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Semantic Ambiguity and Joint Deflections in the Hainan Negotiations

Albert S. YEE

This article explains the resolution of the 2001 Hainan Incident as the outcome of two-level negotiations. Chinese and American leaders initially confronted a diplomatic impasse because their minimally acceptable positions (or “resistance points”) did not overlap. The importance of their bilateral relationship, however, prompted them to explore mutual concessions to resolve this growing crisis. Faced with strong domestic constraints, they reached a compromise in large part by jointly lowering their initial demands in ways that deflected the criticisms of their respective domestic hard-liners. The semantic ambiguity and linguistic flexibility of their different languages and translations facilitated the success of these unofficial joint deflections.

On 1 April 2001, a US surveillance aircraft collided with a Chinese fighter jet 105 kilometres south of China’s territorial waters along Hainan Island. The collision forced the damaged EP-3E Aries with its crew of 24 to make an unauthorised emergency landing at the Lingshui military airfield and caused the Chinese Jian-8 to plunge into the South China Sea, killing its pilot Wang Wei. This “spyplane” incident created a

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growing crisis in China-US relations until a settlement was finally negotiated 11 days later.

Analyses of this Incident generally emphasise either the purposive (rational or ideational) calculations of unitary (or consensual) governments, or the domestic political conflicts within states that produce foreign policy decisions. Purposive and unitary explanations tend to focus almost exclusively on statesmen calculating state-to-state relations, whereas domestic conflict explanations illuminate the internal processes within states, but generally do not systematically and theoretically link them to the bargaining between states. As a result of these deficiencies, the actual dynamics of the Hainan negotiations have as yet not been adequately delineated and empirically established.

To rectify this and draw some general lessons for analysing other cases, this article seeks to explain the Hainan negotiations by undertaking three tasks. First, it examines prevailing explanations of the Hainan Incident and situates them within the context of the two general approaches to China-US relations, both of which neglect the “two-level” dynamics that actually occurred in these negotiations. Second, to overcome these flaws, it delineates an alternative explanation that combines two-level games and negotiation theory. To illuminate how two-level dynamics determine and alter the negotiating positions of states, four propositions about the placement of “resistance points” are presented and empirical evidence from this case is used to probe their plausibility. Third, the “two-level negotiations” approach is used to explain the resolution of the Incident, with particular attention given to the key role of semantic ambiguity in facilitating the “joint deflection” of domestic opposition in both countries.

Two Approaches to China-US Relations and the Hainan Incident

Purposive Unitary Explanations

Purposive and unitary analyses of China-US relations derive the motivational impetus for policies either from geostrategic and economic considerations, or from ideological and cultural influences. “Realist” and “neoliberal” analysts of international relations examine the geostrategic and economic factors that supply the material interests that motivate rational Chinese and American policymakers. Since the Tiananmen Incident in 1989, both advocates of “strategic partnership” and “strategic competition” base their analyses on these

rational calculations (and miscalculations) of interests, though they arrive at different conclusions about the policy that best serves these interests (e.g., “engagement” or “containment”).¹

Meanwhile, proponents of ideological or cultural explanations emphasise the ideational sources of Chinese and American foreign policies which supply imperatives and guidelines to policymakers that can lead to both rational assessments and/or misperceptions of interests and intentions. In the analysis of China-US relations, numerous ideological or cultural explanations show how American and Chinese foreign policies are influenced by these ideational imperatives and guidelines.²

In analysing the Hainan Incident, proponents of purposive and unitary explanations emphasise the consensus among Chinese leaders and their purposive intent in responding to it. Explicitly rejecting the internal conflict approach, Jonathan Pollack argues that explanations based on “hawks, factions and hard-liners” is “supposition” and “not based on any evidence” that he could detect. “If China is as highly factionalised in these issues as some observers believe, Jiang would have never left on the trip [to Latin America]”, ... and since “the senior military leadership of China are all people who have been appointed to their positions by Jiang himself, any suggestion that the military leadership was off on its own — doing its own

