<sup>192</sup>

Since the China visits of Lien and Soong in 2005, a rapprochement between the KMT (or pan-blue camp in general) and the CCP was on its way. The government's reorientation after Ma Ying-jeou stepped into office must have additionally struck a chord with China. For strengthening the “one China” rule, China not only seemed to have agreed to the diplomatic truce proposal,<sup>193</sup> it also gave Taiwan a little additional international space by letting it participate in the WHA as an observer (under the name “Chinese Taipei”) since 2009. Such a conciliatory approach had been announced in Hu's “six points” on December 31, 2008 in which the Chinese President called for “Taiwan's 'reasonable' participation in global organizations.” Most notable

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188See *Taipei Times* (22 March 2011): “Lee Calls for Constitution to be Scrapped,” via: <http://www.taipeitimes.com/News/front/archives/2011/03/22/2003498790> (accessed: 2011-11-17).

189Quoted after *Taipei Times* (29 March 2011): “KMT Is Not Selling Out Taiwan, Wu Poh-hsiung,” via: <http://www.taipeitimes.com/News/taiwan/archives/2011/03/29/2003499387> (accessed: 2011-11-17).

190*Taipei Times* (30 October 2011): “Ma Campaigns For Veterans' Day Votes,” via: <http://www.taipeitimes.com/News/taiwan/archives/2011/10/30/2003517039> (accessed: 2011-11-20).

191*Taipei Times* (11 October 2011): “Tsai Attends Flag-raising Ceremony in Tainan,” via: <http://www.taipeitimes.com/News/taiwan/archives/2011/10/11/2003515461> (accessed: 2011-11-20).

192*Taipei Times* (12 October 2011): “Hornets' Nest Continues to Buzz After Tsai Comments,” via: <http://www.taipeitimes.com/News/front/archives/2011/10/12/2003515526> (accessed: 2011-11-20).

193Although it should be noted that its embrace of the “mutual non-denial” formula has been questioned by leaked diplomatic cables: *Taipei Times* (11 September 2011): “China does not support ‘mutual non-denial’: cable <http://www.taipeitimes.com/News/taiwan/archives/2011/09/11/2003513008> (accessed: 2011-11-20).



in this speech, however, “firmly abide by the 'one China' principle” ranked prominently at the first spot.<sup>194</sup> Agents in Beijing agree with the current government's position that neither of the two sides is a nation in itself, but that both are part of a China. Therefore they rejected the proposal by the DPP to conduct negotiations on a nation-to-nation or state-to-state basis.<sup>195</sup> Interestingly, when a Professor at the Chinese Ministry of Foreign Affairs' Party School published the idea of both sides recognizing each other as central government under a “one China” framework (see CHU 2011)<sup>196</sup> it was received coldly by KMT legislators who were unimpressed, stressing it was more important to “keep the status quo,” which according to their interpretation given above also meant that there can be only one “central government,” which is not in Beijing.<sup>197</sup> Although the next day, President Ma said, the idea could be “up for discussion,” he insisted that “one country” should refer to the ROC. For that he was criticized by the DPP for being unable to break out of the “one China” mindset.<sup>198</sup> Despite the “warming ties” there remain huge gaps between both sides as was made clear, for example, in late October 2010, when Vice President Vincent Siew (蕭萬長) called on Beijing to stop denying the ROC's existence and recognize its sovereign status.<sup>199</sup> In its interactions with the outside world, especially the US, Beijing has adopted yet another wording strategy by describing Taiwan as one of its “core interests” since 2009.

In continuity with previous US administrations, Washington has declined to get too much involved in defining Taiwan's political status openly. This did not change after Ma Ying-jeou stepped into office. In late 2010, chairman of the American

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194Hu, Jintao (2008): “Let Us Join Hands to Promote the Peaceful Development of Cross-Straits Relations and Strive with a United Resolve for the Great Rejuvenation of the Chinese Nation Speech at the Forum Marking the 30th Anniversary of the Issuance of the Message to Compatriots in Taiwan, December 31, 2008,” via: [http://www.gwytb.gov.cn/en/Special/Hu/201103/t20110322\\_1794707.htm](http://www.gwytb.gov.cn/en/Special/Hu/201103/t20110322_1794707.htm) (accessed: 2011-11-20).

195*Taipei Times* (30 June 2011): “Cross-Strait Talks Are Not State-to-State, China Says,” via: <http://www.taipetimes.com/News/taiwan/archives/2011/06/30/2003507050> (accessed: 2011-11-20).

196This idea was somewhat similar to the old formula of “one country, two governments” proposed under Lee Teng-hui, although the Chinese academic insisted that was not what he meant. (see KMT [27 June 2011]: “Chu Shulong: I Did Not Say 'One Country, Two Governments,’” via: <http://www.kmt.org.tw/english/page.aspx?type=article&mnum=112&anum=9789> [accessed: 2011-11-20]).

197*Taipei Times* (24 June 2011): “‘One China, Two Governments' Rejected,” via: <http://www.taipetimes.com/News/front/archives/2011/06/24/2003506551> (accessed: 2011-11-20).

198*Taipei Times* (25 June 2011): “‘One China' Idea Up for Discussion: Ma,” via: <http://www.taipetimes.com/News/front/archives/2011/06/25/2003506626> (accessed: 2011-11-20).

199*Taipei Times* (21 October 2010): “Siew Calls on Beijing to Face Up to ROC,” <http://www.taipetimes.com/News/taiwan/archives/2010/10/21/2003486197> (accessed: 2011-11-20).



Institute in Taiwan (AIT), Raymond Burghardt, reiterated that since 1979 the US “take[s] no position on the political status of Taiwan. That may sound like a dodge, but it's a position.”<sup>200</sup> All in all, the US seems to have been pleased by the “surprise-free” approach<sup>201</sup> that has been adopted by Taiwan's new administration as well as the peaceful dialog that has taken place since 2008. When there were increasing rumors about a possibility that the US was considering to stop arms sales to Taiwan altogether since mid-2010, US Deputy Secretary of State James Steinberg reiterated previous commitments to Taiwan including the TRA and maintaining an “unofficial relationship,” at a conference about US-China relations.<sup>202</sup> In 2011, Secretary of State Hillary Clinton opined that the “relationship between China and Taiwan, it appears, is on a much better basis.” She stressed that the US did not have any preferences with regard to electoral outcomes in Taiwan and that her country would continue to adhere to its “one China” policy.<sup>203</sup> However, there are some fears that this will have repercussions for weapons sales to the island. In the eyes of some decision-makers in the US and the pan-green camp at home, Ma's public commitments to acquire weapons systems for Taiwan's defense were not only undermined by the KMT's frequent refusals to pass defense budgets during its time in opposition, but came back into the spotlight after diplomatic cables had been released that indicated the rejection of highly potent weapons systems might be actual policy.<sup>204</sup> In general, however, US agents have stressed that their country would continue to “meet its commitments” and “follow the law,” that is, the Taiwan Relations Act, despite strong protests from China against what they continue to consider interference into its “domestic affairs.”<sup>205</sup> This does not mean that the current US arms sales policy will not change in the long run. In May 2011, US Secretary of Defense Robert Gates indicated that “China's

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200Quoted after *Taipei Times* (1 December 2010): “Taiwan Position Consistent: AIT Head,” via: <http://www.taipeitimes.com/News/taiwan/archives/2010/12/01/2003489858> (accessed: 2011-11-20).

201*Taipei Times* (19 June 2011): “No Surprises' Approach Outlined: WikiLeaks,” <http://www.taipeitimes.com/News/front/archives/2011/06/19/2003506136> (accessed: 2011-11-20).

202*Taipei Times* (22 September 2010): “US Committed to Taiwan, US Official Says,” <http://www.taipeitimes.com/News/front/archives/2010/09/22/2003483473> (accessed: 2011-11-20).

203*Taipei Times* (13 May 2011): “Clinton Praises Change in China, Taiwan Relations,” via: <http://www.taipeitimes.com/News/front/archives/2011/05/13/2003503110> (accessed: 2011-11-20).

204*Taipei Times* (23 June 2011): “Ma Penned Over Languishing Military,” via: <http://www.taipeitimes.com/News/front/archives/2011/06/23/2003506458/1> (accessed: 2011-11-20).

205*Taipei Times* (24 October 2010): “Stop US Arms Sales to Taiwan: China,” via: <http://www.taipeitimes.com/News/taiwan/archives/2010/10/24/2003486780>; *Taipei Times* (20 August 2011): “China Brings Up Arms Sales With Biden,” via: <http://www.taipeitimes.com/News/front/archives/2011/08/20/2003511174> (both accessed: 2011-11-20).

sensitivities” would be taken into consideration before the Obama administration decided about new arms sales to Taiwan, referring in particular to new F-16 C/D fighter jets.<sup>206</sup> This could be interpreted as being in violation of the “six assurances” given to Taiwan under the Reagan administration, surely the least normatively strong of US commitment speech acts to Taiwan.

Meanwhile, the US Congress remains the engine of improving US relations with the island that still enjoys bipartisan support in the law-making body. In early September 2011, US Representative Howard Berman spoke out emphatically in favor of easing restrictions for Taiwanese leaders to visit the US.<sup>207</sup> A few days later Ileana Ros-Lehtinen, chairperson of the US House Foreign Affairs Committee, and with joint efforts by both Democrats and Republicans introduced the “Taiwan Policy Act of 2011” that aimed at strengthening the TRA commitments, although like the “Taiwan Security Enhancement Act” ten years earlier it was clear from the outset that it would have a more difficult time the Senate.<sup>208</sup> She was also one of the driving forces for arranging a testimony before the House of Foreign Affairs Committee in early October in which Assistant Secretary of the Bureau of East Asian and Pacific Affairs, Kurt M. Campbell giving speech on the topic “Why Taiwan Matters.”<sup>209</sup> Although the discourse has started a while ago, speech acts by agents in Washington do not indicate an abandonment of Taiwan anytime soon.

#### 4.3.2 The “1992 Consensus”

The new KMT government's construction of the Chinese mainland being part of the ROC was somewhat put into perspective by the fact that both government parties sought to follow a course of rapprochement and threats of trying to conquer each other militarily are surely not as salient as they were during the Cold War, or they are at least one-sided now. The “1992 Consensus” has been the most important tool for

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206 *Taipei Times* (13 June 2011): “Analysis: Demystifying China's 'Red Line' On the F-16s,” <http://www.taipeitimes.com/News/taiwan/archives/2011/06/13/2003505668/1> (accessed: 2011-11-20). The sale was eventually shelved in October 2011. Only upgrades for Taiwan's existing fleet of its older F-16 A/Bs were promised instead.

207 *Taipei Times* (6 September 2011): “New Rules Needed on Taiwan, Berman,” <http://www.taipeitimes.com/News/front/archives/2011/09/06/2003512567> (accessed: 2011-11-20).

208 *Taipei Times* (16 September 2011): “Taiwan Bill Introduced in Congress,” via: <http://www.taipeitimes.com/News/front/archives/2011/09/16/2003513390> (accessed: 2011-11-20).

