

Making Cross-Strait Relations: A Constructivist View

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Abstract

Following Nicholas Onuf's theory of rule-based constructivism, this paper argues that the Cross-Strait relationship between Taiwan and China after World War II 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, and the United States. A summary of the historic developments of the Cross-Strait relationship (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 of the approaches of different ruling parties in Taiwan to influence the definition of the Cross-Strait relationship between 2000-2008 (Democratic Progressive Party, DPP) and 2008-2016 (Kuomintang, KMT), respectively. Both parties used distinctly different speech acts to define Taiwan's relationship to China, which, together with related practices, aimed at either weakening (DPP) or strengthening (KMT) the "one China" rule as a cornerstone for the Cross-Strait relationship. The paper argues that, while the "one China" rule has traditionally been supported, to different degrees, by

agents in China, the US, and most of the former KMT governments, the gradual consolidation of Taiwan's democratic system and efforts by the KMT government under Lee Teng-hui as well as consecutive DPP governments, have led to the creation of a new "status quo" rule, which has steadily gained momentum.

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

1. Introduction

Over the past seven decades the nature of Cross-Strait relations between Taiwan and China¹ has been subject to a wide variety of differing and often contradicting interpretations by political leaders in Taipei, Beijing and Washington. Likewise, students of international relations (IR) have used many different theoretical frameworks in the past in order to analyze this relationship. One issue that has drawn a lot of attention is the question of identity, which has undergone significant changes over the course of time, especially within Taiwan. During the past two decades, the island state was governed by ruling parties with very distinct ideological preferences regarding Taiwan's relationship to China, which are often described as either "China-centric" or "Taiwan-centric", respectively. It is for this reason, that, when analyzing the contention over intersubjective meanings of "China", "Taiwan", as well as their relation to one another, a useful analytical approach seems to be a framework that does not limit its focus on structures or organizations alone, but one that instead puts emphasis on the people that are primarily responsible for conducting this relationship.

One of the basic concerns of rule-based constructivism is to analyze the way in which human beings, as social beings, interact with each

other and construct the world in which we live. By implication, relationships between states in the international arena can be analyzed as a system of social constructions and arrangements in which people's actions and words that shape these relationships become the focus of analysis.

The central premise of this paper is that the Cross-Strait relationship between Taiwan and China can be understood as a social construct, which is governed by rules. These rules are established and constantly affected by speech acts, which agents perform according to their respective purposes and goals, and which thereby shape the Cross-Strait relationship. Using my reading of Nicholas Onuf's rule-based constructivism,² this paper aims to analyze the prominent speech acts that have been used in past Cross-Strait exchanges as well as the rules that have resulted from them and that have governed Taiwan-China relations.

These changes have been more visible in Taiwan than in China due to the island state's development from an authoritarian to a democratic polity, which, 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 as well as an opportunity to challenge existing orthodoxies that had characterized rule in Taiwan until then. The two subsequent power transitions that took place in 2000 and 2008 respectively have further emphasized the possibility of mutually incompatible interpretations of the Cross-Strait relationship because parties with different ideological backgrounds took over the responsibilities of governing Taiwan.

The paper shall address the following questions. Firstly, 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? Secondly, what are

the prominent rules established by the agents' speech acts that have governed the relationship across the Taiwan Strait since 1949? Thirdly, how have the main rules been constructed, maintained and/or contested over time, especially around and after the first change of power in Taiwan in the year 2000? Fourthly, since rule-based constructivism does not exclude the influence of material resources or external circumstances from the analysis, 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? And finally, what are the general developments of Cross-Strait relations based on the findings, in particular with regard to the situation after the 2016 presidential elections in Taiwan and the US?

2. Ontology of Rule-based Constructivism

2.1. Institutions

Constructivism has, for some time now, been regarded as a third approach to the field of international relations (IR) and has as such sometimes been granted an equal standing next to realism and liberalism (Kubálková, 2001: 4; Weber, 2010: 62). It has also been described as a “middle ground” between positivist and post-positivist epistemologies (Adler, 1997; Checkel, 1998: 327). However, a number of scholars have pointed out that the definition of constructivism has become blurred over time and that constructivist scholars tend to support different concepts of constructivism as a way of analyzing international relations (Klotz and Lynch, 2007: 4; Kubálková, 2001; Mo, 2002; Zehfuss, 2002).

The writings of Alexander Wendt are usually regarded as representing the mainstream of constructivism in the field of IR.³ In his work, Wendt has questioned the prevalent realist concept of anarchy in the study of IR and advocated a new focus on state practices. However, Wendt, like his realist and liberal counterparts, held on to the idea of

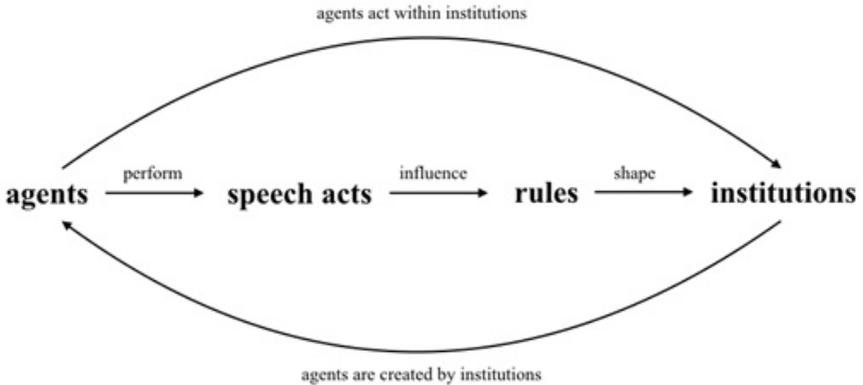
state-centrism, i.e., seeing states as the most important agents or decision-makers in international relations, thereby necessarily neglecting domestic influences on foreign policy behavior. In fact, for Wendt the role of domestic politics in shaping state identity is external or precedes a state's international 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 relates to the problem of the state's standing in the international arena, in other words, a case in which the consistency of construction is often challenged domestically or essentially dependent on which party is in power, Wendt's constructivist framework seems unable to put into perspective a vital aspect that shapes Taiwan's interaction with other states, namely the relationship with its big neighbor, the People's Republic of China.

In contrast, Onuf's rule-based constructivism offers a different definition of constructivist ontology. Voicing his opposition to the prevalent notion that international relations are defined by an environment of anarchy, Onuf suggests to instead shift the focus onto two more general properties of political society: rules and rule. By guiding human conduct rules give social meaning to political society. Rule, on the other hand, results when these rules cause an unequal distribution of advantages. Both properties are linked to each other by agents' use of language or their performance of speech acts, which they use in order to achieve their respective goals. Based on Anthony Giddens' theory of structuration, this linkage reflects the constructivist premise that people and society construct each other through recurrent practices and that, therefore, neither of them has primacy over the other (Onuf, 1989: 21-22, 36-41, 58).

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), puts aside the notion of state-

as-actor and instead emphasizes the social construction of relationships by agents via the use of speech acts.

Figure 1 Mutual Constitution of Agents and Institutions in a Rule-based Constructivist Framework



Source: Author.

Figure 1 shows that the mutual constitution of agents and structures (here replaced by the term “institutions”) is the main premise at the center of this rule-based constructivist framework. While institutions turn 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 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 opposing goals.

Central to this variant of constructivism are rules, which govern the relationship between agents and institutions. These rules come into existence through the use of language, or more precisely, speech acts,

which 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 or try to break them. At the same time, the effective influence on creating and breaking rules in turn reveals who the active participants in a society, i.e., who its agents are. The relationship between rules and agents is therefore also one of mutual constitution. Finally, the frequent interaction with rules by agents leads to practices that have intended as well as unintended consequences. Together they have an impact on the institutions that all agents act in, thus concluding the circle of mutual constitution.

2.2. Rules

Rules can be understood as a guide that tells people how to carry on with their affairs when facing certain circumstances. They present agents with certain choices and thereby affect their conduct (Kratochwil, 1989: 10; Onuf, 1989: 260). On the other hand, because both are mutually constitutive, the pattern of choices that agents make will affect rules in the long run. Onuf (1989: 120f.) 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. These are instruction-rules, directive-rules, and commitment-rules, all of which depend on the speech acts that sustain them (see section 2.3).

In other words, 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 and as long as their doing so benefits their own goals. Naturally, disadvantaged agents will use all resources available to them in order to subvert existing rules and reverse their inherent asymmetries. The attempt to break a rule will result in both intended and unintended consequences. These range from denigration or mockery in the case of instruction-rules, over sanctions

when breaking a directive-rule, to retaliation or loss of credibility in cases of violated commitment-rules. The effect of rules depends on internalization by agents as well as on their external support through institutionalization such as a law-making body. 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, *ibid.*; 135-139; cf. Kratochwil, 1989: 48). From a rule-based constructivist perspective, material components or resources are not excluded from the analysis, but instead are linked to rules in that “[r]esources are nothing until mobilized through rules, rules are nothing until matched to resources to effectuate rule” (Onuf, 1989: 64; cf. Onuf, 2002: 132-133).