¹ David Shambaugh, “Containment or Engagement of China?”, *International Security* 21, no. 2 (Fall 1996): 180–209; Kenneth Lieberthal, “A New China Strategy”, *Foreign Affairs* 74, no. 6 (Nov./Dec. 1995): 35–49; Thomas Christensen, “Posing Problems without Catching Up”, *International Security* 25, no. 4 (Spring 2001): 5–40; Gerald Segal, “East Asia and the ‘Constraint’ of China”, *International Security* 20, no. 4 (Spring 1996): 107–13; Gideon Rachman, “Containing China”, *Washington Quarterly* 19, no. 1 (Winter 1996): 129–40.

² Andrew Latham, “China in the Contemporary American Geopolitical Imagination”, *Asian Affairs* 28, no. 3 (Fall 2001): 138–45; Richard Madsen, “China in the American Imagination”, *Dissent* (Winter 1998): 54–9; Richard Kulma, “The Evolution of US Images of China”, *World Affairs* 162, no. 2 (Fall 1999): 76–88; David Shambaugh, “China’s Military Views the World”, *International Security* 24, no. 3 (Winter 1999/2000): 52–79; Philip Saunders, “China’s America Watchers”, *China Quarterly* 161 (March 2000): 41–65; Yong Deng, “Hegemon on the Offensive”, *Political Science Quarterly* 116, no. 3 (2001): 343–65; Yong Deng, “Chinese Conceptions of National Interests in International Relations”, *China Quarterly* 154 (June 1998): 308–29; Zhongyun Zi, “The Impact and Clash of Ideologies”, *Journal of Contemporary China* 6, no. 16 (1997): 531–50.

thing — strikes me as highly implausible. So far as we can observe, their decision-making process was disciplined and purposeful.”³ David Shambaugh discerned in a testimonial, “a consensus in China about the United States that is not just driven by the PLA. There are equally hard-line elements in the Communist Party, in the security apparatus and other parts of government, and indeed ... in the society at large.”⁴

Analysts who present this portrait of a rational, unified Chinese leadership, largely unconstrained by elite factionalism or public opinion, differ in their assessment of the content of the resultant policy. In explaining the release of the American crew, Pollack credits both sides with “a purposeful, diligent effort to get to an understanding”. Since the “highest priority” of China’s leaders “was not the return of the crew, but trying to find their pilot”, he concluded. “It was only when they began to acknowledge the death of their pilot that we saw the conclusions of our negotiations on return of the crew.”⁵ This portrait of a rational, purposive Chinese leadership also emerged in the account of John Keefe who was then a special assistant to US Ambassador Joseph Prueher: “On the Chinese side, pragmatism had won out”, and although “Chinese officials’ attitudes continued to range from hard-edged ambivalence to hostility, these same officials also repeatedly stressed that the Incident should not derail the US-China relationship.”⁶

By contrast, other authors presented a more strategic and power-based explanation of China’s Hainan policy. In this “realist” analysis, Chinese decision-making was highly centralised, not driven by the military or “rabid nationalism” and purposively produced a tough initial policy. Citing “high-level sources in Beijing”, these writers reported that the dozen members of the Standing Committee of the Politburo and Central Military Commission (CMC) decided on a “hard line” because it “was part of a larger diplomatic strategy ... [of] weakening the US security role in Asia so that China can play a larger role”. In this rational unitary explanation,

³ “China-US Relations: What Now? With Jonathan D. Pollack”, *Washingtonpost.com Live Online website*, 11 Apr. 2001 (hereafter Pollack).

⁴ Testimony of David Shambaugh, “Where Are US-China Relations Headed?”, *Hearing before the Subcommittee on East Asian and Pacific Affairs, United States Senate*, 107th Congress, 1st Session, 1 May 2001 (Washington, DC: US GPO, 2001).

⁵ Pollack.