209 US DEPARTMENT OF STATE (4 October 2011): “Why Taiwan Matters, Part II,” via: <http://www.state.gov/p/eap/rls/rm/2011/10/174980.htm> (accessed: 2011-11-20).

the new government to bridge this contradictory gap. Holding formally on to the “one China” rule, the KMT could argue domestically sound and without causing an outrage across the Strait that this “China” referred to the “Republic of China” that it itself represented. Furthermore, the “1992 Consensus” was tied to Ma's proposal of “mutual non-denial,” and in principle put both on a more equal level.<sup>210</sup> Before coming to power, the KMT, as well as the CCP, had argued that this would be an acceptable or even necessary foundation for shelving political differences and prioritizing other issues related to bilateral interaction such as cultural or economic policies. Consequently, just as he did with regard to upholding the Constitution, President Ma underlined the importance of the “Consensus” immediately in his inaugural address to set the tone and speed of Cross-Strait negotiations during his tenure, necessarily starting with an assertion related to the existence of the “Consensus:”

In 1992, the two sides reached a consensus on 'one China, respective interpretations.' Many rounds of negotiation were then completed, spurring the development of cross-strait relations. I want to reiterate that, based on the '1992 Consensus,' negotiations should resume at the earliest time possible.<sup>211</sup>

The new president's unquestioned belief in the existence of the “Consensus” has been criticized by leading pan-green figures such as former President Lee Teng-hui.<sup>212</sup> But this criticism did not deter Ma to reiterate his belief in the “Consensus” in other public addresses such as his 2010 New Year's Day message, in which he emphasized that “I have always [...] sought to promote cross-strait interaction and cooperation within the parameters of the 1992 Consensus.”<sup>213</sup> And after two and a half years in office he consequently gave credit to the “Consensus” for the rapid development of Cross-Strait relations and the signing of agreements between Taipei and Beijing during his term (including the ECFA).<sup>214</sup> Ma's assertiveness with regard to the “Consensus” even went so far as to accuse its critics of being unable to “face reality.”<sup>215</sup>

210 *Taipei Times* (10 March 2011): “Ma to Prioritize People in Cross-Strait Relations,” via: <http://www.taipeitimes.com/News/taiwan/archives/2011/03/10/2003497828> (accessed: 2011-11-17).

211 PO (20 May 2008): “Inaugural Address: Taiwan's Renaissance,” via: [http://english.president.gov.tw/Portals/4/FeaturesSection/Other-feature-articles/20080520\\_PRESIDENT\\_INAUGURAL/e\\_speech.html](http://english.president.gov.tw/Portals/4/FeaturesSection/Other-feature-articles/20080520_PRESIDENT_INAUGURAL/e_speech.html) (accessed: 2011-07-20).

212 *Taipei Times* (26 October 2008): “Lee Teng-hui Pans Ma Over Belief in ‘1992 Consensus,’” via: <http://www.taipeitimes.com/News/front/archives/2008/10/26/2003426953> (accessed: 2011-11-15).

213 MAC (1 January 2010): “New Year's Message: Through Reform and Hard Work, Taiwan Will Rise Again,” via: [http://www.mac.gov.tw/ct.asp?xItem=72861&ctNode=5909&mp=3&xq\\_xCat=2010](http://www.mac.gov.tw/ct.asp?xItem=72861&ctNode=5909&mp=3&xq_xCat=2010) (accessed: 2011-11-17).

214 *Taipei Times* (29 December 2010): “Ma Calls DPP 'Impractical' for Attitude on Consensus,” via: <http://www.taipeitimes.com/News/front/archives/2010/12/29/2003492131/1> (accessed: 2011-11-17).

215 *Taipei Times* (25 June 2011): “‘One China’ Idea Up for Discussion: Ma,” via:

When it tried to prevent Taiwan's leaders from attempts at formal independence between 2000-2008, agents in Beijing referred time and again to the “Consensus,” that seemed to have functioned like a bait for the DPP to accept some sort of interpretation of “one China” of which Taiwan was also a part. When the new KMT government came into office in 2008, Premier Wen Jiabao (溫家寶) could use the “Consensus” again as a foundation for talks with economic goals in 2008. However, it seems that since then, Beijing has somewhat backtracked on emphasizing the “Consensus,” most likely because it did not worry about a breaking away of the island under the new government. Also, Beijing continued to frequently leave it out in talks with the US, such as the 2009 Joint Communiqué between the USA and the PRC further giving credence to the argument that, for the CCP as opposed to the KMT, the “Consensus” is a speech act for inter-Cross-Strait and not international consumption. On occasions that brought both parties from across the Strait together, such as the CCP-KMT forum in May 2011, Jia Qinglin emphasized both sides' commonalities by pointing out that they are both against “Taiwan independence” but “recognize the 1992 Consensus.”<sup>216</sup>

The “Consensus” might shelf issues related to Taiwan's status for the time being, but it cannot address these issues. One question that remains is how committed is the KMT to the “one China” principle really? To what degree can the party embrace “one China” and not be domestically too objectionable to the majority of Taiwanese who do not support unification? Therefore, whenever the KMT lodges protests about Taiwan's categorization as “Taiwan, China” in international organizations,<sup>217</sup> it will strike a chord with the voting population at home and prevent the opposition from portraying them as “selling out Taiwan,” but it raises questions, and not only in Beijing, about the agreed-upon propositional content of the “1992 Consensus.” According to the phrase's logic, could “China” not also refer to the ROC? This might end in a commitment trap for the KMT, whose attitude towards “one China” sometimes seems as uncanny as the CCP's attitude towards the latter part of the “1992 Consensus.” A similar contradiction can be found with regard to the Constitution.

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<http://www.taipeitimes.com/News/front/archives/2011/06/25/2003506626> (accessed: 2011-11-20).  
216 *Taipei Times* (8 May 2011): “Forum Talks of Opposing Independence,” via: <http://www.taipeitimes.com/News/taiwan/archives/2011/05/08/2003502707> (accessed: 2011-11-20).  
217 See: *Taipei Times* (12 May 2011): “‘Taiwan, China’ Label Opposed: MOFA,” via: <http://www.taipeitimes.com/News/taiwan/archives/2011/05/12/2003503035/1> (accessed: 2011-11-20).

Why, other than for being in line with domestic mainstream opinion, does the KMT government protest when the WHO classified Taiwan as a “Province of China,”<sup>218</sup> which is in accordance with the constitutional framework of the ROC. Of course, the real issue is that “Taiwan” as used in the international community or academia (including this thesis) generally refers to a geographical unit that encompasses areas that extend beyond the island of Taiwan but are not under PRC jurisdiction either. The KMT government has to walk a fine line when it wants to successfully employ an approach that, on the one hand, has a restrictive, although normatively high definition of the state's status, whose dignity it wants to defend, and, on the other, does not mind using made-up terms like “Chinese Taipei” etc. for participation of this state in international settings. While this approach can be seen as “pragmatic,” it will also always be exploitable by the opposition who can denounce it as “selling out Taiwan.”

Despite the “Consensus” weak foundation, the discourse around it has been active for a long time. Not only because the government always asserted that its achievements with regard to Cross-Strait negotiations were based on it, but also because the public has tended to support it. In a poll that was conducted by the MAC, almost half of the respondents approved of the “Consensus” and about 52 percent disagreed with statements by the DPP that the “1992 Consensus” was just an agreement between the KMT and the CCP.<sup>219</sup> Because the majority of the Taiwanese public also supports improved economic ties with China, the DPP has been forced to invent different strategies to overcome the “Consensus” other than by just denying its existence if it wants to prove that it also possesses competence to conduct Cross-Strait negotiations, while not abandoning its core values. This was especially obvious before the DPP party primaries in early 2011 when many of the potential presidential candidates came forward with their own ideas about how to conduct future negotiations with the other side of the Strait. Former premier Frank Hsieh (謝長廷) proposed a “Constitutional Consensus” in which there is one constitution but two

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218See *Taipei Times* (11 May 2011): “Ma Slams WHO, China on Name,” via: <http://www.taipetimes.com/News/front/archives/2011/05/11/2003502936> (accessed: 2011-11-20); see also the issue of the protest by the ROC's Ministry of Foreign Affairs lodged against a Japanese textbook because it described Taiwan as being a part of China, see *Taipei Times* (3 August 2011): “No Word on Japan's 'Taiwan, China' Texts,” via: <http://www.taipetimes.com/News/taiwan/archives/2011/08/03/2003509815> (accessed: 2011-11-20).

219CNA (25 September 2011): “Half of Public Approves of '1992 Consensus': MAC Poll,” via: <http://www.taiwanheadlines.gov.tw/ct.asp?xItem=238178&CtNode=39> (accessed: 2011-11-20).



interpretations for it (for ROC and PRC respectively).<sup>220</sup> Former Vice President Annette Lu (呂秀蓮) made the proposal of a “1996 Consensus” that basically stated that Taiwan had become an independent sovereign country on the day of its first free presidential election in that year.<sup>221</sup> Another former DPP premier, Su Tseng-chang (蘇貞昌), came up with a “Taiwan Consensus,” a term that has been taken up by the party's eventual presidential candidate Tsai Ing-wen. In general, all of these proposed alternatives have argued for a “broader framework” than the current one based on the “1992 Consensus.” Former MAC chairman Joseph Wu (吳釗燮) suggested to drop the term altogether and replace the whole approach with what he called the “Macau model” which he said had been adopted under Chen Shui-bian in 2005 in order to start negotiations on charter flights. However, Premier Wu Dun-yih (吳敦義) defended the “1992 Consensus” as the “best policy” to promote peaceful Cross-Strait Relations and prioritize the interests of the people.<sup>222</sup> Ma has even warned in an interview with the *Asahi Shimbun* that no matter which party is going to win the 2012 presidential elections, “the relations over the strait will stagnate if it does not support the 1992 consensus.”<sup>223</sup> Similarly, Jia Qinglin (賈慶林), head of Beijing's National Committee of the Chinese People's Political Consultative Conference said that both sides of the Strait had to oppose Taiwanese independence and recognize the “1992 Consensus” because only with such a “one-China platform can both sides set aside differences and create a beneficial environment for cooperation.”<sup>224</sup> But despite the fact that agents in Beijing have a very different interpretation of the “1992 Consensus,” President Ma has emphasized that he is confident the other sides'

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220 *Taipei Times* (30 January 2011): “Interview: Frank Hsieh Explains His 'Constitutional Consensus' Proposal,” via: <http://www.taipeitimes.com/News/taiwan/archives/2011/01/30/2003494788> (accessed: 2011-11-20).

221 *Taipei Times* (22 February 2011): “Ma Is Pandering to the CCP, Lu Says,” via: <http://www.taipeitimes.com/News/taiwan/archives/2011/02/22/2003496521> (accessed: 2011-11-20).

222 *China Post* (7 May 2011): “Using 'Macau Formula' in Cross-Strait Talks Is Unacceptable: Premier,” via: <http://www.chinapost.com.tw/taiwan/china-taiwan-relations/2011/05/07/301456/Using-Macau.htm> (accessed: 2011-11-20).

223 *The Asahi Shimbun* (6 May 2011): “Taiwan-China Tensions Lowest in History, Ma Says,” via: <http://www.asahi.com/english/TKY201105050087.html> (accessed: 2011-11-20); the SEF issued a similar warning in August 2011, stating that negotiations between both sides “would become impossible” in such a case, see *China Post* (24 August 2011): “Cross-Strait Talks Impossible Without '1992 Consensus,’” via: <http://www.chinapost.com.tw/taiwan/national/national-news/2011/08/24/314437/Cross-strait-talks.htm> (accessed: 2011-11-20).