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. In his early application of the rule-based constructivist framework on Cross-Strait relations, Zheng (2001) identified “one China” as one of two rules that were maintained by agents and their speech acts over the time from 1949 until 1999.⁴ Zheng argued that the “one China” rule remained in place during all those decades, despite the fact that definition of what exactly “one China” represented (e.g., Republic of China or People’s Republic of China), and therefore also the territory it was supposed to encompass, have changed over time. Despite these challenges, which according to Zheng resulted from several “identity crises” on the part of Taipei’s central government, the “one China” rule ultimately remained unbroken. However, as will be argued below, as time went on and the rule increasingly benefited the People’s Republic of China, a new “status quo” rule began to appear as a challenger to the “one China” rule.

2.3. *Speech Acts*

Rules are sustained by speech acts. According to the theory of speech acts, which Onuf adapted from J.L. Austin and John Searle, utterances not only represent deeds but can also perform them. Under the premise that people use language in order to achieve certain goals, agents perform speech acts in order to get someone else to act in a certain way. Verbs like “claim”, “promise”, “warn” etc. are not only descriptions of actions as other verbs such as “sit”, “stand”, “walk” etc. are, but at the same time, they are also performances of these actions. However, clearly identifiable verbs are not a prerequisite for speech acts. Instead, speech acts may unfold their normative effect merely through the context in which they are uttered (Kratochwil, 1989: 29).

Onuf’s classification of speech acts corresponds to the three types of rules mentioned above: assertives, directives and commissives. All three types reflect the speaker’s intentions and they are often, but not necessarily, performed by using certain representative verbs. 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 connected to a 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.

Secondly, directive speech acts tell the hearer what they should do and inform them about the consequences if they fail to act accordingly. Thereby, a 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. Directives often warn of legal sanctions in case of non-compliance.

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. Commitments which are accepted by others serve as rules (=commitment-rules) for those who are making such commitments. Therefore, the normativity of commitments increases significantly when the according statement is made publicly (Onuf, 1998: 89-90). Although every successful speech act possesses some degree of normativity, its repetition over time may furthermore increase this normativity and at the same time strengthen the respective rules that they help to sustain.

In order to reveal the important speech acts related to Cross-Strait relations, one can analyze a variety of sources that provide insight 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. Due to the large number of texts that could be included as examples for speech acts, the selection in this paper is, of course, not exhaustive. Instead the paper focuses on a few representative and often more formal speech acts for different eras in the Cross-Strait relationship for its discourse analytical approach.

2.4. Agents

Speech acts are used by agents in order to respond to rules and thereby influence the environment in which they act. By being able to affect rules, agents can be defined as the active or relevant participants in a society that act on behalf of a larger collective. Agency usually consists of statuses, offices, and roles which depend on the respective institutional context.

As mentioned above, the relationship between rules and agents is not one-sided, instead they are mutually constitutive and dependent on

one another: rules present agents with certain choices and prescribe what kind of goals are “appropriate” in a given context. 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. In order to pursue their respective goals, agents may employ “skillful manipulation of symbols, control over material values, and use of violence” (Onuf, 1989: 228).

With regard to the Cross-Strait relationship relevant agents who use speech acts to deal with the predominant “one China” rule and construct an identity for Taiwan vis-à-vis China include high-ranking government officials on both sides of the Taiwan Strait such as presidents of the People’s Republic of China (PRC) and the Republic of China (ROC) as well as officials and other personnel who are responsible for conducting foreign policy in general and Cross-Strait relations in particular. On the Taiwanese side these include officials working for the Mainland Affairs Council (MAC) and the Straits Exchange Foundation (SEF). Their counterparts in China are China’s Taiwan Affairs Office of the State Council (TAO) and China’s Association for Relations Across the Taiwan Strait (ARATS).

For Taiwan in particular the analysis has to further include politicians of the opposition, 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 in Taiwan 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. Having developed into a democratic society since the late 1980s, these interactions in Taiwan 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 practices of a democratic society, they have to take the preferences of this collective into account when making their choices.

Furthermore, officials from the US government and foreign policy circles have also been responsible for shaping the Cross-Strait relationship. Due to the United States' close historical ties to Taiwan's government dating back to the early Cold War era, the US has always been an important participant in the institution of the Cross-Strait relationship and continues to be involved in Taiwan's international affairs. Any statement made and action taken by the US president or US foreign policy makers with regard to the Taiwan Strait are examined in great detail on both sides of the Taiwan Strait as possible changes in US policy are generally assumed to have severe repercussions for the Cross-Strait relationship. This is somewhat complicated by the fact that the United States have yet to publish a single authoritative document that characterizes their Taiwan policy, which is usually attributed to an approach of "strategic ambiguity" (Cheng, 2008; Hsu, 2010). Nevertheless, agents from the US have performed speech acts that have influenced and continue to actively shape the Cross-Strait relationship.

3. Constructing "one China"

The "one China" rule was formed at the beginning of the Cold War era and, by the 1970s, had been firmly established as a mechanism to govern

the institution of the Cross-Strait relationship. Despite the nominal existence of two Chinas after October 1949, i.e. the People's Republic of China (PRC) on the mainland and the Republic of China (ROC) on Taiwan, the governing parties on both sides claimed to represent the only legal government over all of China and denied each other's existence. Unification of "one China", which included both sides of the Taiwan Strait, became the common goal and, at the same time, the greatest source of conflict between agents in both Taipei and Beijing.

Speech acts performed by both sides that created and sustained the "one China" rule were expressed in slogans that reflected policies with the aim of unifying all of the territories that belonged to the imagined "Chinese nation". On the Chinese Nationalist side in Taiwan, speech acts that were mostly in evidence included the proclamation of commitments or, depending on perspective, threats, such as "recovering the mainland". In the eyes of the Nationalist government, Taiwan itself was not more than "a bastion of national recovery" or "a model province", where policies designed for the mainland were to be implemented first in order to prove the superiority of Kuomintang (KMT) over Chinese Communist Party (CCP) rule. The idea of long-term inseparability between Taiwan and China was expressed in assertive speech acts 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" (GIO, 1965: 8). On the Communist side, speech acts that were performed repeatedly by relevant agents such as then-premier Zhou Enlai asserted Taiwan's inseparability from China by stating that Taiwan had been "a part of the sacred Chinese territory since ancient times" and therefore had to be "liberated" from KMT rule.⁵

Although these speech acts by KMT and CCP leaders all centered around the same goal of preserving "one China" by military means, both sides of the Taiwan Strait were restrained materially by the US, which

prevented a Communist “liberation” of Taiwan as well as a Nationalist “recovery” of the mainland, neither of which was in Washington’s interest. US commitments aimed at preventing Beijing’s and Taipei’s mutual construction of the Cross-Strait relationship as a domestic issue of China. These commitments to Taiwan’s defense, as formulated in the Mutual Defense Treaty and the “Formosa Resolution”, were accompanied by assertive speech acts that viewed the status of Taiwan as undetermined.⁶ In this way, the US internationalized the Cross-Strait issue, and reserved a way for itself to intervene in an otherwise “Chinese affair”. As a consequence, US speech acts not only questioned the “one China” rule but also threatened the legitimacy of KMT rule over Taiwan, forcing the Nationalist party to frequently repeat the claim that Taiwan and the Pescadores had been “restored” to the Republic of China from Japanese authority after World War II according to the declarations of Cairo and Potsdam.⁷ Speech acts during that time centered around utilizing the involved military power of all three sides which therefore functioned as an external constraint that further prevented a one-sided realization of the construction of the Cross-Strait relationship.

Due to the unrelenting insistence on “one China” by CCP and KMT alike, “two China” proposals were eventually dropped in US policy circles over the course of the 1970s, leaving the “one China” rule all the more uncontested. At the same time, more countries began to recognize the PRC over the ROC until China’s UN seat was finally handed over from the latter to the former.⁸ In signing the Shanghai Communiqué in 1972, the US Nixon administration finally stated it “acknowledges” and “does not challenge” the Chinese position that the PRC was the sole legitimate government of China which included Taiwan.⁹

At the beginning of Chiang Ching-kuo’s rule over Taiwan in the late 1970s, the KMT’s position in the Cross-Strait relationship had been significantly weakened. The party had neither been able to realize its

commitments to “recover the mainland” nor to convince even its most important military ally, the US, of its assertions of being the sole legitimate government of China. The “one China” rule was still intact, but it had started to heavily favor the PRC.

Despite Taiwan’s increasing diplomatic isolation, some internal political reform, and a new focus on economic policy, assertive speech acts with regard to the Cross-Strait relationship remained consistent under Chiang Ching-kuo. Even some years after the diplomatic “normalization” between Washington and Beijing, it was not uncommon for the ROC president to assert 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.