⁶ John Keefe, “A Tale of ‘Two Very Sorries’ Redux”, *Far Eastern Economic Review*, 21 Mar. 2002, p. 31 (hereafter *FEER*).

“Beijing used the Incident to prove to Washington and to Asian capitals its critical role as a guarantor of regional, if not world, stability in the new century.”⁷ Presenting a similar analysis, Larry Wortzel argued that the detention of the American plane and crew, along with the detention of other Americans in China, “demonstrates that China is embarking on a path of intimidation and coercion aimed at forcing America and other countries to meet its demands”.⁸ According to other writers, the Chinese demand for an apology was an effort to elicit an American acknowledgment of blame for the accident. “The broader purpose of the Chinese demand”, however, “was to inflict upon the US a public international humiliation” with the intent of “consciously and deliberately forcing the United States to lose face, and thereby to admit its weakness”.⁹

Proponents of the purposive and unitary approach have also offered explanations of the US response to the Incident. According to Pollack, for example, President Bush “had to begin from the realities that ... China ... had the crew and ... the plane”, and his policy response “had very little to do with US business interests”. He acknowledged, however, that “Bush may well have feared losing control of this issue in US domestic politics.”¹⁰ Top officials in the Bush Administration have also explained the American response as a product of rational unitary decision-making, pointing to “the unified approach the president laid out” and how he “made the determination to let the negotiators do their negotiating”.¹¹ These insider accounts are illuminating but must be treated with caution since they can also be self-serving.

Domestic Conflict Explanations

In contrast to the purposive unitary approach, other analysts believe that it is the domestic conflicts within states which are critical in foreign policy-making. Instead of being the purposive choices of states, policies emerge out of a political process involving many actors within states. In the analysis of China-US relations, scholars have examined various domestic influences on this bilateral relationship including

⁷ Bruce Gilley and David Murphy, “Power Play in Hainan”, *FEER*, 19 Apr. 2001.

⁸ Larry Wortzel, “How to Respond to China’s Coercive Behavior”, Backgrounder no. 1431, 18 Apr. 2001, *Heritage Foundation* (hereafter Wortzel).

⁹ Robert Kagan and William Kristol, “A National Humiliation”, *Weekly Standard* 6, no. 30 (16–23 Apr. 2001): 11–6.

¹⁰ Pollack.

¹¹ *Washington Post*, 12 Apr. 2001 (hereafter *WP*).

the effects of interest groups, public opinion, businesses, bureaucracies, institutions and a combination of these and other domestic factors.¹²

Within about the past 15 years, due largely to three major developments, this second approach to China-US relations has become more salient. First, the end of the Cold War has eroded the anticommunist consensus that gave American policymakers extraordinary autonomy from domestic groups in conducting foreign policy. In China-US relations, moreover, the Nixon-Kissinger and Mao-Zhou days of strategic clarity when US-China rapprochement triangulated against the Soviet Union no longer exist.

Second, as China becomes more integrated into the global economy and China-US economic interdependence increases, zero-sum conflicts over security issues are frequently overtaken by positive-sum economy-related “coordination problems”. Directly and differentially affected domestic groups involved in disputes over trade, investment, labour standards, intellectual property rights, etc., naturally seek to protect their interests by influencing the foreign policies and negotiating positions of their governments.

Third, as market reforms have been implemented nationally in China and democratic electoral experiments conducted locally, the authoritarian Communist leaders have become more constrained by the demands of public opinion and newly mobilised groups. They have necessarily had to rely increasingly on popular nationalism and rising economic standards to legitimise their political monopoly.¹³