224 *China Post* (8 May 2011): “Beijing Reiterates Importance of '1992 Consensus,’” via: <http://www.chinapost.com.tw/taiwan/china-taiwan-relations/2011/05/08/301549/Beijing-reiterates.htm> (accessed: 2011-11-20).



interpretation is consistent with the KMT's.<sup>225</sup> Not only did he make other warnings that throwing out the “Consensus” would lead to uncertainty in Cross-Strait relations.<sup>226</sup> But he also found himself on the same side as TAO director Wang Yi who warned that Beijing would reconsider even current Cross-Strait agreements such as the ECFA if a future Taiwanese government did not recognize the “1992 Consensus.”<sup>227</sup> The fact that the phrase fares better in Taiwan than does its “one China principle, although both basically mean the same thing for Beijing, explains its interest in it. Beijing's inflexible position also highlights the reason why China does not and will not accept “different interpretations” - because such a reading would leave the door open for interpretations of “China” that do not include Taiwan or that do not define “China” in a political way at all as Taiwan's government had tried under Lee Teng-hui. On the other hand, such an approach of characterizing the Cross-Strait relationship has often been used to express the opposite, that is, that Taiwan should be politically part of China due to historical, ethnic, or other seemingly non-political reasons.

#### 4.3.3 Chinese Nation and Cultural Assumptions

Apart from the political devices of the Constitution and the “1992 Consensus,” the new government also tried to find a distinct way to define Taiwan's identity via assertive speech acts with regard to the concept of the Chinese nation and its cultural implications. When the DPP began its “name rectification”-campaign and intensified its “nativization”-movement in 2004, many KMT members were displeased for example with the way in which the DPP rewrote history textbooks to feature more Taiwan-centric than China-centric content or how it handled the commemoration of

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225 *Taipei Times* (29 October 2010): “1992 Consensus' Is Basis of Ties: Ma,” via: <http://www.taipetimes.com/News/taiwan/archives/2010/10/29/2003487182> (accessed: 2011-11-20); this view has since been challenged by leaked diplomatic cables according to which Taiwan Affairs Office Minister Wang Yi repeated that the “1992 Consensus” for China basically means that “both sides adhere to one China” whereas the “different interpretations” approach on the other hand came too close to the “two Chinas” formula, see *Taipei Times* (8 September 2011): “Cables Outline PRC View on 'Consensus,’” via: <http://www.taipetimes.com/News/front/archives/2011/09/08/2003512726> (accessed: 2011-11-20).

226 *Taipei Times* (24 August 2011): “Ma Ying-jeou Warns Against Dropping '1992 Consensus,’” via: <http://www.taipetimes.com/News/front/archives/2011/08/24/2003511509> (accessed: 2011-11-20).

227 *China Post* (29 July 2011): “1992 Consensus Needed: Beijing Officials,” via: <http://www.chinapost.com.tw/taiwan/china-taiwan-relations/2011/07/29/311500/1992-consensus.htm> (accessed: 2011-11-20).

former president Chiang Kai-shek, who is still revered by many in the KMT but held mostly in contempt in DPP circles. Consequently, statues of Chiang were removed from many DPP controlled government offices, Chiang Kai-shek International Airport was renamed to Taoyuan International Airport, the plaza in front of Chiang Kai-shek's mausoleum in Taipei had been renamed to "Freedom Square" and so on. As shown above, in its cultural politics the DPP tried to emphasize the uniqueness and separateness of Taiwanese vis-à-vis Chinese culture. The KMT stopped these developments on Ma Ying-jeou's frequent statements that both sides belonged to "the same Chinese nation."<sup>228</sup> On his visit to Nanjing, the former Republic of China capital, in June 2009, then-KMT chairman Wu Poh-hsiung (吳伯雄) called actions like the ones mentioned above that aimed at minimizing Taiwan's historical and cultural links to China "de-sinification" (*qū-Zhongguohua* 去中國化) and "a counter-current" that would not be successful.<sup>229</sup>

In the subsequent months there were many statements by President Ma that obviously aimed at a reconciliation of the ideas of "Taiwanese" and "Chinese" cultural characteristics by diminishing the bipolarity that was induced into them by the DPP government's policies and by integrating them into one another. In October 2009, when celebrating the anniversary of the Battle of Kuningtou, in which the Nationalists had defeated the invading Communists on the small island of Kinmen in 1949, Ma Ying-jeou introduced a new formula:

We successfully blended broad and profound Chinese tradition with the open and enterprising ocean culture and transformed it into a Chinese culture with distinguishing Taiwanese features [*Taiwan tese de Zhonghua wenhua* 臺灣特色的中華文化].<sup>230</sup>

By establishing this kind of hierarchy in which "Chinese culture" hovers somewhat above its "Taiwanese features," the president found a common ground (*not only* Taiwanese *but also* Chinese) instead of an antagonistic position (*either* Taiwanese *or* Chinese) that could be applied to cooperation across the Strait. Based on these grounds, he urged everyone involved to "exercise the great wisdom of the Chinese nation" with regard to the Cross-Strait conflict.

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228 *Taipei Times* (29 October 2010): "1992 Consensus' Is Basis of Ties: Ma," via: <http://www.taipeitimes.com/News/taiwan/archives/2010/10/29/2003487182> (accessed: 2011-11-20).

229 See *Taipei Times* (2 June 2009): "KMT Chair Mum on Second Term," via: <http://www.taipeitimes.com/News/taiwan/archives/2009/06/02/2003445139/1> (accessed: 2011-11-17).

230 Quoted after *Taipei Times* (26 October 2009): "Ma Marks Anniversary of Historic Battle on Kinmen," via: <http://www.taipeitimes.com/News/front/archives/2009/10/26/2003456908> (accessed: 2011-11-17).

Emphasizing the issue of culture is basically an issue that presents itself to the KMT because of the fact the ROC's 100<sup>th</sup> birthday on January 1, 2011 fell into the time span of Ma's term. When addressing the preparatory committee for these celebrations in November 2009, Ma once more repeated that the main theme of the activities should be “Taiwan-featured Chinese culture.” Only a few days later, the Strait Exchange Foundation organized an event titled: “Chinese culture with Taiwanese features — its meaning and impact on cross-strait relations.” In an interview with the *Washington Post* in early 2011 he called this formula an “important aspect and marketing point for Taiwan,” that “can serve as a frame of reference for the mainland.”<sup>231</sup> Like the DPP administration, the KMT also used laws to change the discourse in its favor, for example, by introducing proposals that again emphasized classical Chinese literature (such as the four books and five classics) in school curricula. Also, the Chinese Cultural Association, that had been renamed to National Cultural Association under the DPP, now reverted back to its original name. The Ministry of Education now also increased again the amount of time spent on teaching Chinese history, a move that was justified on the grounds that it would “right” the DPP's previous “de-sinification policies” and predictably panned by the opposition as an attempt at “brainwashing” students.<sup>232</sup> Ma said that as president it was his duty to preserve Chinese culture for the following generations, a statement that caused DPP Legislator Chen Ting-fei (陳亭妃) to argue in return that Chinese and Taiwanese cultures were two different things, showing once again the huge gap between both parties.<sup>233</sup> Despite the criticism from the pan-green camp, Ma's new slogan is also going to be the motto under which the “Taiwan Academies” that will be established in different countries all over the world to promote Taiwan as a “pioneer in Chinese culture,” are going to be operated under.<sup>234</sup>

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231 *The Washington Post* (17 February 2011): “Amid Warming Relations with China, Taiwan's President Seeks More U.S. Arms,” via: <http://www.boston320.org/articles/20110217.htm> (accessed: 2011-11-20).

232 *Taipei Times* (14 September 2010): “DPP Lawmakers Slam 'Revisionist' History Curriculum,” via: <http://www.taipeitimes.com/News/front/archives/2010/09/14/2003482855> (accessed: 2011-11-20).

233 *Taipei Times* (15 October 2010): “President Touts Chinese Culture,” via: <http://www.taipeitimes.com/News/front/archives/2010/10/15/2003485413> (accessed: 2011-11-20).

234 *Taipei Times* (5 August 2011): “Taiwan Academies' to Open First in US,” via: <http://www.taipeitimes.com/News/front/archives/2011/08/05/2003509975> (accessed: 2011-11-20); however, the name was also criticized by KMT legislator Herman Shuai (帥化民) who lamented the absence of the term “Chinese,” see *Taipei Times* (12 October 2011): “KMT Lawmaker Queries 'Taiwan Academies' Term,” via: <http://www.taipeitimes.com/News/taiwan/archives/2011/10/12/2003515541> (accessed: 2011-11-20).

The role of culture in Cross-Strait relations was emphasized increasingly often under the new administration. In his January 2010 New Year's Message Ma explained: "My fellow citizens, the people of the two sides of the Taiwan Strait are all of Chinese ethnicity. We share a common heritage, language, history and culture."<sup>235</sup> That this message was once again not only directed as an assertion at the people in Taiwan but also functioned as an assurance for Beijing to find more common ground for future collaboration and exchanges became clear when China's premier Wen Jiabao (溫家寶) described Taiwan and China as "brothers" a few months later, to which Ma responded positively while on a press conference in Nauru saying that people on both sides of the Taiwan Strait have the same roots: "Like I always say, the people on both sides of the Taiwan Strait belong to the Chinese nation."<sup>236</sup> The cultural assumptions that are underlying this statement were renewed once more in Ma's official speech to conclude his second year in office, in which he also added a racial component:

My goal is to buy as much time as possible so that people on both sides of the Taiwan Strait, who are all descendants of emperors Yan and Huang (*yan huang zisun* 炎黃子孫), can find a solution to our disputes with the collective wisdom of the Chinese nation.<sup>237</sup>

In a speech at the Ministry of Defense, Ma stressed his peace-seeking approach to Cross-Strait relations by stating that he did not want to see *yan huang zisun* to use military action as a means to settle their disputes.<sup>238</sup> Undoubtedly, by using this "soft approach" of constructing identity via a cultural definition, the Ma government puts even more emphasis on commonalities between Taiwan and China instead of highlighting their respective differences as the DPP did. The Chinese side reciprocated this approach, for example, when commemorating the 100<sup>th</sup> anniversary of the Xinhai Revolution, Hu Jintao stressed that both sides "should work together to achieve the great rejuvenation of the Chinese nation" as well as "reunification by peaceful means."<sup>239</sup>

A common ethnicity, history and "close bonds" between both sides as well as

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235MAC (1 January 2010): "New Year's Message: Through Reform and Hard Work, Taiwan Will Rise Again," via: [http://www.mac.gov.tw/ct.asp?xItem=72861&ctNode=5909&mp=3&xq\\_xCat=2010](http://www.mac.gov.tw/ct.asp?xItem=72861&ctNode=5909&mp=3&xq_xCat=2010) (accessed: 2011-11-17).

236Quoted after *Taipei Times* (24 March 2010): "Talks to Reveal Wen's Nature: Ma," via: <http://www.taipetimes.com/News/taiwan/archives/2010/03/24/2003468828> (accessed: 2011-11-17).

237Quoted after *Taipei Times* (20 May 2010): "Ma Reiterates No Unification Pledge," via: <http://www.taipetimes.com/News/front/archives/2010/05/20/2003473415> (accessed: 2011-11-17).

238*Taipei Times* (26 January 2011): "Ma Cites Importance of F-16 Sale to US Representative," via: <http://www.taipetimes.com/News/taiwan/archives/2011/01/26/2003494454> (accessed: 2011-11-20).