(GIO, 1984: 18)

During its 12th party congress the KMT did, however, abandon its previous commitments/threats to militarily “recover the mainland”, vowing instead to achieve unification by means of Sun Yat-sen’s “Three Principles of the People”. Similarly, the second generation leadership in the PRC gave up on unfulfilled commitments/threats of “liberating” Taiwan militarily and instead emphasized a “peaceful reunification”, which they described as a “sacred mission” for both sides.¹⁰ The PRC enjoyed increasing international support for its claim to represent “one China” and the diplomatic normalization with the United States in particular allowed Beijing during Deng Xiaoping’s rule to show more flexibility towards Taiwan in the form of the “one country, two systems” proposal. At the same time Beijing continued to emphasize its own assertions about Taiwan’s status, for example by including the territorial

claim over Taiwan into the preamble of its Constitution – a move of high normative force. The relevant passage states:

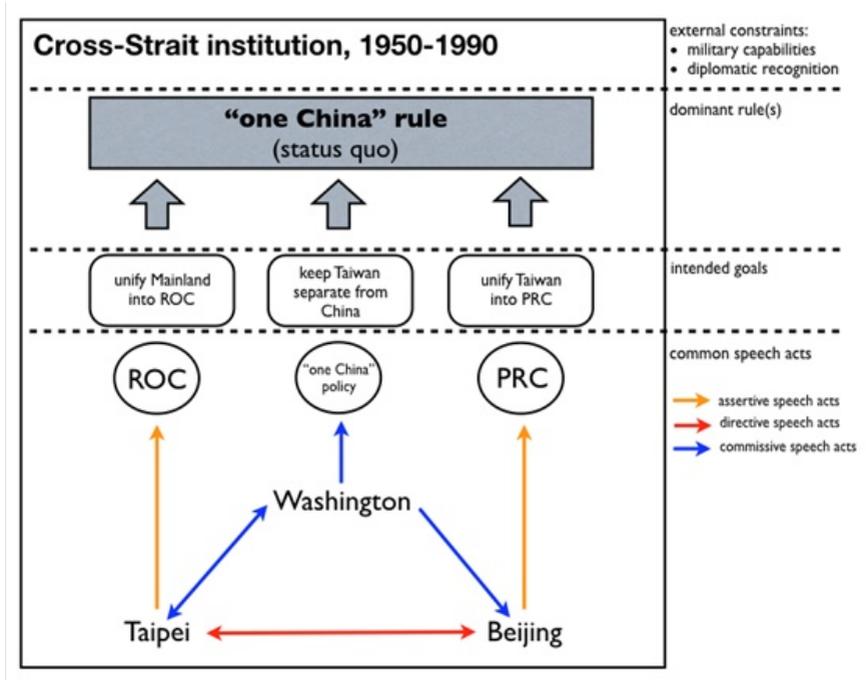
Taiwan is part of the sacred territory of the People's Republic of China. It is the lofty duty of the entire Chinese people, including our compatriots in Taiwan, to accomplish the great task of reunifying the motherland.

(Constitution of the PRC, 1982)

Driven by Cold War considerations the US role in the Cross-Strait relationship became increasingly complex and its speech acts became less formal and somewhat more contradictory. On the one hand, by signing the “Joint communiqué on the establishment of diplomatic relations” on 1st January 1979, the US recognized PRC assertions of being the “sole legal government of China”, even though Washington once more merely reaffirmed its “acknowledgment” of “the Chinese position that there is but one China and Taiwan is part of China” (Hsueh, 2007: 169-170). On the other hand, following a power struggle over US Taiwan policy between the executive and legislative branches in Washington, the Taiwan Relations Act (TRA) was passed and until today remains the most formal US commitment to assist Taiwan's defensive needs.

During the Reagan administration, the US created a set of very contradictory commitment rules for itself, seemingly in an attempt to please all sides of the Taiwan Strait and in order to uphold its own strategic ambiguity with regard to the Cross-Strait situation. On the one hand, Washington promised to gradually decrease weapons sales to Taiwan and reaffirmed previously made statements with regard to Beijing's definition of “one China” in its third and final communiqué with Beijing. On the other hand, President Reagan gave his

Figure 2 Constructing the Cross-Strait Relationship, 1950-1990



Source: Author.

“six assurances” to Taipei, which essentially emphasized US commitments to Taiwan and gave optimistic prospects on the future of arms sales by promising not to consult with Beijing on this issue. These contradictory speech acts necessarily led to insecurity on the parts of agents in both Taipei and Beijing as to the reliability and true value of US commitments. This added to an even more volatile situation in Taiwan whose gradual democratization gave its populace more and more say in deciding the future of the island. Nonetheless, for the most part of the Cold War era, the Cross-Strait relationship as a social institution remained to be governed by the “one China” rule which was the direct

result of assertions by Taipei and Beijing as well as Washington's commitments to its own ambivalent "one China" policy (Figure 2).

4. From "One China" to "Status Quo"

Changes in performances of speech acts during the administrations of Taiwan's first native-born KMT President Lee Teng-hui are particularly remarkable, especially with regard to the government's changing support for the "one China" rule.¹¹ At the beginning of his presidency, Lee repeated certain assertions of his predecessors and seemed to champion Taiwan's belonging to China as well as the unification of the country. For example, in his inaugural address as president, 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" (Lee, 1992: 7).

The clearest expression and formally most binding instance of this position was the establishment of the National Unification Council (NUC) on 7th October 1990, which later formulated the National Unification Guidelines (NUG). The NUG repeated previous assertions that "the mainland and Taiwan are both territories of China" and that "to bring about national unification should be the common responsibility of all Chinese people" (MAC, 1991). However, while the NUG presented a strong, formal commitment to unification and an apparent stabilization of the "one China" rule on the surface, it also set extremely demanding preconditions to unification talks, such as implementation of democracy and rule of law by Beijing. More tellingly, the NUG urged that unification should "respect the rights and interests of the people of the Taiwan area", a demand that became increasingly popular as Taiwan's democratic development moved forward.

This new focus on Taiwan instead of China was underlined by several constitutional amendments during the 1990s which did not

downgrade Taiwan to a “local government” of a bigger political entity, but quite the opposite, emphasized Taiwan’s current situation as a state in its own right. In 1992, the newly elected Legislative Yuan passed the Act Governing Relations between People of the Taiwan Area and the Mainland Area. The act promoted a new official definition of China as “one country, two areas” or “one country, two entities”, which was aimed at countering Beijing’s “two systems” formula. More significantly, through this step, Taipei virtually recognized Communist jurisdiction over mainland territory by claiming that China was divided between two political entities. Furthermore, in the early 1990s, with the establishment of Taiwan’s Straits Exchange Foundation (SEF) and China’s Association of Relations Across the Taiwan Straits (ARATS) both sides established semi-official organizations to negotiate with one another.

By that time, democratization in Taiwan had already led to the establishment of the island’s first indigenous opposition party which, as early as 1991, had included a referendum with the aim of founding an independent “Republic of Taiwan” into its party charter. President Lee of the KMT also gradually changed his tone towards a more Taiwan-centric position. When Lee and other agents in his administration in later years referred to their “nation”, they increasingly tended to use the term “Republic of China on Taiwan” instead of “Republic of China” or just “China”. Consequently, Lee began to assert that “[t]he ROC on Taiwan is a sovereign country” (GIO, 1994: 68).¹² This change was accompanied by frequently referring to Taiwan’s “21 million people” instead of the “1 billion Chinese compatriots”.¹³ Lee’s gradual turning away from the “one China” rule famously culminated in his description of Cross-Strait relations as a “special state-to-state relationship” in an interview with German broadcaster Deutsche Welle on 9th July 1999.

These significant changes during Lee Teng-hui's presidency were one of the main reasons that a new "status quo" rule began to take shape. Lee's new emphasis on Taiwan resulted in a split within the KMT in the mid-1990s that led to the formation of the New Party (NP), which became the new champion for a unification with China and other traditional KMT stances. Situated between a pro-unification NP and a pro-independence DPP, the KMT became the moderate pro-"status quo" party in the election of 1996.

In the 1990s Beijing tried to counter both Lee's perceived unwillingness to support "one China" as well as discourses of an independent Taiwan by repeating previous assertive speech acts on the one hand and gradually resorting back to directive speech acts in the form of threats on the other. In 1993, the TAO published its first white paper on the topic of "The Taiwan Question and Reunification of China", stating that:

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. [...] "Self-determination" for Taiwan is out of the question.

(TAO, 1993)

In his 1995 "eight points" proposal PRC President Jiang Zemin highlighted the issue of "peaceful reunification" but warned that his country did "not promise not to use force", despite his conviction that "Chinese should not fight Chinese" (Jiang, 1995). After all, he went on

to define the “21 million Taiwan people” as “Chinese and our own flesh and blood” (*ibid.*). This position against “two China” or “Taiwan independence” proposals, which were viewed as threats to the “one China” rule, was emphasized by Chinese “missile tests” in 1995 and 1996 off Taiwan’s shores.