¹² Robert Ross, ed., *After the Cold War* (Armonk, NY: M.E. Sharpe, 1998); Ramon Myers, Michel Oksenberg and David Shambaugh, eds., *Making China Policy* (Lanham, MD: Rowman and Littlefield, 2001); David Lampton, *Same Bed, Different Dreams* (Berkeley, CA: University of California Press, 2001); David Skidmore and William Gates, “After Tiananmen”, *Presidential Studies Quarterly* 27, no. 3 (Summer 1997): 514–39; Kenneth Lieberthal, “Domestic Forces and Sino-US Relations”, in *Living with China*, ed. Ezra Vogel (NY: Norton, 1997); Michael Swaine, *China: Domestic Change and Foreign Policy* (Santa Monica, CA: RAND, 1995); Robert Sutter, *U.S. Policy Toward China* (Lanham, MD: Rowman and Littlefield, 1998); John Dietrich, “Interest Groups and Foreign Policy: Clinton and the China MFN Debates”, *Presidential Studies Quarterly* 29, no. 2 (June 1999): 280–96; Charles Tien and James Nathan, “The Polls — Trends: American Ambivalence Toward China”, *Public Opinion Quarterly* 65 (2001): 124–38; Yufan Hao, *Dilemma and Decision* (Berkeley, CA: Institute of East Asian Studies, University of California, 1997).

¹³ Allen Whiting, “Chinese Nationalism and Foreign Policy After Deng”, *China Quarterly* 146 (June 1995): 295–316; Thomas Metzger and Ramon Myers, “Chinese Nationalism and American Policy”, *Orbis* 42 (Winter 1998): 21–36.

China scholars and policy analysts such as Kenneth Lieberthal, Minxin Pei, Yasheng Huang and Douglas Paal have closely examined the disputes between the accommodationists (or “moderates” or “reformers”) and the hard-liners (or “conservatives” or the “military”) within the government and the influence of nationalism and public opinion. In their view, China’s initial demands and ultimate decision to release the American crew were the result of domestic compromises between rival factions within the leadership and bureaucracy.¹⁴ Other observers regard the bargaining among China’s top leaders as more important. According to former US Ambassador to China Winston Lord, for example, “there’s a debate in the politburo between those who want to take a hard line and those who say, ‘We’ve got to deal with the Bush administration for four years, let’s try to get out of this thing.’” On one side there are “probably those who say, ‘We’ve got to teach this new administration we can’t be fooled with’”, while on the other side “you have those probably including Jiang Zemin and the premier Zhu Rongji who say, ‘We can get some advantage out of this but let’s not push it too far.’”¹⁵

Domestic conflict explanations have also been used to explain the US response to the Hainan Incident. These highlight the internal divisions between the accommodationists led by Secretary of State Colin Powell and National Security Advisor Condoleezza Rice, and the hard-liners led by Secretary of Defence Donald Rumsfeld and Vice President Richard Cheney. In these explanations, the response of the Bush Administration was a triumph for the moderates over the conservatives.

Both supporters and critics of the Bush policy have presented various domestic conflict explanations. Supporters such as Nicholas Lardy, for example, argued “There was some tension — there’s no doubt. This is a victory for Secretary Powell and a more realistic, less ideological approach towards dealing with China.” Similarly, Joseph Montville observed, “There has been, apparently, a little drama in terms of who has the most influence on the president’s decision-making. This looks like a very strong win for ... the secretary of state.”¹⁶ At the same time, critics of the Bush administration’s Hainan policy such as conservative analyst Gary Schmitt grouched, “it was only the secretary

¹⁴ “The Surveillance Plane Crisis”, *Brookings Institution Press Briefing Transcript*, 12 Apr. 2001 (hereafter *Brookings Transcript*); *NewsHour with Jim Lehrer Transcript*, 10 Apr. 2001 (hereafter *Lehrer Transcript*).

¹⁵ *ABCNews.com*, 3 and 4 Apr. 2001.

¹⁶ *ABCNews.com*, 11 Apr. 2001.

of state and a few select friends of China who were able to deliberate within the administration, and everybody else was told to shut up.”¹⁷

Two-level Negotiations Approach

Despite their usefulness, neither purposive unitary explanations nor internal conflict explanations adequately address the simultaneous influences of both international and domestic factors. But since there are few analyses of China-US relations that systematically integrate domestic and international influences (an important exception is David Lampton’s work¹⁸), and empirical indications suggest Chinese and American statesmen negotiated formally and informally with each other and also with their domestic constituencies during the Hainan Incident, a more explicitly two-level analysis promises to clarify our understanding of it further.