239*Taipei Times* (10 October 2011): "Hu Jintao Urges Unification with Taiwan," via: <http://www.taipetimes.com/News/front/archives/2011/10/10/2003515354> (accessed: 2011-11-20).

statements to the degree that Taiwanese are “ethnic Chinese”<sup>240</sup> were made on many occasions, consolidating their normative force. When visiting Sun Yat-sen's mausoleum in Nanjing in late May 2008, KMT party chairman Wu Poh-hsiung stressed that both Taiwan and mainland China belong to the Chinese nation and are “closely tied by blood.”<sup>241</sup> Similarly, when PRC envoy Chen Yunlin (陳雲林) visited South Taiwan in early 2011, he reciprocated that statement by saying that the relationship between the two sides was like one of brothers.<sup>242</sup>

As opposed to the “1992 Consensus,” agents from Beijing do not shy away from emphasizing the commonalities with respect to the Chinese nation discourse when they talk to “outsiders.” One such occasion occurred when PLA admiral Chen Bingde (陳炳德) visit strongly voiced Beijing's opposition to US arms sales to Taiwan during his Pentagon visit and asserted that

Taiwan is an inalienable part of Chinese territory and people on Taiwan are our compatriots and blood brothers and sisters. We will use peaceful means to resolve the Taiwan question and achieve reunification.<sup>243</sup>

Conveniently, due to the ROC's 100<sup>th</sup> birthday in 2011, government agents, in many speeches, now put more emphasis again on historical events of the ROC, such as the toppling of the Qing government on the mainland and the resistance war against Japan,<sup>244</sup> instead of events such as the “228 Incident” that had a specific meaning for the history of Taiwan and the narration of “sorrow” that was often espoused by Taiwan nationalists as one of the characteristics of what it meant to be “Taiwanese.” The Resistance War especially was described by Ma as the “most difficult and glorious days in the history of the Chinese nation.”<sup>245</sup>

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240See CNA (4 June 2011): “President's Statement on 22<sup>nd</sup> Anniversary of Tiananmen Incident,” via: [http://focustaiwan.tw/ShowNews/WebNews\\_Detail.aspx?Type=aIPL&ID=201106040005](http://focustaiwan.tw/ShowNews/WebNews_Detail.aspx?Type=aIPL&ID=201106040005) (accessed: 2011-11-20).

241*Xinhua* (27 May 2008): “Kuomintang Chairman Wu Poh-hsiung Pays Homage to Dr. Sun Yat-sen's Mausoleum,” via: [http://www.gwytb.gov.cn/en/CrossstraitInteractionsandExchanges/201103/t20110316\\_1788848.htm](http://www.gwytb.gov.cn/en/CrossstraitInteractionsandExchanges/201103/t20110316_1788848.htm) (accessed: 2011-11-20).

242*Taipei Times* (25 February 2011): “PRC Envoy 'excited' by Visit to South,” via: <http://www.taipeitimes.com/News/taiwan/archives/2011/02/25/2003496750/1> (accessed: 2011-11-20).

243*Taipei Times* (20 May 2011): “No Missiles on the Coast, PLA Chief Says,” via: <http://www.taipeitimes.com/News/front/archives/2011/05/20/2003503684/1> (accessed: 2011-11-20).

244For an example, see: *Taipei Times* (30 March 2011): “Shrine Packed for Martyr's Ceremony,” via: <http://www.taipeitimes.com/News/taiwan/archives/2011/03/30/2003499479> (accessed: 2011-11-20).

245*Taipei Times* (10 September 2010): “Ma Praises KMT 'Victory' over Japan,” via: <http://www.taipeitimes.com/News/taiwan/archives/2010/09/10/2003482519> (accessed: 2011-11-20). On a sidenote: the President also used this opportunity to reaffirm that Taiwan had been “returned” to the ROC after the war.



#### 4.4 Academic Construction of Cross-Strait Relations: New Trends

Instead of trying to give a comprehensive overview, this subsection again only aims at giving some broad comments on general trends that could be observed in academia's discussion and construction of the Cross-Strait relationship institution during the past years. For example, one obvious development that went hand-in-hand with the emphasis that the DPP government has put on establishing Taiwan Studies as new academic discipline (furthering the trend of “nativization” that was started under Lee Teng-hui), works that concerned themselves with giving historical and political accounts of the island have been written in abundance in the past decades. An increasingly high amount of them has emphasized that the status of Taiwan was basically one of a “virtually independent nation” (PHILLIPS 2003: 3) and not few of them made a *Case for Independence* (see DAVISON 2003, see also SHIH 2003). Few of these texts elaborated on how such a statement itself was also vital for constructing the island's status or identity in such a way in academic circles, a tendency that was especially evident for the part of academia that has made the history and anthropology of the island the foremost subjects of its concern. This kind of scholarship has frequently picked up on the developments of Chinese vs. Taiwanese identities and analyzed them historically (see ANDRADE 2008) or deconstructed the discourse about ethnicity based on anthropological considerations and evidence (see BROWN 2004). Other works clearly have an agenda and are backed by prominent politicians. The series of books published by Taiwan Advocates, whose chairman is Lee Teng-hui, for example has tried to highlight the separateness of Chinese and Taiwanese historical developments (HSUEH / TAI / CHOW 2005)<sup>246</sup> or argued for legal foundation of Taiwan's statehood (CHEN / HSUEH / LI / HU 2005) and are clearly following a “Taiwan agenda.”

On the other hand, based on my observations, the mainstream of the social science scholarship analyzing the Cross-Strait relationship seems to by default use certain terms that cause controversies in the political sphere with a high degree of matter of course. For example, to describe status of the participants in the Cross-Strait

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<sup>246</sup>Two important themes in such a narrative include the emphasis on Taiwan's maritime culture that is contrasted with China's mainland-centered culture as well as the intermarriage of settlers from China with Aborigines. The writers also highlight the cultural and geographical meaning of “China,” and assert that a political or national connotation of the term has only arisen over the course of the last two centuries (HSUEH / TAI / CHOW 2005: 8) and describe ROC rule over the island as “colonial rule” like the Japanese. As can be seen, many of their ideas are similar to the DPP's tools of constructing a separate identity for Taiwan as was shown in chapter 4.1.



relationship, the mainstream usually refers to such terms as “mainland China” when referring to the PRC and “Taiwan” when meaning the ROC (on Taiwan), and makes it therefore, whether accidental or not, somehow reflect most closely the “two areas” description that can be found in the ROC Constitution (see, for example, MYERS / ZHANG 2005; QIANG 2010; SHENG 2001; WANG 2006). The same writers also regularly opt for using the term “reunification” instead of “unification,” with MYERS / ZHANG (2005: 117) even going so far as to advocate this outcome when they ask rhetorically in their conclusion: “Is it not true that the advantages of joining together to work toward 'one China' far outweigh the disadvantages?” Similarly, the “1992 Consensus” for example is often mentioned in recent scholarship and almost always taken for granted, with the origins of term rarely ever being explained. Sometimes, even when its disputed background is highlighted, the term itself is still being used in a matter of fact way (see LI / HUANG 2010; see also CHAO / DICKSON 2002; QIANG 2010; SHENG 2001). Even with regard to the cultural aspect, some scholars tend to use terms that reflect the position of one political camp in Taiwan. For example, even though MYERS / ZHANG (2005: 82) have argued that certain policies during the DPP administration such as the promotion of “Taiwan independence” or the “name rectification” campaign were indeed acts of “de-sinification” and “separatism,” they still also acknowledged that more and more Taiwanese have identified with this line of thought according to polls since 1991 (see also HAO 2010; WANG / LU 2008; WANG 2006). While some authors have tried to emphasize the cultural differences between Taiwan and China, others stressed their similarities. WANG (2006), for example, emphasized many times throughout his work the cultural similarities between Taiwan and China and interpreted them as conducive for a peaceful settlement of the Cross-Strait situation. The “Taiwan issue” for him, in fact, mainly arises from “misunderstandings” or a “lack of understanding” between the two sides that are the results of Taiwan's historical separation from China for the most part of the last century. Admittedly, except for the cases where the work can be tied directly to an agenda, it will always remain somewhat obscure if these kinds of observations are the result of political considerations or an attempt at influencing them. Either way, their assertions are part of the construction process of the Cross-Strait relationship institution.

In other cases these connections are much more evident. Chinese and Taiwanese academics sometimes seem to be representatives of the respective positions of their governments when they discuss Cross-Strait issues at common conferences where the Chinese side emphasizes the importance and irreplaceability of the “one China” principle whereas the Taiwanese side argues that the “1992 Consensus” should not be neglected. Such occasions also highlight the differences that separate both sides with regard to their interpretation of the “Consensus.” When Chinese academics came to participate in a Taipei forum in 2009, the director of China's Taiwan Research Institute, Yu Keli (余克禮), outright admitted that for Beijing the “1992 Consensus” was not equal to “different interpretation on one China.”<sup>247</sup> Interestingly though, on another topic, both sides could find a common ground, when they advocated a united stance on the dispute that surrounded the Diaoyutai/Senkaku Islands. Both sides would rather see it belong to an unspecified China, and could agree that it certainly did not belong to Japan.<sup>248</sup> This echoed remarks by Yang Yi, spokesman of the TAO, from a few months earlier that both sides of the Taiwan Strait had a “shared responsibility to safeguard the sovereignty over the islands” (HSIAO 2011).

In US academic circles, one discourse has been emerging over the past two or three years that deserves some more attention. This discourse relates directly to the question of the feasibility of US commitments to Taiwan (or more concretely US arms sales) and it more or less circled around the question of whether or not it would be in the interest of the US to “abandon Taiwan” in order to improve its relationship with China. This discourse came to the fore prominently when Bruce GILLEY (2010) suggested in an article that was published in *Foreign Affairs* that Taiwan pursue a course of “Finlandization.” Because like Finland during the Cold War, Gilley argued, Taiwan had, too, come under the firm influence of its neighboring superpower that it was connected to closely culturally and historically since the process of “normalization” was started in 2008. By giving up its external sovereignty, and position itself neutrally between China and the US, Gilley said, Taiwan would stop being a liability for the delicate relationship between the two strong states and

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247 *China Post* (15 November 2009): “DPP Protests Chinese Scholar's Views,” via: <http://www.chinapost.com.tw/taiwan/national/national-news/2009/11/15/232818/DPP-protests.htm> (accessed: 2011-11-20).

248 *Taipei Times* (3 September 2011): “Diaoyutais Belong to 'China': Official,” via: <http://www.taipetimes.com/News/front/archives/2011/09/03/2003512325> (accessed: 2011-11-20).

maintain its own long-term interests. In order to support such a course, all the US had to do was to gradually scale back (and eventually stop) its arms sales to the island. This started a fiery debate. Other analysts, such as Bonnie Glaser, have argued that every major arms sale package to Taiwan has led to major diplomatic breakthroughs between the two sides, because Beijing only “punishes” the US for them, not the government in Taipei.<sup>249</sup> Together with Georgetown University Professor Nancy Bernkopf Tucker, she argued against Taiwan's abandonment or a decrease in US commitments to the island, a few weeks before the US administration was preparing a decision on the sale of the F-16 C/D fighter jets (BERNKOPF TUCKER / GLASER 2011). However, Joseph Bosco, professor at Georgetown's School of Foreign Service and national security consultant, called similar to Gilley on the US to abandon its current approach of “strategic ambiguity” due to the potential for miscalculations and replace it with clear statements that it would not recognize an independent Taiwan if China would renounce its use of force in return.<sup>250</sup> In a commentary published by *National Interest* John F. COPPER (2011) argued on value-based (shared ideal of democracy) and strategic considerations for “Why We Need Taiwan.” Michael D. SWAINE (2011) on the other hand argued in that same publication two weeks later that the US should reconsider its current arms sales policy that might end up being “unsustainable” due to China's military modernization and could indeed “prove disastrous.” Like a response, again, was a Washington forum with many congressional aides in attendance, that argued in favor of the question whether Taiwan is defensible.<sup>251</sup> Surely, the picture looks more divided than it is and most analysts are against the idea of letting Taiwan alone cope with China as long as it continues to threaten the island's democracy. However, the debates in US academia also reflect the changes that have occurred as the ties between both sides of the Taiwan Strait have become closer in recent years and the US relative strength in the world has declined. Therefore, it is not the thoughts of “abandoning Taiwan” as such but the fact that they have been so persistent that is striking for the observer. That alone might be enough to influence

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249 *Taipei Times* (13 June 2011): “Analysis: Demystifying China's 'red line' on the F-16a,” via: <http://www.taipetimes.com/News/taiwan/archives/2011/06/13/2003505668/1> (accessed: 2011-11-20).