After Lee’s public statement of his “state-to-state” formula, directive speech acts became even more common on the part of Beijing. In a 2000 white paper, the TAO bluntly warned Taipei 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” (TAO, 2000). However, Beijing’s directive speech acts proved increasingly ineffective as they achieved the opposite of what agents there had intended, which was mostly due to the fact that a majority of Taiwan’s populace identified with the position of its own government (cf. MAC, 1999).

Washington’s speech acts after the mid-1980s revealed the contradiction in the US’ own “one China” policy: While Washington was committed to define Beijing as the sole legitimate government of China, it also performed directive speech acts that aimed at curbing Beijing’s overly aggressive posture towards Taiwan. For example, a U.S. Department of Defense Official stated in a news briefing that the US “would view with very grave concern any attempt on the part of the Chinese to settle the issue of one China with Taiwan by any other than peaceful means” (DoD, 1996). At the same time, US commitments to Taipei, in particular arms sales, guaranteed a separate existence of Taiwan alongside the mainland. However, Washington also warned officials in Taipei that it would or could not help, if the island ever was to formally declare independence. After the Chinese missile tests, then-US Secretary of State Warren Christopher said:

The United States has not and does not intend to change its longstanding one China policy. In this moment of difficulty, it's more important than ever for China, Taiwan and the United States to focus and reflect on the shared interest we have in maintaining the continuity of this policy.
(DoS, 1995)

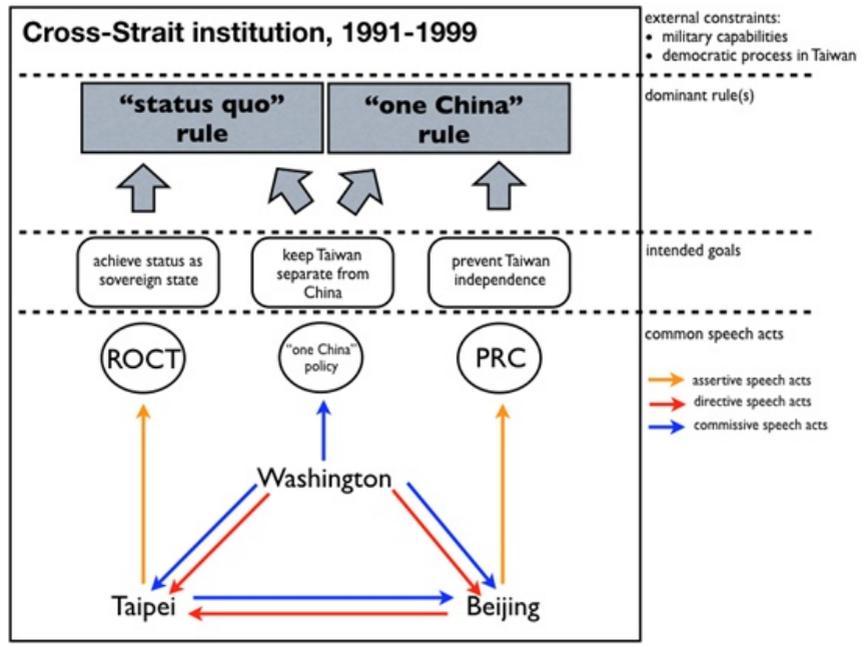
While this strategy might have been aimed at creating stability in the Taiwan Strait without resolving the “Taiwan issue” itself, developments in the Cross-Strait relationship such as Taipei’s new assertions with regard to Taiwan’s status or Beijing’s threats, the US took, for a while, a more passive role in shaping the Cross-Strait institution. Only after the 1996 election in Taiwan, agents in the US became more proactive again. After Washington momentarily seemed to have given up on its “strategic ambiguity” during the 1995-1996 missile crisis by sending US aircraft carrier groups into the waters near Taiwan, President Bill Clinton later publicly announced his so-called “Three No’s” during a visit in China, which sounded almost like an echo of the TAO statement a few years earlier. Clinton said that:

we don’t support independence for Taiwan, or two Chinas, or one Taiwan/one China. And we don’t believe that Taiwan should be a member in any organization for which statehood is a requirement.

(Clinton, 1998)

After Lee’s “state-to-state” comments, President Clinton and other agents in Washington addressed numerous warnings at Taipei not to change the “status quo” unilaterally. Therefore, Washington also helped create and strengthen the newly emerging “status quo” rule during this time, which was further underscored by US warnings and promises to hold up previous commitments to both Taiwan and China (Figure 3).

Figure 3 Constructing the Cross-Strait Relationship, 1991-1999



Source: Author.

While the government in Taipei focused on elevating the status of the “Republic of China on Taiwan”, this departure from the “one China” rule was answered by Beijing’s with military threats.

5. Challenging “one China” under Chen Shui-bian (2000-2008)

The trend in the pattern of speech acts, which were performed by Taipei over the course of the latter part of the 1990s, in many ways set the tone for the new DPP government after the year 2000. The DPP had proposed a “Draft for a Taiwanese Constitution” back in 1992 and demanded a

plebiscite in Taiwan before any change to the “status quo” could be enacted. Once in office, it was to be expected that the party was eager to utilize Taiwan’s democratic environment by means of speech acts in order to undermine the “one China” rule and further strengthen the “status quo” rule which had already begun to define Taiwan in its own right during the later Lee administration. At least in its initial stage, the “status quo” rule might best be described as an unintended consequence resulting from contradicting practices of the three major agents in the institution of the Cross-Strait relationship, i.e. their adherence to a “one China” rule without ever achieving a concrete political resolution such as unification of China or formal separation of Taiwan.

The DPP’s definition of the “status quo” in its 1999 “Resolution on Taiwan’s Future” stated that “Taiwan is a sovereign and independent country” and “not a part of the People’s Republic of China” (DPP, 1999). However, in a more pragmatic move, the DPP also accepted “Republic of China” as Taiwan’s name “under its current constitution” (*ibid.*). Many of these ideas were carried over into Chen Shui-bian’s presidency that began in 2000.

Like previous governments, the DPP’s ideals of constructing the Cross-Strait relationship on its own terms faced certain constraints: PRC military threats, US commitments to both sides of the Taiwan Strait, and a lack of domestic support, in particular a lack of a legislative majority which the KMT continued to enjoy while being in opposition. Chen’s initial set of commissive speech acts, i.e. his “five noes” pledge, reflected this situation in that it moderated the DPP’s pro-independence position. In his inaugural speech, Chen conceded that he “must abide by the Constitution” as well as “maintain the sovereignty, [and] dignity of our country” and promised 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.

(GIO, 2001: 16) (Emphasis added)

Beijing and Washington, as the other parties involved in constructing the institution of Cross-Strait relations, were antagonized when later assertions by DPP agents seemed to violate these commitments. This was especially true with regard to Chen’s “one country on each side (of the Taiwan Strait)” formula, which he made publicly via video message at the 29th Annual Meeting of the World Federation of Taiwanese Associations in Tokyo in August 2002. Chen said:

Taiwan is our country [...] Taiwan is not a part of another [country], it is not a local government or a province of another [country]. Taiwan cannot become a second Hong Kong or Macau, because Taiwan is a sovereign and independent country. Simply put, Taiwan and China are both countries on their respective side [of the Taiwan Strait] and have to be separated clearly.

(MAC, 2002) (Translation by author)

This position was often accompanied by speech acts that equated Taiwan with the Republic of China and “its 23 million inhabitants” who alone should have the right to “change Taiwan’s status quo” (*ibid.*).

In his second inaugural speech in May 2004, Chen, who had received more than 50 per cent of the vote this time and therefore enjoyed a stronger popular mandate than before, said it was “a fact” that

the Republic of China was “now exist[ing] in Taiwan, Penghu, Kinmen and Matsu” (MAC, 2005: 47). And in his National Day speech that year, he stated: “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” (MAC, 2005: 18). He called Taiwan “a country of 36,000 square kilometers”, 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” (*ibid.*), despite the fact that his statement was not in line with the Act Governing Relations between People of the Taiwan Area and the Mainland Area in which the ROC’s territorial claims clearly extend over mainland territory.

Further attempts at formally “rectifying” Taiwan’s constitutional situation and thus further distancing himself from his earlier commitments took place when Chen announced in early 2006 that, as a reaction to Beijing’s Anti-Secession Law, the “NUC cease to function” and the “NUG cease to apply”, as well as when the DPP passed its “Normal Country Resolution” in 2007, in which the party criticized the ROC’s “inappropriate constitutional structure” (DPP, 2007).

The DPP also supported a referendum on Taiwan’s name when applying for membership in the United Nations and other international organizations. All these speech acts can be seen as an attempt to abolish the “one China” rule which had long ceased to benefit Taiwan’s participation in the international arena and which was opposed to the DPP’s preferences with regard to Taiwan’s status. The push for a referendum of some sort under Chen would have further replaced the “one China” rule with the “status quo” rule by utilizing Taiwan’s democracy as a way to restrict Beijing: If a majority of Taiwanese had voted 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 had a much tougher case to justify the use of military force or blaming a minority of “separatist forces” in Taiwan.