Two-level Games and Negotiation Theory

In Robert Putnam’s seminal “two-level games” approach, international relations are explained as the product of simultaneous political processes (i.e., heuristic “games”) conducted at the international level between states (Level 1), and at the domestic level between states and their societal constituencies (Level 2). Foreign policies are determined not only by state-centric assessments of strategic/economic interests and relative power capabilities, but also by the constraints of domestic groups on the negotiating positions of states. Each international actor has a “win-set” consisting of all the policy options that are acceptable to political leaders on the one hand, and ratifiable by domestic constituencies on the other. For Putnam, the negotiating positions of each state can be conceptualised as “political indifference curves” that represent all possible trade-offs between domestic interests. If the minimum ratifiable political indifference curves of states overlap, then international agreement is possible. This overlap in the “win-sets” of states delimits a policy space where cooperation is possible, while conflicts or stalemates occur outside of this zone.¹⁹

Incorporating some useful concepts derived from negotiation theory can enhance this two-level analysis of international cooperation. First, the minimum

¹⁷ *WP*, 12 Apr. 2001.

¹⁸ An important exception is David Lampton’s recent book cited in footnote 12.

¹⁹ Robert Putnam, “Diplomacy and Domestic Politics: The Logic of Two-Level Games”, *International Organization* 42, no. 3 (Summer 1988): 446–7; Peter Evans, Harold Jacobson and Robert Putnam, eds., *Double-Edged Diplomacy* (Berkeley, CA: University of California Press, 1993).

ratifiable political indifference curve can be recast as the “resistance point” of each negotiator. This point represents the minimal gains that a negotiator is willing to accept in an agreement. Level 2 bargaining between the state and its domestic constituencies largely determines it. Immediately adjacent to it is the negotiator’s “batna” or “best alternative to negotiated agreement”. The minimal resistance point is reached when the negotiator prefers the batna to any lesser gains in the negotiations because any further concessions would be unratifiable domestically. The area between the resistance points of two states demarcates a potential “zone of agreement” where international cooperation is possible. The maximum scope of this agreement zone, in turn, is bounded by the outer limits of what the negotiators believe to be possible. This “Pareto frontier” is an abstraction that is useful conceptually, but difficult to determine precisely (see Figure 1).²⁰

Figure 1. *Enlarging the Zone of Agreement in Two-level Negotiations*

Sources: Modified from Odell, *Negotiating the World Economy*, p. 29; Watkins and Rosegrant, *Breakthrough International Negotiation*, p. 32 and Raiffa, *Negotiation Analysis*, p. 263.

²⁰ John Odell, *Negotiating the World Economy* (Ithaca, NY: Cornell University Press, 2000), pp. 26–31; Michael Watkins and Susan Rosegrant, *Breakthrough International Negotiation* (San Francisco, CA: Jossey-Bass, 2001); Howard Raiffa, with John Richardson and David Metcalfe, *Negotiation Analysis* (Cambridge, MA: Harvard University Press, 2002).

Two-level negotiation analysis offers a promising new approach to both the demarcation and modulation of the zone of agreement. Since the resistance point delimits the minimal ratifiable political indifference curve of each state, shifts in the location of the batna can alter the size of the “win-set” and thereby affect the outcome of international negotiations. Specifically, a downward shift in the resistance points enlarges the zone of agreement and enhances international cooperation while an upward shift reduces the agreement zone and restricts international cooperation. Finally, opposing negotiators can realise additional joint gains by discovering that they have underestimated the location of their “Pareto frontier”. Through brainstorming for new value-creating compromises or deciding that intractable issues can be postponed, they might find that their agreement zone is larger than originally believed because their true “efficiency frontier” extends further out than they realised.