250 *Taipei Times* (22 August 2010): “Policy Change Needed: US Expert,” via: <http://www.taipetimes.com/News/taiwan/archives/2010/08/22/2003481004> (accessed: 2011-11-20).

251 *Taipei Times* (28 October 2011): “Pundits Debate If Taiwan Is Defensible,” <http://www.taipetimes.com/News/taiwan/archives/2011/10/28/2003516884> (accessed: 2011-11-20).

decision-making in Washington at some point in the future.

#### 4.5 Conclusion

The more Taiwan-centric outlook of this chapter is justified by the fact that any destabilization of the previous strong “one China” rule was mostly a result of developments in Taiwan itself, as started under Lee Teng-hui, rather than a consequence of a change in speech acts initiated by agents in Washington or Beijing who had to react to new developments rather than having been in a position to determine their outcome. And nowhere did the goals of speech acts fall that far apart from each other than between the ruling and opposition parties in Taipei. The analysis of speech acts in the context of the three discourses in this chapter has highlighted these stark differences between Taiwan's two governments from 2000-2008 and 2008-2011 respectively. In particular, their antithetic understandings of Taiwan and views on its relation to China were seen as the main cause for their different interactions with the “one China” rule. Undoubtedly, speech acts by DPP agents have weakened the rule over time (see figure 4).

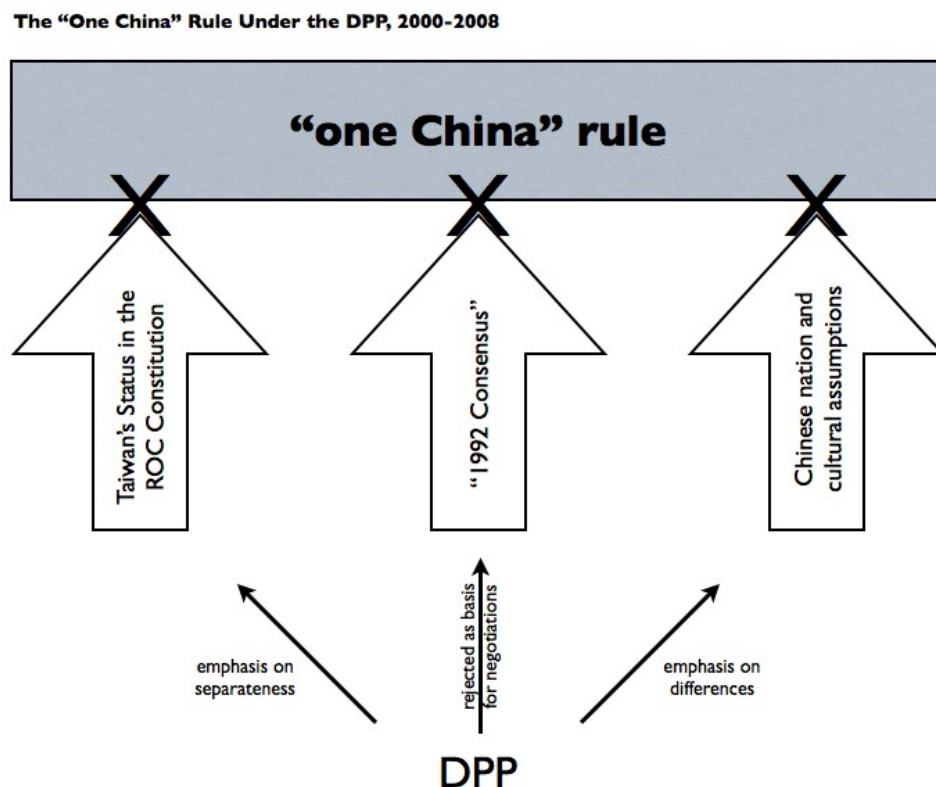


Figure 4: The “One China” Rule Under the DPP, 2000-2008

With regard to Taiwan's status, the DPP has emphasized the political separateness between the island and China. The old ROC governmental institutions and the ROC Constitution in particular were unwanted additional burdens that stood in the way for turning "Taiwan" from a merely geographical term into a political or even national one. Therefore the DPP tried to either assert that Taiwan already was an independent state whose official name "happened to be" Republic of China but that had no connection to the Chinese mainland. Similarly they rejected the commitment of the "1992 Consensus" to that historic "China" by declining it to play a prominent role for conducting Cross-Strait negotiations as not only the KMT but also the CCP have urged to do. Finally, the DPP tried to cut off old discourse that argued for a shared feeling of belonging between both sides by the way of the ethno-nationalist concept of the Chinese nation. Although they thus exploited every possible way that was highlighted in this framework to undermine the "one China" rule they were unable to break it. The dilemma for the DPP since it took over government responsibility has been described – its ultimate goal of establishing a "Republic of Taiwan" was prevented by several restrictions. First of all, there was the military aspect. When Chen was voted into office, the ROC Army was not yet a "neutral" national army, but one with deep connections to the previous ruling party, and one that had fought for the unity of China since the early Republican period back on the Chinese mainland. It was not in their interest to fight for "Taiwan separatism" and they made this clear to President Chen early on. Although there were signs at the beginning of the Bush administration in 2000, that the US would chose a new course of strategic clarity over one of ambiguity, more urgent geopolitical considerations after 2001 led a continuation of the previous more cautious approach towards Taiwan. When the US felt pressed by speech acts from Taiwan's government that aimed at achieving some sort of independence, especially after 2004, it stated openly it was against unilateral changes of the "status quo" and made it clear that its commitments to a defense of Taiwan was no blank cheque for Taipei to do whatever it wanted. Instead of using its military to deter a Chinese attack on Taiwan, the US used the military component in a way of that saw it declining to support the island militarily if that attack was caused by unilateral steps taken by Taipei, while, at the same time, it continued to advocate a peaceful solution to China's leaders (Hsu 2010: 148). By defining the status of Taiwan

as “unsettled” in 2007, the US held on to a “one China” policy that had been more or less in place since the immediate years after World War II, when the “one China” rule had been created. Beijing for its part, warned with new emphasis and most prominently in the ASL, that any moves toward a formal independence by Taiwan would be a tantamount to a *casus belli*. Therefore, similar to the decades before 2000, albeit under completely different circumstances, the military aspect remained a real restriction for what agents on all sides wanted to achieve and despite heated rhetoric at times, a delicate balance could be continued to be maintained.

The second limitations arose from the way in which democracy had developed in Taiwan. By enabling the people to be the only sovereigns over their land, this system also gave them the right to decide about Taiwan's future. Since a majority of them were opposed to drastic changes that would make Taiwan de facto independent during the reign of the DPP era, the government party had to bow to that preference. The DPP could try to influence it further by adjustments to school curricula or “by example” but as opposed to the authoritarian era under the KMT had much less means at its disposal to actually enforce its reading of history and preferred narrative for their

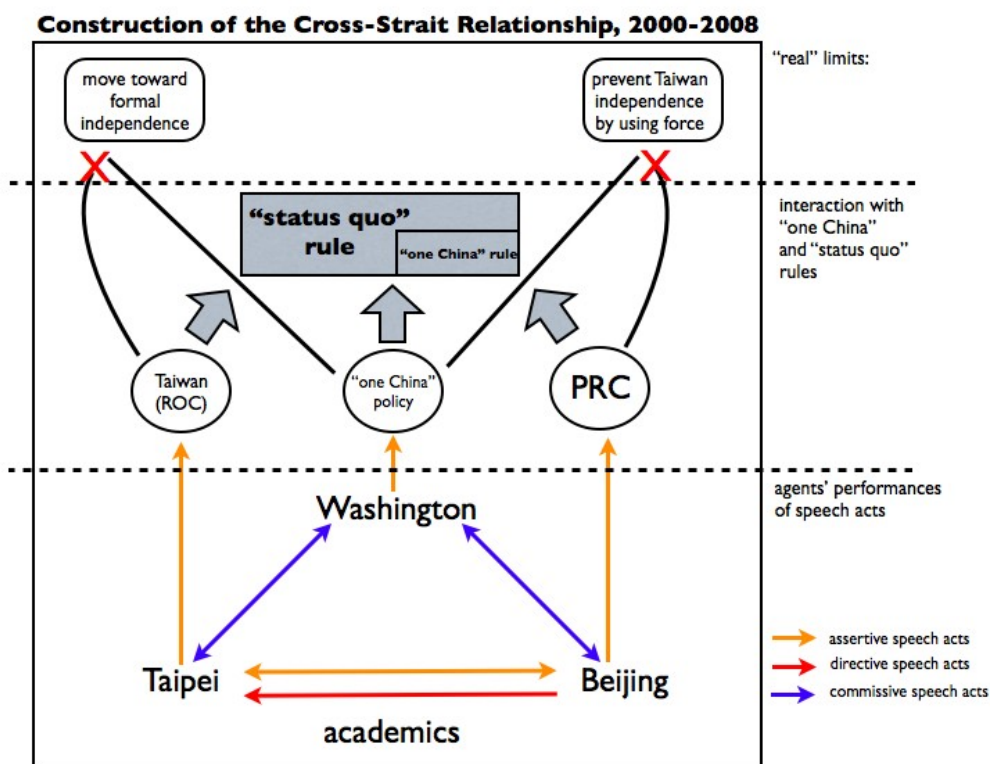


Figure 5: Construction of the Cross-Strait Relationship, 2000-2008



“nation” on the island's people. However, support for their proposals has indeed risen over the years that it was in power and its efforts of moving the national narrative of Taiwan into its preferred direction did have significant effects (see figure 5).