Beijing’s TAO anticipated challenges to its “one China” rule and issued a mixture of assertions and threats at the beginning of Chen’s presidency:

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.

(TAO, 2000)

This statement already revealed a shift of emphasis from previous assertions that “China” was equal to the PRC towards the notion that China consists of both the Mainland as well as Taiwan, and therefore approximating the definition of China as “one country, two areas” in Taiwan’s Act Governing Relations between the People of the Taiwan Area and the Mainland Area. This change in tone, which was subsequently repeated by other high-ranking PRC representatives such as then-vice-premier Qian Qichen or then-TAO head Chen Yunlin, reflected a new approach that emphasized preventing independence over achieving unification with Taiwan and therefore unintentionally contributed to the “status quo” rule.

Beijing’s adjusted position under President Hu Jintao was formalized in a TAO statement issued on 17th May 2004, in which it chastised Chen for not honoring his pledges he made in 2000. The paper 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” (TAO, 2004).

In his “four points” statement on 4th March 2005, President Hu further stated that:

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.

(TAO, 2005)

A few days later Beijing passed the Anti-Secession Law (NPC, 2005) giving itself a legal foundation for “maintaining the status quo” as outlined above.¹⁴ In fact, the adoption of this law formalized previous speech acts by Beijing in an unprecedented way and gave them a particular normative force. 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” (*ibid.*, article 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” (*ibid.*, article 5). Finally, directive speech acts of using “non-peaceful means”, should Taiwan declare formal independence, were also formalized (*ibid.*, article 8). Similar to Washington’s Taiwan Relations Act, Beijing’s Anti-Secession Law can be seen as one of the most formal normative speech acts in the Cross-Strait relationship institution.

Pressure on the DPP government in Taiwan was not only external but was also exercised by the domestic opposition. Then-KMT chairman

Lien Chan, on a historic visit to China in the spring of 2005, worked out a five-point agreement with Hu Jintao, in which the KMT and CCP reconciled and based future Cross-Strait talks on the so-called “1992 Consensus”.¹⁵ The KMT’s definition of the “Consensus” meant that both sides had “different interpretations” of “one China” – a concession that has never been publicly accepted (nor has it been publicly criticized) by high-ranking officials in Beijing.¹⁶ For Beijing, the “1992 Consensus” was useful as a commitment to its “one China” principle and therefore the rule of “one China”. As such, the “Consensus” was of course rejected by the DPP, who tried to disassociate Taiwan from being a part of “one China” altogether.

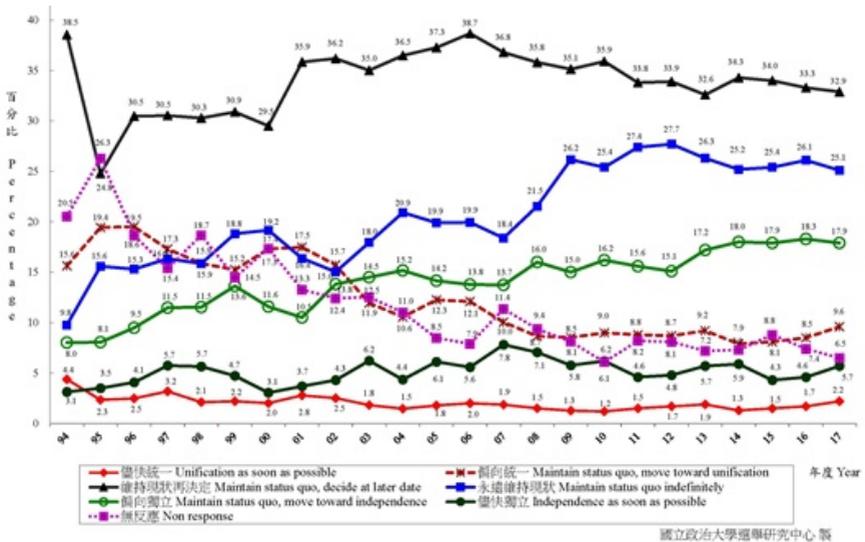
During Chen’s two terms as president, Washington tried to alternatively balance Taipei’s pro-independence assertions and Beijing’s “one China” threats with its own speech acts. With the famous exception of US President George W. Bush, who promised to do “whatever it takes” to help Taiwan defend itself, when announcing a new sale of weapons to Taiwan in April 2001,¹⁷ the US mainly repeated its old commitments of adhering to its “one China” policy.

When Chen was perceived to violate his inaugural speech commitments and thereby undermine the trust between both sides, Washington seemed to align itself more frequently with Beijing in opposing “Taiwan independence”. Then-US Secretary of State Colin Powell made this point very clear when he stated during a trip to China 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” (U.S. Department of State Archive, 30th September 2004).

However, this divergence between all involved parties in the Cross-Strait relationship as to their views on and interpretation of the “status quo” with all the resulting unintended consequences was the reason for

the strengthening of the “status quo” rule after the year 2000 on the one hand, while it was also the source of constant challenges that arose with the struggle over the definition of the nature of the “status quo” on the other.

Figure 4 Changes in the Unification-Independence Stances of Taiwanese as Tracked in Surveys by Election Study Center, NCCU (1994~2017.06)¹⁸



Source: Core Political Attitudes Trend Chart, Election Study Center, National Chengchi University (ESC, 2017). (Used with permission.)

The fact that a majority of the Taiwanese public merely wanted to maintain an undefined “status quo” further facilitated this development. Figure 4 shows that since the early 2000s, two thirds or more of the Taiwanese public have tended to opt for an unspecified “status quo” when asked about Taiwan’s political future with regard to a formal

independence from or unification with China.¹⁹ The vast majority of respondents either wanted to decide this question “at a later date” or to maintain the status quo “indefinitely”. Notably, support for the latter rose sharply in the early years of the Ma Ying-jeou administration and has since remained more or less steady at over 25 per cent.

While there has never been a clear explanation of the meaning of the “status quo” in the above survey, Washington’s own definition became clear when it reacted to Chen’s referendum plans in 2007 stating:

[...] 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 [...] *is an issue undecided* and it has been left undecided [...] for many, many years.²⁰

The following month, Deputy Assistant Secretary of State, Thomas Christensen said:

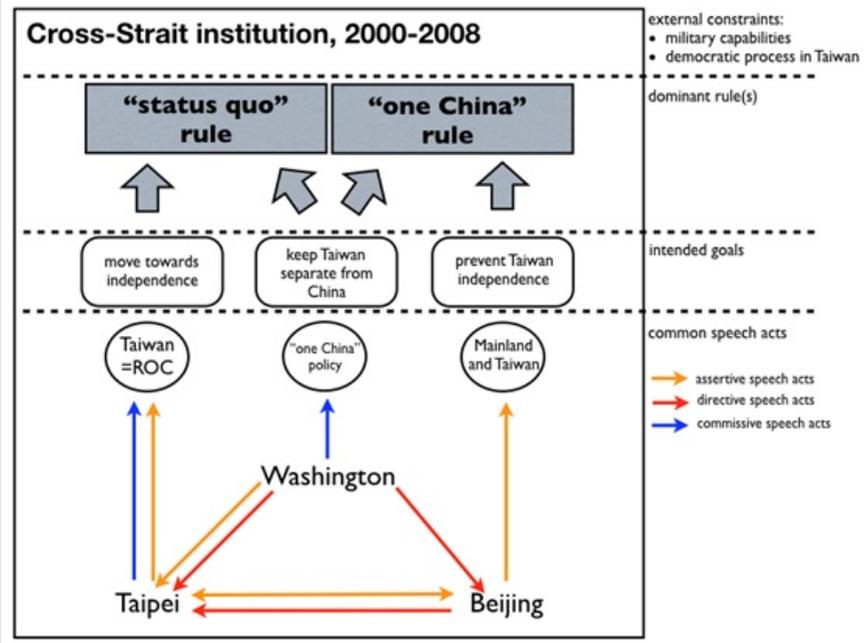
Some Taiwan leaders in recent years have asserted that Taiwan independence is the status quo that should be defended. On that point, let me be perfectly clear: while U.S. opposition to Chinese coercion of Taiwan is beyond question, *we do not recognize Taiwan as an independent state* [...] in fact, we 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.

(Christensen, 2007) (Emphasis added.)

By the end of Chen’s second term the DPP increasingly saw itself on opposite ends with Washington, Beijing, and, domestically, the KMT,

severely limiting its options in shaping the institution of Cross-Strait relations. Furthermore, since none of the proposed referendums passed, the DPP failed to utilize the “resource” of Taiwan’s democracy in order to break the “one China” rule.

Figure 5 Constructing the Cross-Strait Relationship, 2000-2008



Source: Author.