Four Propositions on Determining Resistance Points

Two-level analysis begins with the uncontroversial argument that international cooperation between states requires some overlap in their minimally acceptable negotiation positions. These minimally acceptable “resistance points”, however, are significantly affected by bargaining between statesmen and their domestic constituencies. Such Level 2 determinants of Level 1 negotiating positions can be presented in the form of four propositions. The first three propositions are commonly known hypotheses derived from the “two-level games” approach. The new fourth one examines the effects of the joint deflection of Level 2 domestic opposition on the success of Level 1 agreements.

The first two standard propositions can be found in Robert Ross’ game theoretic analysis of the China-US relationship following the Tiananmen Incident.²¹ In Proposition #1, if the domestic opposition to a bilateral agreement is relatively strong, then political leaders need to pursue a Level 2 strategy of “cooperation” towards domestic hard-liners and a strategy of “defection” in their Level 1 negotiations with adversaries. In so doing, their resistance points remain rigid or are raised and the zone of agreement remains unchanged or becomes constricted.²²

²¹ Robert Ross, “The Diplomacy of Tiananmen: Two-Level Bargaining and Great-Power Cooperation”, *Security Studies* 10, no. 2 (Winter 2000/1): 158, 171, 174.

²² In standard game theory, rational players can choose either to “cooperate” with or “defect” (i.e., not cooperate) against each other.

Proposition #2, in contrast, posits that if the domestic opposition to a bilateral agreement is relatively weak, then political leaders can pursue a Level 2 strategy of “defection” towards domestic hard-liners and a strategy of “cooperation” towards their Level 1 adversaries. By absorbing the domestic political costs of this defection, leaders can unilaterally lower their resistance points and thereby enlarge the zone of agreement to enhance Level 1 cooperation.²³

In addition to these straightforward Level 2 determinants of Level 1 bargaining, there are also a number of signalling strategies that statesmen can pursue. To affect the calculations of their adversaries in Level 1 bargaining, for example, statesmen can pursue commonly known strategies such as “tying hands”, “cutting slack” or “sinking costs”.²⁴ Of these standard kinds of Level 2 manoeuvres, the most familiar and apparently most effective is “tying hands” in which statesmen seek greater Level 1 concessions by signalling to other statesmen that their resistance points cannot be lowered because their “hands” are “tied” by Level 2 constraints.²⁵ Hence, Proposition #3 posits that if one state has “tied hands”, the other state should be prompted to lower its resistance point and yield greater concessions in their Level 1 bargaining. However, if both states pursue this strategy of “tying hands”, then cooperation between them is unlikely.

In implicit and unofficial ways, political leaders can also influence their resistance points through the joint “deflection” of domestic constraints.²⁶ Proposition #4 posits that if statesmen can modulate their concessions jointly to deflect the ire of their respective domestic critics, they would be more likely to lower their resistance points and successfully negotiate an agreement. Through implicit or uncoordinated adjustments, they yield just enough to allow the other side to win over some domestic critics and thereby help each other reduce the strength of their respective Level 2 oppositions. In so doing, they unofficially help each other lower their respective resistance points. Instead of defecting against Level 2 hard-liners, statesmen are deflecting their domestic oppositions by placating enough of their critics to render the remaining opponents sufficiently weak to ignore or suppress. In the Hainan Incident, the evidence suggests that

²³ Ross, “Diplomacy of Tiananmen”, pp. 159, 161, 174.

²⁴ Andrew Moravcsik, “Introduction”, in Evans, Jacobson and Putnam, *Double-Edged Diplomacy*, p. 28.

²⁵ James Fearon, “Signalling Foreign Policy Interests: Tying Hands versus Sinking Costs”, *Journal of Conflict Resolution* 41, no. 1 (Feb. 1997): 68–90.

²⁶ “Deflection” refers to the turning aside or sidetracking of some domestic opposition through the offer of some concessions.

linguistic flexibility and semantic ambiguity played crucial roles in facilitating the joint modulation of the eventual resistance points.