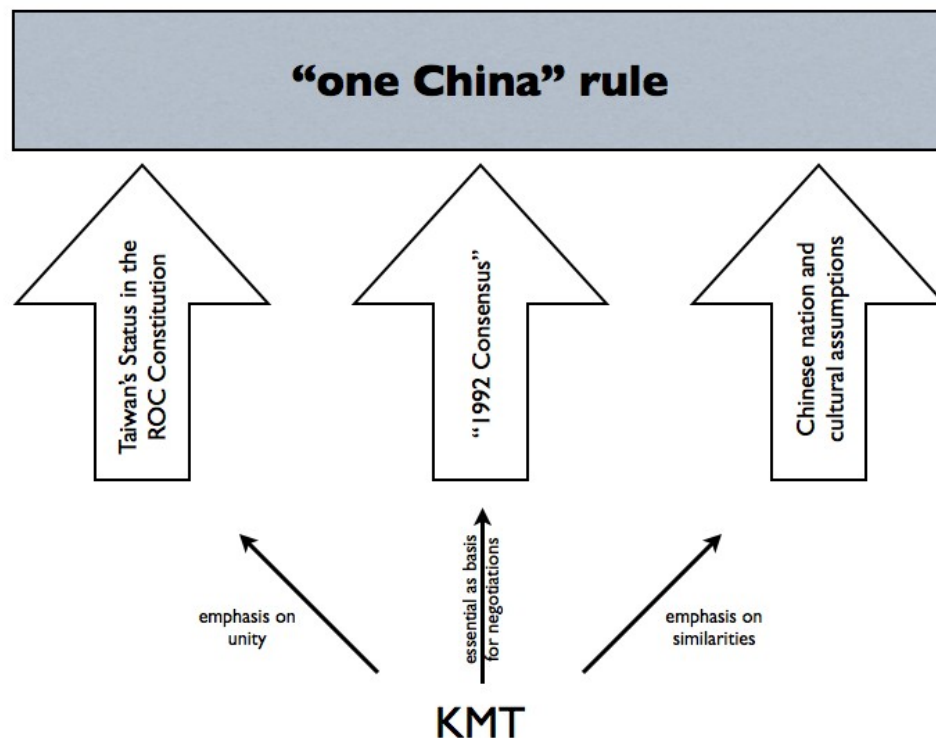
When ZHENG (2001) had argued after Lee Teng-hui's presidencies, the main direction of the discourse surrounding Taiwan's future had been changed from unification with China to independence from it, this was even more true so after Chen Shui-bian stepped down from office in May 2008. The government party's real restrictions on the other hand perpetuated an unstable and hardly definable situation that is usually referred to as the “status quo.” Despite the many different views across the Strait as well as in the US as to what this exactly means, all sides could agree on the idea that unilateral changes to this “status quo” would lead to unwanted results for at least one of them, while they continued to perform their respective speech acts to do exactly that: influence the “status quo.” It is in this mishmash of opposing goals and attempts to outplay each other that the “status quo” rule came into existence under Lee Teng-hui and gained further momentum, and with it normative force, during the eight years of two consecutive DPP administrations. The rule was grounded by the overwhelming majority of more than 80 percent of Taiwan's population who wish to maintain (an undefined) “status quo,” although minorities among them prefer an eventual outcome about Taiwan's status. Listening to the people and following any choice that they will finally make is not only a restriction for the three parties in this relationship that share the democratic value (DPP, KMT, US). Even China under Hu Jintao has, after 2005, been careful not to overly antagonize Taiwan's population. Being also restricted militarily by US commitments to Taiwan, agents in Beijing have started to take an approach of promoting “peace, stability, and development” and “never lose hope in Taiwan's people” instead of emphasizing “peaceful unification” under “one country, two systems.”

These developments do not mean that the “one China” rule has disappeared. It was merely supplanted to a large extent by the “status quo” rule that had emerged out of it as it was still affirmed by Beijing's “one China” principle, Washington's “one China” policy and even the DPP's scrambling with the ROC institutions that it had inherited and redefine for its own purposes (for example declaring the ROC is Taiwan, and Taiwan the ROC etc.). The main predicament for the DPP was that by

emphasizing Taiwan's separateness or equality with the PRC on a state-level, it was in constant violation of its own “five noes” commitments that Chen had made at the beginning of his presidency and reaffirmed many times thereafter.

When the KMT was voted into office in 2008, it had to build upon the foundation that was left for them, despite their party's own preferences, similar to the DPP in 2000. That is why President Ma began his term with a set of pledges against unification, independence, and the use of force, that is a commitment to continue to maintain the “status quo” rule and was attractive to the US who did not want to see further surprise announcements as under Ma's predecessors Chen and Lee. Although these commitments have been reaffirmed many times by KMT agents in the following years, a closer analysis in terms of the three discourses discussed in this chapter reveals that KMT speech acts aimed much more at the “one China” rule (see figure 6). In other words, even if the new KMT government viewed the goal of “maintaining the status quo” as a viable long-term option, then the choices that they made are still more conducive to a different outcome.

**The “One China” Rule Under the KMT, 2008-2011**



*Figure 6: The "One China" Rule Under the KMT, 2008-2011*

Therefore, at most their speech acts were aimed at the “status quo” as the KMT defines it, which is why the two rules can hardly be separated from each other, at least at this point in time. For example, when Ma described himself as the “defender” of the Constitution,<sup>252</sup> this was a commitment to the Republic of China including its (theoretical) claim over the parts of the Asian continent rather than one restricted to the geographical unit of Taiwan. Likewise, its adherence to the “1992 Consensus” is nothing more or less than a commitment to “one China.” Finally, by making assertions to Taiwan's and China's belonging to the Chinese nation, another ethno-nationalist connection to the mainland is being reproduced and declared as the norm. That these changes to the situation under the DPP government were much more in line with Beijing's own construction of the Cross-Strait institution has led to a rather quick revival of the “one China” rule (see figure 7). In fact, Ma's “firm adherence to one China” in the eyes of Beijing was one reasons that led to the CCP's policy shift in late 2008 to grant “Chinese Taipei” access to the WHA a few months later (QIANG 2010: 537).

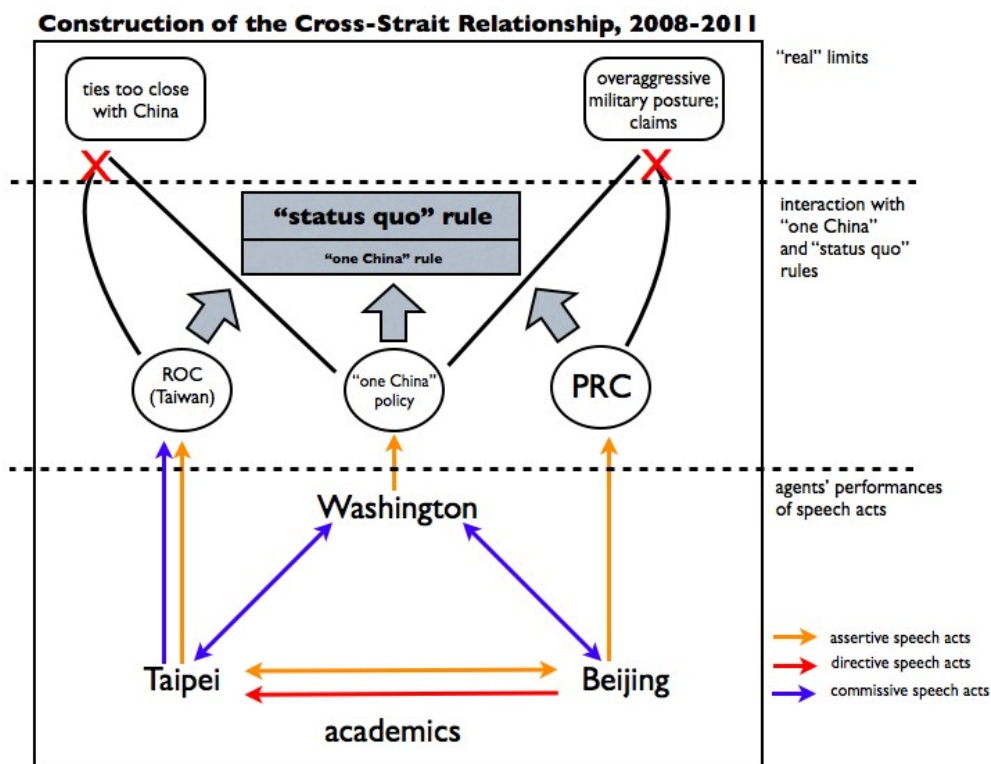
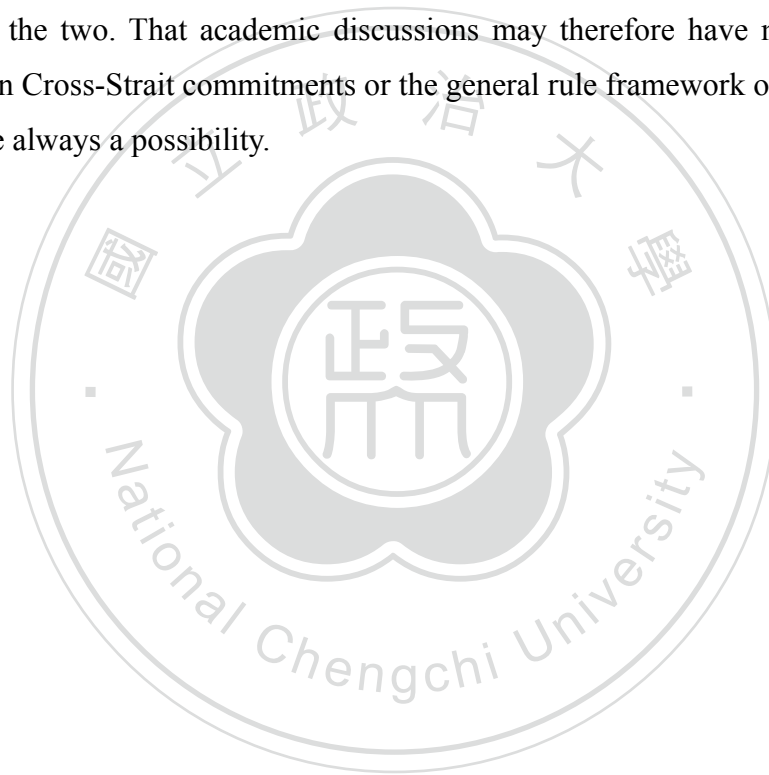


Figure 7: Construction of the Cross-Strait Relationship, 2008-2011

252 *Taipei Times* (28 April 2011): “KMT Surprises Nobody with Ma Nomination,” via: <http://www.taipetimes.com/News/front/archives/2011/04/28/2003501866> (accessed: 2011-11-20).

Like for the DPP, public opinion will also set limits for the new KMT government. While a majority of Taiwanese is in favor of smooth ties with China will also continue to function as a check against ties to China that are too close, especially on the political level.<sup>253</sup>

Similar to the time period under discussion in chapter 3, the role of academics in the construction process of more recent Cross-Strait relations continues to be wide-ranged but is, from the point of view of speech acts, mainly restricted to the assertive category. However, as the example of the discourse of “abandoning Taiwan” has shown, some sort of interaction between the government and academic level of constructing Cross-Strait relations is undeniable and highlights the mutual interaction between the two. That academic discussions may therefore have more far-reaching effects on Cross-Strait commitments or the general rule framework of the institution is therefore always a possibility.



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253According to a poll conducted by Academia Sinica's Institute of Sociology in April 2011, 62 percent of respondents were concerned about a crisis of political autonomy and even increased difficulty of maintaining the “status quo” due to the expanding economic exchanges with China, see *Taipei Times* (27 April 2011): “Deeper China Ties Spark Autonomy Concerns, Poll Shows,” via: <http://www.taipeitimes.com/News/front/archives/2011/04/27/2003501789> (accessed: 2011-11-20).