In summary, support for the “status quo” rule during Chen Shui-bian’s terms in office was not only the result of Taipei’s attempts at breaking the “one China” rule, but also resulted from the unintended consequences of Beijing’s continued policy adjustments from a position that sought to impose a PRC-centered “one China”-framework on Taipei

towards the goal of “preventing (a formal realization of) Taiwan independence” (Figure 5).

6. Revitalizing “One China” under Ma Ying-jeou (2008-2016)

Similar to his predecessor, Ma Ying-jeou announced a set of commitments with regard to the general direction of Cross-Strait relations in his first inaugural address, which became known as his “three noes” pledge. His promises of “no independence, no unification, and no use of force” were commitments to the “status quo” rule. However, the prerogative to define what the “status quo” meant (at least within Taiwan) had now been passed on to the newly elected KMT government, which in many ways tried to reverse the course of its predecessor.

Speech acts by agents of the Ma administration were aimed at strengthening the normative authority of the Constitution of the Republic of China instead of questioning it. In his first inaugural address President Ma said:

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 [...]

(GIO, 2010: 5)

Ma not only stated his intention of closely adhering to the Constitution but also recognized the territorial claims of the Act Governing Relations between People of the Taiwan Area and the Mainland Area. This became

clear in a variety of assertive speech acts, often made in international media outlets, that the Cross-Strait relationship was “not a state-to-state relationship” but one between the “Taiwan Area” and the “Mainland Area”, neither of which was a country in its own right.²¹ In another interview, President Ma said that according to the country’s Constitution, the Republic of China (and not “Taiwan”) was an “independent and sovereign state” and that “Mainland China is also part of the territory of the ROC”.²² In all of his important speeches as president²³, Ma resorted back to the state’s name “Republic of China” instead of “Republic of China on Taiwan” or simply “Taiwan” when referring to the state which he represented. Beijing’s Taiwan Affairs Office welcomed the new pattern of speech acts by the Ma administration and echoed them with its own position that “[b]efore the two sides are unified, the fact that the mainland and Taiwan are part of China remains unchanged”²⁴.

Beijing and Taipei shared even more common ground by their continuing emphasis on the “1992 Consensus”. On many occasions, Ma himself repeated the importance of the Consensus as a pillar for peaceful Cross-Strait relations, most notably shortly after his historic meeting with China’s President Xi Jinping in early November 2015. At the international press conference after his meeting with Xi President Ma said:

Our side’s interpretation [of the Consensus] does not involve two Chinas; one China, one Taiwan; or Taiwan independence, as the Republic of China Constitution does not allow it. [...] We will continue to consolidate the 1992 Consensus of “one China, respective interpretations” as the basis for relations, and maintain the status quo of peace and prosperity.

(Office of the President, 2015)

By sticking to its own definition of what “one China” meant, the KMT showed its willingness to not give up on the “one China” rule in general and continue to maintain it. The “Consensus”, therefore, functioned as an assurance to Beijing that the KMT would hold on to “one China”, while it allowed the party at the same time to argue domestically that “China” referred to the ROC.

Furthermore, agents in Taipei often coupled these assertions to warnings of an economic isolation of Taiwan. In view of increasingly complex economic relations between Taiwan and China, which had reached new heights in the early 2000s, the KMT argued that engaging China was the only viable course. This mixture of assertive and directive speech acts was especially common during Ma’s first term and eventually resulted in the signing of the Economic Cooperation Framework Agreement (ECFA). For example, in early 2010 then-Minister of the Mainland Affairs Council Lai Shin-yuan said: “If Taiwan does not sign the ECFA, the country risks being marginalized and losing competitiveness overseas” (“ECFA talk with MAC minister Lai Shin-yuan”, 2010).²⁵ President Ma and other agents in turn usually credited the “1992 Consensus” for being able to deepen Taiwan’s economic and functional relations with the Mainland during his terms and thereby utilized the fact that Taiwan’s economy had become increasingly dependent upon China, especially since President Chen’s time in office (Matsuda, 2015: 16-18).²⁶

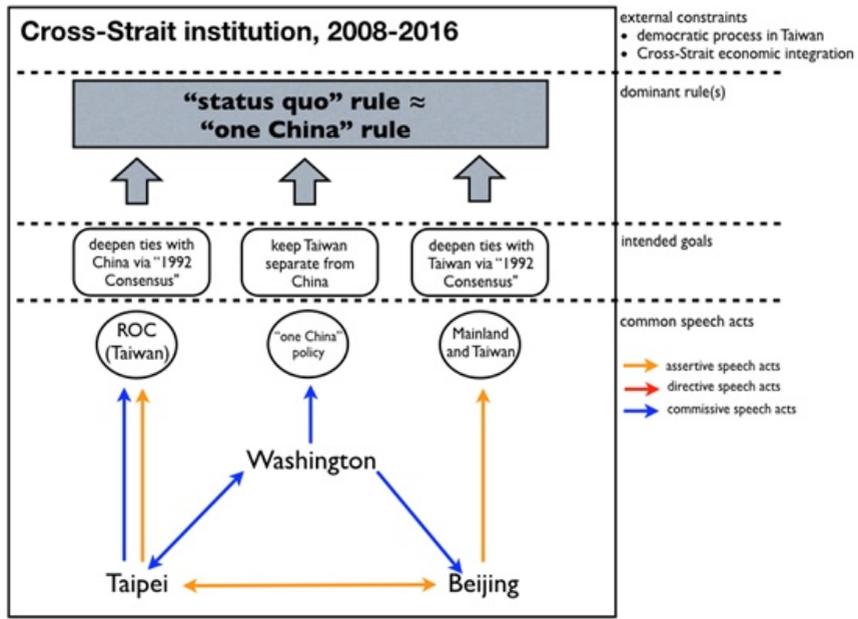
Nevertheless, as mentioned above, Beijing’s position regarding the “1992 Consensus” remains different from that of the KMT. On the one hand, Beijing’s leaders have often used the term publicly and described its existence as a “core” of Cross-Strait relations with President Xi Jinping even going so far as to warn Taiwan’s future president in 2015 that a non-adherence to the “1992 Consensus” as the basis for Cross-Strait relations would result in “the earth moving and mountains

shaking”²⁷. On the other hand, CCP leaders have never publicly approved of the idea that “each side has its own interpretation of ‘one China’” – a formula that was usually described as a “later addition by the Taiwan side” (ARATS, 2005). Instead, even Xi’s predecessor Hu Jintao, who, in his “six points” on 31st December 2008, called for “Taiwan’s ‘reasonable’ participation in global organizations”, the position of both sides “firmly abiding by the ‘one China’ principle” was seen as a precondition for Cross-Strait relations (Hu, 2008).

Despite the weak normative foundation of the “1992 Consensus”, the KMT government routinely emphasized it being the reason for the achievements with regard to Cross-Strait negotiations after 2008, and in the summer of 2015 the party included the “Consensus” into its party charter, and thereby making it an important component for the party’s future China policies²⁸. Despite the prevalent discourse in international media and academic circles alike, the “Consensus” has failed to entice a broad support among the Taiwanese public as an interpretation of Cross-Strait relations²⁹.

In continuity with previous US administrations of recent decades, the government in Washington under President Barack Obama mostly did not get too overly involved in defining Taiwan’s political status publicly. In late 2010, the chairman of the American 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”.³⁰ More recently, the AIT made a similar comment with regard to the “1992 Consensus”, stating that it takes “no stance” on the issue.³¹ The US seemed to have been pleased, however, by the “surprise-free” approach that was adopted by Taiwan’s KMT administration under Ma Ying-jeou as well as the peaceful dialogue that had taken place since 2008. This was reflected by remarks made by then-Secretary of State Hillary Clinton in 2011, who said that the

Figure 6 Constructing the Cross-Strait Relationship, 2008-2016



Source: Author.

“relationship between China and Taiwan, it appears, is on a much better basis”.³²

Despite persisting rumors in the media and discussions in academic circles that the US might consider stopping arms sales to Taiwan altogether during Ma’s first term, these concerns have not materialized. Towards the end of the previous US administration, different US agents have reiterated security commitments to Taiwan, with then-US President Barack Obama even affirming Washington’s adherence to the Taiwan Relations Act and its commitments to Taiwan during Xi Jinping’s state visit in September 2015.³³

In conclusion, the KMT government's interpretation of the "status quo" after 2008 was based on the often-repeated adherence to the ROC Constitution and the "1992 Consensus" which are in and of themselves commitments to "one China". In order to build domestic public support for this position, these assertions about Taiwan's status were flanked by threats regarding Taiwan's economic future if it failed to open itself up more to China. In this vein, instead of openly challenging the "status quo" rule, agents in Taipei tried to equate the "status quo" with its own "one China" position, which defines China as the ROC, thereby trying to revert some of the unintended consequences which had given rise to the "status quo" rule in the first place. In the way in which these speech acts supported the "one China" rule, they were in accordance with the position of PRC leaders (Figure 6).