## 5. Conclusion

Using my reading of rule-based constructivism as developed by Nicholas Onuf and other scholars, this thesis provided a constructivist treatment of developments in Cross-Strait relations over the past six decades with a special focus on the changes in government during the years 2000 and 2008 respectively. It has been shown who the relevant agents are that have constructed and continue to construct the Cross-Strait relationship as a social arrangement through their speech acts. Subsequently, the major rules that were created by these speech acts have been defined and the interaction with them by other agents have been investigated. The strongest impetus for change in the way that the Cross-Strait relationship has been constructed, came from Taiwan and therefore the speech acts performed by agents there have been the main focus of this thesis. Although the use and impact of language were prime matters of concern in this thesis, external or material circumstances have not been excluded from the analysis and were instead integrated as parts of the holistic constructivist approach. Two sources of external constraints have been identified – military power (especially the US and China's) – and since the late 1980s, Taiwan's democratic developments. Both have constrained agents on all sides as to the degree that they represented Chinese and Taiwanese identities with regard to the relationship across the Strait. Over time, this relationship was governed by two rules: the “one China” rule and the “status quo” rule. Instead of consistently competing with and trying to replace each other, this thesis has argued that the “status quo” rule has emerged out of the “one China” rule. The reasons for this development were two-fold. Firstly, the external realities have changed, that is, democracy in Taiwan has somewhat pushed back, although never eliminated, the military or security aspect of the relationship, which had been prevalent during the Cold War. Secondly, speech acts from agents on all sides have changed over time and influenced the original rule. During the Cold War, assertive and directive speech acts regarding each other's status were mostly performed by agents in Beijing and Taipei creating a “one China” rule that had hegemonic and hierarchic characteristics in that it defined this relationship as one of a legitimate or central government versus an illegitimate local government. The “status

quo” rule, on the other hand, relied mostly on commitments, not only by the US who are against “unilateral changes,” or Taiwan's initiatives such as “three noes” or “five noes,” but even by China's Anti-Secession Law that has formalized certain commitments such as an equal standing in negotiations for the two sides. However, the history of broken commitments has also shown that a rule that is mostly based on this kind of speech acts is relatively unstable, especially in an environment where the lack of trust is a defining characteristic. It was further argued, that after the “one China” rule had been severely contested during the end of the Lee Teng-hui and for the most part of the two Chen Shui-bian presidencies, it seems to be in a phase of recovery since 2008. Although the rule never completely disappeared or lost its validity of governing the Cross-Strait relationship, it has become clear how the interests of different agents (especially in Taipei) were responsible for influencing the rule's normative power when these agents followed different practices conveyed by their respective speech acts. When identity was reinvented in Taiwan beginning with the process of democratization, the “one China” rule was frequently challenged. Gradually, Taiwan gave up its claims over the Chinese mainland, turned inward, increasingly asserting that its identity was defined by its own local characteristics instead of those from the Chinese mainland. Instead of trying to actively achieve unification, agents there tried to emphasize its separateness. Consequently, directive speech acts became increasingly one-sided, being performed almost exclusively by the Beijing side.

Changes in Taipei became especially obvious during the eight years of DPP administration when agents in Taipei's government lamented that the “one China” rule brought no benefits to the island, and who therefore were eager to formalize what they asserted was already a fact: Taiwan's political separation from China. Using all the means at their disposal, they tried to weaken the “one China” rule which they saw as detrimental to their goal of creating a new independent state. They were only partly successful. Even after a pro-independence government had been in power for eight years, the overall constitutional continuity remained striking (partly due to the fact that other agents in Taiwan's opposition were powerful enough to restrain the DPP). This overall consistency has been the building block for the new government's Cross-Strait policies since 2008. Like Lee Teng-hui in 1996 and Chen Shui-bian in 2000, Ma



Ying-jeou was widely seen as the candidate that had a more realistic and pragmatic approach when compared to the ones of his competitors when he ran on his “three noes” platform that promised to strictly adhere to the “status quo” (and therefore appealed to a majority of Taiwanese) in 2008. His pledges were attractive to the US as they seemed to end the previous “surprising” challenges to the basic rule structure of the Cross-Strait relationship institution. By adopting a “one China” policy that consisted of commitments to both sides, the US perpetuated the existence of the rule and used its military to back up these commitments which amounted to keeping Cross-Strait relations in a frozen state. After the 2008 election, however, Ma also did not conceal his own inclinations of respecting and following the ROC Constitution by performing respective speech acts. So far, his often stated adherence to the Constitution might give his people at home as well as the international community, in particular the United States, more reassurance and predictability in terms of showing his way of “navigating” Taiwan through the predicaments of its international status. However, despite the fact that President Ma has vowed to follow a course of maintaining the “status quo,” his emphasis on “one China” not only via his adherence to the ROC Constitution and the “1992 Consensus,” but also by espousing the idea of the Chinese nation, speech acts by agents of his administration do have the effect of supporting the “one China” rule. Internationally, the “one China” rule has benefitted the government in Beijing ever since the 1970s, therefore it is hard to see what the KMT will receive despite short-term political gain. A rising economic, political and cultural presence of the PRC in the international sphere has made it increasingly difficult for proponents of the ROC to take actively part in defining “China,” let alone to represent it. On the other hand, Beijing will not allow the proclamation of an independent Taiwan because it still considers the island to be part of its own territory. The new approach by the Ma Ying-jeou administration regarding its restraint to use the name “ROC” in the international community (for example for taking part in UN organizations or at international events) is therefore pragmatic on the one hand as long as it helps Taiwan to achieve these goals. On the other hand, however, it will put a KMT president under pressure to find the right balance between pragmatism and the criticism that he belittles the sovereignty of his country (no matter whether that is the ROC or Taiwan), all the while his government's success in this regard is dependent on

Beijing's goodwill. Most challenging for any president will be to justify international participation as, for example, “Chinese Taipei” when, at the same time, he emphasizes the legitimacy of the “Republic of China,” since the opposition will always be able to exploit this contradiction for its own political gains. Similarly, any Cross-Strait consensus like the “1992 Consensus” will remain weak and prone to attacks as long as there is a lack of consensus within Taiwan or a reconciliation between the blue and green camps on the island. A consensus within Taiwan's society has to be reached, because if the future of the island really lies in the hands of the “23 million Taiwanese” (as both Chen Shui-bian and Ma Ying-jeou have stressed on numerous occasions) then a consensus between the governments of China and Taiwan can, in any case, be only of secondary importance.

Over the years, the US “one China” policy has in effect delimited any great changes in the construction of the Cross-Strait relationship to the domestic spheres of Taiwan and China respectively, which is one reason for the durability of the rules that have governed this relationship. Sometimes these developments needed room to unfold themselves only to hit the constraints of the above-mentioned limitations that were set predominantly by the US military power. However, like a pot of water that is constantly being heated, the internal pressure would test these constraints time and again, shake the pot and make a lot of noise, but in the end, it would still be unable to blast away its lid. In recent years, these limits have been especially tested by China's own military buildup that will eventually challenge the applicability of US commitments with regard to Taiwan.<sup>254</sup> Also today's democratic Taiwan is not as controllable as was the authoritarian state during the Cold War era. Like military escalation, or a case in which China would forcefully annex Taiwan, democratic processes on the island itself have the potential to create new facts that might overnight break the “one China” or “status quo” rules, especially as long as such an expression of democratic self-determination is supported by international legal and political principles (see DELISLE 2008: 383). Therefore, it appears that the “real constraints,” namely US military commitments – as long as they exist – and democracy in Taiwan will continue to sustain the “status quo” rule which depending

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<sup>254</sup>The US-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION's warning that the military balance in the Taiwan Strait is increasingly unfavorable for Taiwan and the US in its *2011 Report to Congress* is just the latest in a long line of such examples. It also emphasized the importance of Taiwan maintaining its defensive competitiveness with China.

on its definition is equal to the “one China” rule. It seems that grave changes will only occur if one of these constraints cancels the other one out, for example, in the case of an attack by Beijing on Taiwan that would take the island's democracy out of the equation. In another theoretical scenario democratic ideas could become gradually acceptable to Beijing so that it would eventually respect any decisions by Taiwan's population, even if that was a formal declaration of independence, which would make a military response unnecessary. At the moment and at least for quite a while longer, none of these two developments seems very likely and that is also why such remote possibilities should not lead us to merely accept either a fatalistic view of Cross-Strait relations in which material constraints reign supreme over whatever developments take place domestically, especially in (but not restricted to) Taiwan, nor one which is based on idealist wishful thinking about the unstoppable spread of democratic values. As has been shown in the analysis throughout the thesis, if military capabilities can be seen as a resource that constrains the construction process of Cross-Strait relations for agents, then there is also always a way for agents to use speech acts and rules to utilize this resource for their own purposes and in order to achieve their own goals. Likewise, the outcome of democratic processes might not necessarily be in line with the purposes that agents may have in mind at a given point in time. But again, the use of speech acts and certain interactions with the dominant rule framework may yield the results that agents are working for in the long run.

Therefore, decisive for the future of the Cross-Strait institution will be how agents in Taiwan's government after the 2012 election will present themselves and what speech acts they are going to perform. It is to be expected that agents in both parties will continue to stress their respective core values while trying to look more pragmatic and rational so as to be acceptable to the broad public. Both parties have promised to build their policies on a domestic consensus. DPP Presidential candidate Tsai Ing-wen has promised that her administration, if being elected into office, would follow a more moderate and conciliatory approach towards China than it did under Chen Shui-bian and that this approach would also be characterized by continuity to the policies of the current administration as well as be based on negotiations with China.<sup>255</sup> These commitments were made to the Taiwanese public on the one, and the

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<sup>255</sup>*Taipei Times* (23 August 2011): “Tsai Unveils DPP Policy Guidelines,” via: <http://www.taipeitimes.com/News/front/archives/2011/08/23/2003511424/1> (accessed: 2011-11-20).

US on the other hand, and are clearly aimed at maintaining a dominance of the “status quo” over the “one China” rule, which would be the lesser evil for the DPP who is otherwise reluctant to give up its ultimate goal of creating a new state. That the DPP would follow a more moderate approach is supported by Tsai's proposals that further constitutional reforms should be based on the public's consensus after 2012,<sup>256</sup> her renewed recognition of the Taiwan being (and equaling) the ROC and it is also in line with her idea of a “Taiwan Consensus” that, starting out on the basis of the “status quo,” is supposed to focus on democratic principles when dealing with China and an approach of “walk[ing] toward China through the international community.”<sup>257</sup> She formulated this approach by phrases from Confucius' analects, namely “seeking harmony but preserving the right to disagree” (*he er butong* 和而不同) and “seeking agreement in a spirit of conciliation” (*he er qiu tong* 和而求同)<sup>258</sup> that suggest an overall conciliatory approach.

Similarly, although the KMT's presidential candidate Ma has opened up the prospect of discussing political and security issues with China once the economic ones are dealt with, and even strive for some kind of peace accord, he promised to only do so with domestic consent and not at the expense of Taiwan's relations with its traditional allies in Washington and Tokyo.<sup>259</sup> He has emphasized that the “1992 Consensus will remain the basis for Cross-Strait ties and that it will continue to be an important link between the two sides.”<sup>260</sup> Ma's ten-year plan that includes an investment of NT\$ 10 billion in cultural and creative industries and will be guided by the vision to establish Taiwan as a “pioneer in Chinese culture” is going to further strengthen his assertion that both sides of the Strait belong to the same Chinese nation.<sup>261</sup> Continued emphasis on the “1992 Consensus” will bring its own problems

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256 *Taipei Times* (1 May 2011): “Tsai Keen to See Public Debate Constitutional Reform,” via: <http://www.taipetimes.com/News/front/archives/2011/05/01/2003502116> (accessed: 2011-11-20).

257 *Taipei Times* (24 August 2011): “Tsai Details DPP's Cross-Strait Policies,” via: <http://www.taipetimes.com/News/front/archives/2011/08/24/2003511508> (accessed: 2011-11-20).

258 *Taipei Times* (2 March 2011): “The Meaning of Tsai's Formula,” via: <http://www.taipetimes.com/News/editorials/archives/2011/03/02/2003497131/1> (accessed: 2011-11-20).

259 *Taipei Times* (18 October 2011): “Ma Talks Peace Deal with China,” via: <http://www.taipetimes.com/News/front/archives/2011/10/18/2003516029> (accessed: 2011-11-20); *Taipei Times* (21 October 2011): “Ma Promises Referendum Before Chinese Peace Pact,” via: <http://www.taipetimes.com/News/front/archives/2011/10/21/2003516285> (accessed: 2011-11-20).

260 *Taipei Times* (29 October 2011): “‘1992 Consensus’ Is Basis of Ties,” via: <http://www.taipetimes.com/News/taiwan/archives/2010/10/29/2003487182> (accessed: 2011-11-20).