7. Epilogue: After the 2016 elections in Taiwan and the US

The elections in 2016 in both the US and Taiwan led to some notable changes in the Cross-Strait relationship agency. In January 2016, Tsai Ing-wen of the DPP was voted into office with a comfortable majority over her KMT opponent. Even before the election, Tsai emphasized that her Cross-Strait policy was focused on "maintaining the status quo", which according to her definition also included Taiwan's democratic and constitutional structure.³⁴ Even though she was criticized by her political rivals in Taiwan as well as Chinese officials for not giving a clear definition of what her "status quo" meant exactly,³⁵ the electorate eventually chose her commitments over the promises of KMT candidate Eric Chu who vowed to uphold the "1992 Consensus", which arguably contributed to Tsai's success in the election.

In her inaugural address as president, Tsai expounded on her definition of the status quo in Cross-Strait relations by promising to build on four elements of “existing political foundations”:

The first element is the fact of the 1992 talks between the two institutions representing each side across the Strait (SEF & ARATS), when there was joint acknowledgement of setting aside differences to seek common ground. This is a historical fact. The second element is the existing Republic of China constitutional order. The third element pertains to the outcomes of over twenty years of negotiations and interactions across the Strait. And the fourth relates to the democratic principle and prevalent will of the people of Taiwan.

(Tsai, 2016)

Even though Tsai stopped short of recognizing the “1992 Consensus”, her promise “to safeguard the sovereignty and territory of the Republic of China” (*ibid.*) as well as the inclusion of Cross-Strait negotiations under the preceding KMT government linked her speech thematically more closely to Ma Ying-jeou’s stance than to the one expressed in Chen Shui-bian’s second inaugural speech in which Chen had mentioned the idea of “rebuilding the constitutional order” in a way that it could become more “suitable” for Taiwan (Office of the President, 2004). This example shows once again that just as there were different ideas of “one China” which supported the “one China” rule, different agents in Taipei have, over time, assigned different interpretations to the concept of the “status quo” each of which influenced the “status quo” rule.

Since Tsai assumed office, Beijing has exerted increasing pressure on Taiwan’s new administration by freezing the high-level government-to-government exchanges as well as by establishing official relations

with countries that previously recognized the Republic of China. Chinese officials have routinely blamed the Tsai administration's lack of endorsement of the "1992 Consensus" for these developments. For example, some weeks after Tsai's inaugural address, TAO spokesperson An Fengshan said:

Taiwan's current administration has not recognized the 1992 Consensus which endorses the one-China principle, shaking the political foundation for cross-Strait interaction.

(TAO, 29th June 2016)

These actions not only signaled an end to the so-called "diplomatic truce" between Taiwan and China during Ma's terms in office, but were most certainly also aimed at undermining Tsai's ability to uphold her "status quo" pledge.

Furthermore, the election of Donald J. Trump as US president in November 2016 has added another layer of uncertainty with regard to the status quo in the Taiwan Strait. Before assuming office, the then-president-elect of the United States made headlines by accepting a call by Taiwan's president and went on to publicly question the US' own "one China" policy in the aftermath.³⁶ Expectedly, China's foreign ministry not only urged the US to honor its decades old commitments to the "one China" policy, but also issued a statement in which it reverted to China's own assertions of the Cold War era, posing that:

[...] there is only one China and Taiwan is an inalienable part of China's territory, and the government of the People's Republic of China is the sole legitimate government that represents China.

(TAO, 3rd December 2016)

Even though Trump has backtracked somewhat from this confrontational course with China over Taiwan since then, there remains a possibility, albeit a remote one, that future challenges to the existing rule-framework of Cross-Strait relations may come from the current US administration. This is all the more surprising, considering the fact that the US have traditionally emphasized the importance of continuity and “peace and stability” in the Taiwan Strait and have seemed to favor any rule that was conducive to achieving this aim.

For these reasons, it is to be expected that maintaining the “status quo” rule will be increasingly difficult as long as a clear and agreed-upon definition of the nature of the “status quo” in the Cross-Strait relations framework remains elusive. While the ongoing consolidation of democracy in Taiwan continues to support a view of Cross-Strait relations that is governed by the “status quo” rule, other forces such as Taiwan’s ongoing economic dependency on China and China’s continuous military buildup are more favorable to creating an environment that asserts the “one China” rule.

8. Conclusion

This paper has utilized a rule-based constructivist framework to analyze the Cross-Strait relationship as a social institution. It demonstrated how relevant agents constructed and continue to construct this institution by creating and influencing rules through their speech acts. It argued that the Cross-Strait relationship after 1949 was governed by two rules: the “one China” rule, which was most in evidence between 1949 and the mid-1990s and the “status quo” rule which started to gradually co-exist with the former rule thereafter.

The “one China” rule of the Cold War years was mainly supported by assertive and directive speech acts performed by Beijing and Taipei.

The rule had hegemonic and hierarchic characteristics in that it defined the Cross-Strait relationship as one of a legitimate or central government versus an illegitimate local government. However, commitments by Washington and limitations set by the military power of all three sides have prevented a forceful settlement of the issue by either side and contributed to a perpetuation of the “one China” rule, especially after the establishment of US-PRC diplomatic ties in the late 1970s. By that time the “one China” rule had started to increasingly benefit the PRC at the expense of the ROC.

Partly spurred by these developments, Taiwan’s democratization since the 1980s and a new focus on its identity have become a new source of constraint that prevented agents in Beijing to exploit their superior position with regard to “one China”. By contesting “one China” and contributing to the creation of a new “status quo” rule during the latter part of the Lee Teng-hui era, Taipei first tried to utilize its domestic democracy as a means to constrain Beijing and regain some of its lost international standing after repeated diplomatic setbacks. This trend of focusing on Taiwan’s own political identity separate from China was further strengthened under the DPP government, which used the means at its disposal in order to further subvert the “one China” rule and formalize what they asserted was already a fact: Taiwan’s political separation from China. At the same time, Taiwan’s increasing economic dependency on China was used by the Ma Ying-jeou administration to refocus on supporting the “one China” rule via the proxy of the “1992 Consensus”.

In conclusion, it can be said that whereas the “one China” rule highlights disputes over territory and diplomatic recognition by asserting or even threatening to achieve some sort of future Cross-Strait status, the “status quo” rule relies on commitments aimed at preventing changes to the current situation. This is not to suggest that pro-independence forces

in Taiwan alone are the sole creators of the “status quo” rule. Instead all participating agents in the Cross-Strait relationship have, through their respective speech acts, contributed to creating this rule since the mid-1990s, sometimes unintentionally. Relevant commitments were made by the US, when they spoke out against “unilateral changes”, consisted of Taiwan’s initiatives such as Chen Shui-bian’s “three noes” or Ma Ying-jeou’s initial “five noes” pledges, and were even reflected in China’s Anti-Secession Law, which formalized certain previous commitments by Beijing such as an equal standing in negotiations between both sides and the goal of “preventing independence” during the latter part of the Chen Shui-bian administration. However, the history of broken commitments in the Cross-Strait relationship with all its intended and unintended consequences suggests that a rule, which is mostly based on this kind of speech act, is relatively unstable, at least in an environment in which the lack of trust between the participating agents remains a defining characteristic.

Finally, similar to other constraints in the construction of the Cross-Strait relationship such as Chinese and US military power or Taiwan’s economic dependency on China, Taiwan’s political system has not only posed restrictions to assertions of Taiwanese governments with regard to the question of independence vs. unification, but has also influenced Beijing and Washington’s speech acts over time. Beijing has learnt to appeal to Taiwan’s voters (albeit having done so rather unsuccessfully in the past) and Washington would be hard pressed to negate a democratic choice for unification by the Taiwanese public, although such a scenario currently seems to be a very remote possibility at best. Therefore, until a definitive solution to the Cross-Strait impasse has been found, the “status quo” will continue to represent a delicate balance in the struggle of different agents in the US-Taiwan-China triangle over their competing views on the nature of Cross-Strait relations.

Notes

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1. For the sake of clarity and unless otherwise noted in-text, this paper uses “Taiwan” to refer to the “Republic of China (Taiwan)” or “Taiwan area”, whereas “China” is used to refer to the “People’s Republic of China” or “Mainland China/area”.
 2. The framework used in this paper is mainly based on Onuf (1989; 1998) and Kubálková *et al.* (1998).
 3. In particular Wendt (1992) and Wendt (1999). See, e.g., the discussion in Pettman (2000).
 4. According to Zheng (2001: 221-222), the second rule is the rule of “no military threats”. However, this view seems at odds with the constant and open threats between Taiwan and China during most of the Cold War era. Therefore, this paper argues instead that military threats in the context of the Cross-Strait relationship were aimed at influencing the “one China” rule.
 5. For example, in July 1954 the *People’s Daily* wrote “一定要解放台湾” [Taiwan has to be liberated at all costs] (*People’s Daily*, 23rd July 1954, retrieved 1st October 2015 from <<http://www.people.com.cn>>). The issue of upholding “one China” was also an important topic under discussion between secret envoys of both sides during that time (cf. Huang and Li, 2010: 42-43).
 6. The relevant passage in Truman’s statement reads: “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” (Truman, 1950).