261 *Taipei Times* (7 October 2011): “Ma Reiterates His 10-year Policies on Culture,” via: <http://www.taipetimes.com/News/taiwan/archives/2011/10/07/2003515132> (accessed: 2011-11-20).

with it. True, whether one agrees with the formula or denies its existence, by adhering to its core idea since 2008 the CCP and KMT have put controversial political issues aside and instead successfully conducted talks that have yielded concrete results such as agreements on fishing industry cooperation, inspection of agricultural products and standardization, issues related to dual taxation, quality checks of agricultural products, cross-strait cooperation in standard inspection and certification and many more. But what happens once all these “easy problems” have been tackled? How will the public, which is now used to see rapid change on economic and other fronts, react once the changes spill over to the political area where progress might come at a much slower pace? This will be a crucial test for how far the trust between both sides has really come during the short period of the past four years.

Beijing has already announced that it does not approve of Tsai's platform as it is not based on the “1992 Consensus,” which, as has been shown, means to Beijing that both sides adhere to “one China.”<sup>262</sup> In another regard, by basing their proposals for future Cross-Strait relations on a domestic consensus in Taiwan, both KMT and DPP face the same dilemma, that is, Beijing's position against referenda as it has ruled out self-determination for the Taiwanese numerous times during the past decades. Ironically for agents in Beijing, their lack of insistence on their previous position that China is equal to the PRC has made (re)unification of the two sides a more remote goal and was also conducive to strengthen the “status quo” vis-a-vis the “one China” rule. By merely emphasizing that “Taiwan and the mainland are both parts of China,” how can unification take place when the name of the state is unclear? Or in a slight variation of Confucius' saying, if the state's name is not defined clearly, how can its unification be carried on to success?

Maintaining the “status quo” rule will be increasingly difficult as the external environment continues to change and continues to favor China and especially as long as a clear and objective definition of the “status quo” remains elusive. Analysts have already begun to argue how China's increasing military strength and eroding US support are gradually undermining this “status quo.” As the analysis has shown, a real “status quo” is favored by none of the relevant agents (with the possible exception of

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262 *Xinhua* (14 September 2011): “Chinese Spokeswoman Stresses Importance of '1992 Consensus' in Cross-Strait Talks,” via: [http://www.gwytb.gov.cn/en/SpokespersonRemarks/201109/t20110919\\_2070862.htm](http://www.gwytb.gov.cn/en/SpokespersonRemarks/201109/t20110919_2070862.htm) (accessed: 2011-11-20).

the US) as a viable long-term solution despite pledges when election time is near. As democracy in Taiwan continues to consolidate and Taiwan's public remains the most persistent driving force behind not abandoning the “status quo,” it will be up to them to make the final decision. Until then, the “status quo” will continue to be what is: an awkward and delicate balance between the struggles of different agents across the Strait for the supremacy over their self-images.





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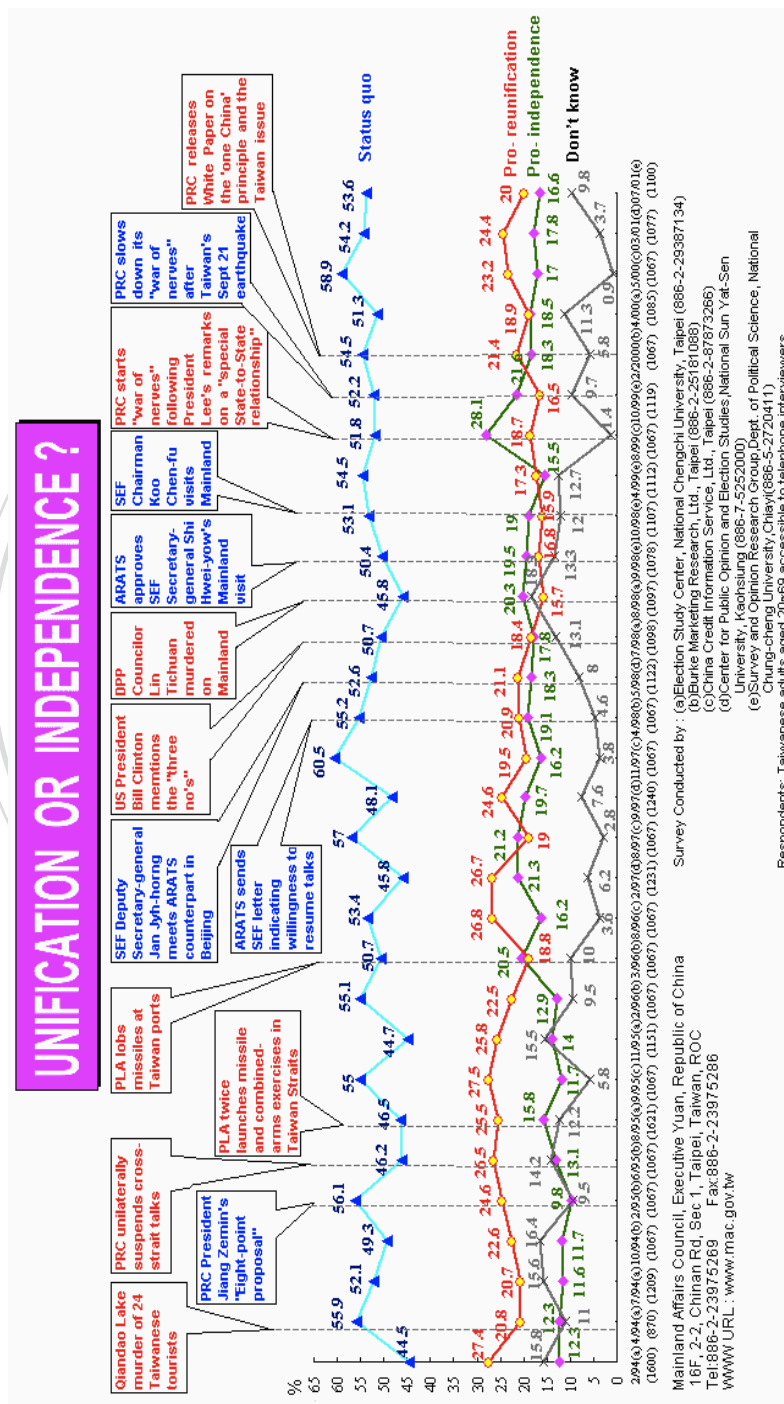
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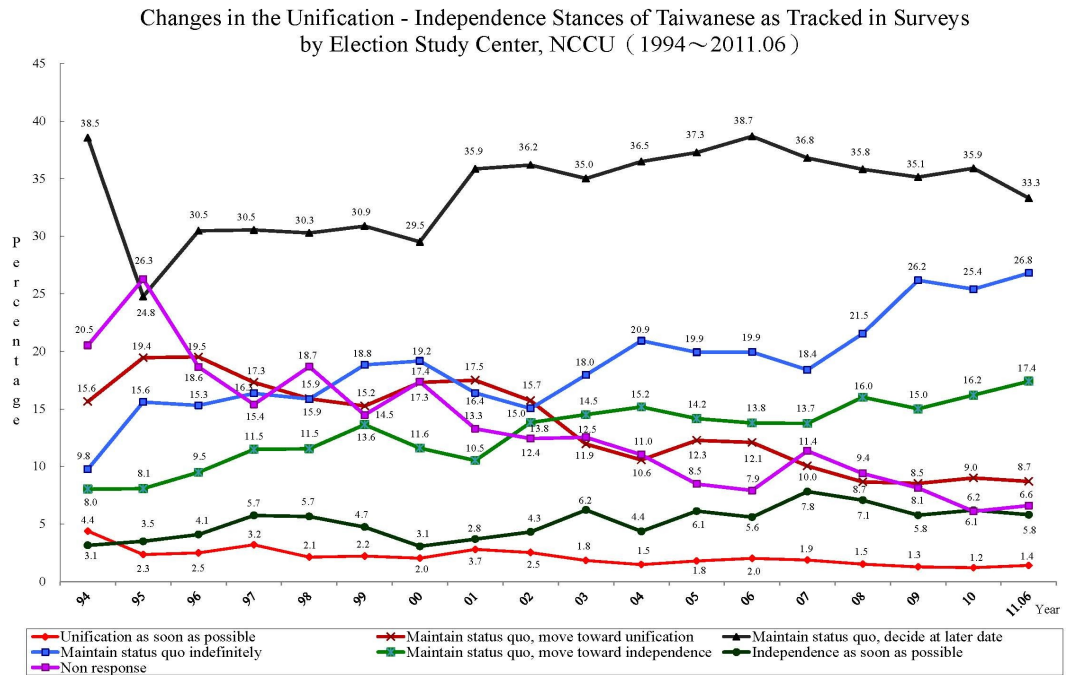
# 7. Appendix

## MAC Poll: Unification or Independence (2001-07)



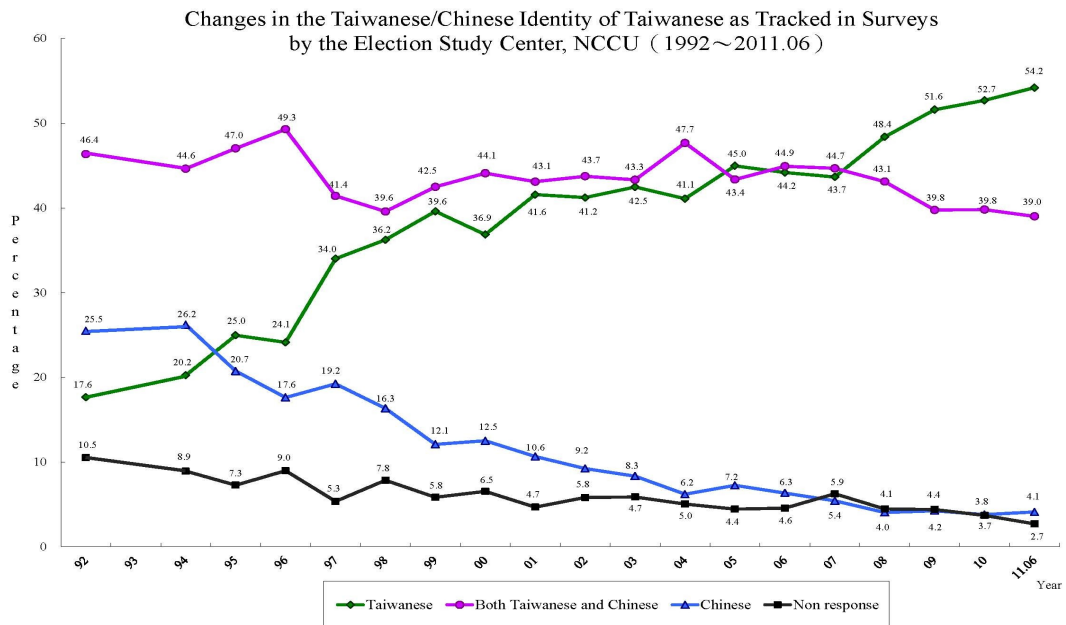
Source: MAINLAND AFFAIRS COUNCIL, via: <http://www.mac.gov.tw/public/Data/992210131471.gif> (accessed: 22 October 2011).

## 7.1 NCCU Election Study Center Poll: Unification-Independence



Source: ELECTION STUDY CENTER, NCCU, via: <http://esc.nccu.edu.tw/english/modules/tinyd2/content/pic/trend/Tondu201106.jpg> (accessed: 22 October 2011).

## 7.2 NCCU Election Study Center Poll: Taiwanese/Chinese Identity



Source: ELECTION STUDY CENTER, NCCU, via: <http://esc.nccu.edu.tw/english/modules/tinyd2/content/pic/trend/People201106.jpg> (accessed: 22 October 2011).