7. However, in the San Francisco Peace Treaty which was eventually signed between Tokyo and the Allied forces (but without Chinese representatives) on 8th September 1951, Japan merely “renounced” its claims over Taiwan without specifying to whom it transferred these rights.
8. The turning point on the diplomatic front was reached in 1971 when, for the first time, more countries in the world recognized the PRC than the ROC. While 69 countries supported the PRC’s claim to represent the sole legitimate government of China, only 54 countries supported the ROC. The number of Taiwan’s diplomatic allies has since then mostly continued to decrease (cf. Kim, 1994: 151).
9. Bush (2004: 130-136) has pointed out the importance of differentiating between “acknowledging” and “recognizing”. Bush (*ibid.*) also notes that the US expression of having an “interest in a peaceful settlement” of the issue was aimed at a continuation of arms sales to Taiwan.
10. Some important documents that include similar language are the “Message to Compatriots in Taiwan” (1979) and “Ye Jianying on Taiwan’s Return” (1981). (See: “Message to Compatriots in Taiwan” (1st January 1979), retrieved 1st October 2015 from <<http://www.china.org.tw>>; “Ye Jianying on Taiwan’s Return to Motherland [sic] and Peaceful Reunification (30th September 1981), retrieved 1st October 2015 from <<http://www.china.org.cn>>.)
11. Changes in Lee’s public statements and his role in creating a Taiwanese nationalism have been analyzed in-depth by Jacobs and Liu (2007).
12. On the same occasion, Lee also responded to criticism of this phrase, 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” (GIO, 1994: 69).
13. For example, in Lee’s well-publicized speech on 7th June 1995 at his alma mater Cornell University in the United States.

14. Originally named “Law of Reunification of the Motherland” or “Anti-Taiwan Independence Law” in earlier drafts, the final name of the Anti-Secession Law is also a reflection of Beijing’s interpretation of the “status quo”, according to which Taiwan is already a part of China.
15. “Hu, Lien vow to work to end cross-strait hostilities”, *The China Post*, 30th April 2005, retrieved 1st October 2015 from <<http://www.chinapost.com.tw>>.
16. The “1992 Consensus”, as understood by the KMT, implies a degree of political tolerance and understanding that cannot be objectively observed. For instance, the public display of national symbols such as the ROC flag in an international setting frequently trigger stern reactions from PRC officials, whereas similar protests by Taiwan’s government against the PRC’s national symbols are close to non-existent. In other words, the KMT’s willingness to compromise, especially when compared to the Cold War era, is not reciprocated to the same degree by PRC officials.
17. “U.S. would defend Taiwan, Bush says”, (by David Sanger), *The New York Times*, 26th April 2001, retrieved 1st October 2015 from <<http://www.nytimes.com>>.
18. 臺灣民眾統獨立場趨勢分佈 (1994~2017.06). See terms of use at <<http://esc.nccu.edu.tw/doc/termofuse.php>> and <<http://esc.nccu.edu.tw/course/news.php?Sn=167>>.
19. I would like to express my thanks to the NCCU election study center for giving me permission to reprint the graph in this paper.
20. “ROC statehood undecided: US official” (by Charles Snyder), *Taipei Times*, 1st September 2007, retrieved 1st October 2015 from <<http://www.taipetimes.com>>. (Emphasis added.)
21. Cf. “Cross-strait ties not state to state: Ma” (by Adam Tyrsett Kuo), *The China Post*, 11th June 2013, retrieved 1st October 2015 from <<http://www.chinapost.com.tw>>.

22. “Ma refers to China as ROC territory in magazine interview” (by Ko Shu-ling), *Taipei Times*, 8th October 2008, retrieved 1st October 2015 from <<http://www.taipeitimes.com>>; cf. “Ma repeats ‘region-to-region’ comment” (by Loa Iok-sin), *Taipei Times*, 22nd December 2008, retrieved 1st October 2015 from <<http://www.taipeitimes.com>>.
23. Ma sometimes used the phrase “Republic of China on Taiwan” when running for office before 2008.
24. “Beijing praises Ma’s use of ‘Mainland’ designation” (by Ko Shu-ling), *Taipei Times*, 24th February 2011, retrieved 1st October 2015 from <<http://www.taipeitimes.com>>; cf. “China praises Ma’s ‘one China’ remark” (by Jake Chung and Mo Yan-chih), *Taipei Times*, 26th July 2013, retrieved 1st October 2015 from <<http://www.taipeitimes.com>>.
25. “ECFA talk with MAC minister Lai Shin-yuan”, *Taiwan Today*, 12th March 2010, retrieved 1st October 2015 from <<http://taiwantoday.tw>>.
26. Using a constructivist approach, Wei (2015) argues that the “1992 Consensus” itself can be seen as a sociolinguistic construct whose meaning has changed over time. According to Wei, agents in Taipei, China and the Taiwanese business community have contributed to transforming the meaning of the “Consensus” from a political term to one that carried an economic logic after 2008 (Wei, 2015: 80-83).
27. “‘1992 Consensus’ the core of cross-strait relations: Xi” (by Amy Chyan), *The China Post*, 5th March 2015, retrieved 15th July 2016 from <<http://www.chinapost.com.tw>>.
28. “‘1992 Consensus’ written into KMT’s new party platform”, *The China Post*, 20th July 2015. Retrieved 15th July 2016 from <<http://www.chinapost.com.tw>>.
29. According to the results of a public opinion survey by Taiwan Indicators Survey Research (TISR) published on 15th October 2015, only 24.7 per cent supported the phrase “1992 Consensus” to describe Taiwan’s relationship with China (TISR, 2015). In the same survey, which allowed

multiple answers, almost 70 per cent of respondents spoke out in favor of the “one country on each side”-formula.

30. “Taiwan position consistent: AIT head” (by Shih Hsiu-chuan), *Taipei Times*, 1st December 2010, retrieved 1st October 2015 from <<http://www.taipeitimes.com>>.
31. “US takes no stance on ‘1992 Consensus’: AIT spokesman” (by Joseph Yeh), *The China Post*, 16th May 2015, retrieved 30th August 2016 from <<http://www.chinapost.com.tw>>.
32. “Clinton praises change in China, Taiwan relations” (by William Lowther), *Taipei Times*, 13th May 2011, retrieved 1st October 2015 from <<http://www.taipeitimes.com>>.
33. “Taiwan Relations Act mentioned at Xi-Obama talks”, *The China Post*, 27th September 2015, retrieved 30th August 2016 from <<http://www.chinapost.com.tw>>.
34. Cf. “DPP candidate Tsai promises to maintain status quo if elected”, *The China Post*, 17th September 2015, retrieved 15th July 2016 from <<http://www.chinapost.com.tw>>. After the change in government in 2008, the DPP long struggled to find a new China policy and held symposiums in order to “better understand China”, especially amid the KMT’s increasingly high-profile meetings with the CCP during President Ma Ying-jeou’s second term. Tsai Ing-wen herself failed to earn the electorate’s support with her idea of a so-called “Taiwan Consensus” when she tried to unseat then-incumbent President Ma in the elections of 2012. The “Taiwan Consensus” was one of various, and often vague, concepts with which high-ranking DPP politicians, some of whom even went on to visit China, wanted to replace the KMT’s reliance on the “1992 Consensus” and other policies that sought closer relations with China. The party’s discussion about a new China policy even included proposals to “freeze” the party’s so-called “Taiwan independence clause” between mid-2013 and mid-2014 (cf., e.g., “DPP mulls independence clause” (by Chris Wang), *Taipei Times*, 17th

- July 2014, retrieved 1st October 2015 from <<http://www.taipeitimes.com>>), a move that was eventually dismissed. The DPP formally announced its “status quo” formula in spring 2015 (“DPP vows to keep ‘status quo’ going in cross-strait ties” (by Loa Lok-sin), *Taipei Times*, 10th April 2015, retrieved 30th August 2016 from <<http://www.taipeitimes.com>>).
35. Among Tsai’s critics was her predecessor Ma Ying-jeou of the KMT, who emphasized on many occasions that the “status quo” at the time had been a result of his own Cross-Strait policies of adhering to the ROC Constitution and the “1992 Consensus” (cf., e.g., “Ma snipes at DPP’s Tsai on ‘status quo’” (by Stacy Hsu), *Taipei Times*, 26th August 2015, retrieved 15th July 2016 from <<http://www.taipeitimes.com>>).
36. “Trump suggests using bedrock China policy as bargaining chip” (by Mark Landler), *The New York Times*, 11th December 2016, retrieved 1st June 2017 from <<http://www.nytimes.com>>.

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