The short duration of this Incident and clarity of the issues involved make this case very suitable for introducing the “two-level negotiations” approach and undertaking a plausibility probe of these for propositions. In a short crisis, the testing of hypotheses is facilitated because the temporal sequence, negotiated trade-offs, key participants and other contextual factors are usually clear and stable.

Initial Resistance Points in the Hainan Incident

Initial Resistance Point of the US

The initial demands of American policymakers were the immediate access to the detained crew, prompt return of the crew and plane and respect for the “sovereign immunity” of the EP-3E aircraft. “The first step,” Bush declared on 2 April, “should be immediate access by our Embassy personnel to our crew members.” Irritated by Chinese delays in responding to American queries, he added, “I am troubled by the lack of a timely Chinese response to our request for this access. Failure of the Chinese Government to react promptly to our request is inconsistent with standard diplomatic practice and with the expressed desire of both our countries for better relations.” The following day, Bush again lectured the Chinese for being wayward and asserted US prerogatives regarding acceptable Chinese behaviour and standards of rectitude: “We have allowed the Chinese Government time to do the right thing. But now it is time for our service men and women to return home, and it is time for the Chinese Government to return our plane.”²⁷

Other Administration officials echoed the President’s demands. Speaking on behalf of the US Pacific Command, Lt. Colonel Stephen Barger said simply, “We’re just concerned about the safety and welfare of the crew and the return of that plane.” At a 1 April briefing, Admiral Dennis Blair further insisted that the American plane was “sovereign-immune territory”. Prueher reiterated on 2 April that the plane enjoyed “sovereign immune status” that “precluded foreign search, boarding, or seizure or detention of the aircraft without US consent”. Rear Admiral Craig Quigley also tortuously explained, “When you have diplomatic exchanges, military visits, any purpose for a state-owned aircraft to be on another nation’s

²⁷ *Weekly Compilation of Presidential Documents* 37, no. 14: 560, 572 (hereafter *WCPD*).

soil, it is common diplomatic practice to not have that aircraft subject to inspections or boardings. ...”²⁸

Initial Resistance Point of China

The Chinese initially demanded an apology from the US, an admission of blame and a halt to further American aerial surveillance along China’s coast. At a 3 April joint meeting of the CMC and Standing Committee of the Politburo, China’s top leaders decided that the American plane and crew would be released only after the US Government issued a formal apology for the Incident.²⁹ President Jiang Zemin bluntly declared, “The United States should apologise to the Chinese for this incident, ... bear all responsibilities for the consequences of the incident ... [and] should stop this kind of flight in airspace along the coast of China.” Foreign Ministry spokesman Zhu Bangzao reiterated, “The US side must face up to the facts, bear full responsibility, apologise to China, and not seek any excuse to shirk its responsibility.” Insisting that “the US side should be held fully responsible and apologise”, Chinese Ambassador to the US Yang Jiechi demanded that the United States “stop such flights along China’s coast and over its territorial airspace”.³⁰

While presenting these initial demands, China also rejected the initial demands of the US. There would not be an immediate or prompt release of the American crew and plane until Chinese demands were met. China also intended to investigate the Incident fully by questioning the American crew and examining the spyplane. Zhu declared, “As the victim country, China is fully entitled to conduct investigations into the case.” Explicitly rejecting the American “sovereign immunity” claim, he insisted “there was no question of ‘immunity’”, since “this was not a civilian plane but a military plane that entered without permission,

²⁸ *WP*, 2 Apr. 2001; Transcript of US Pacific Command Briefing on China-US Plane Incident, 1 Apr. 2001, by Admiral Dennis Blair, Commander in Chief, US Pacific Command, <<http://www.defense-aerospace.com/data/verbatim/data/ve171/index.htm>>; Ambassador Prueher On-the-Record Press Conference, Beijing, PRC, 2 Apr. 2001, <<http://www.usconsulate.org.hk/uscn/usemb/2001/040201.htm>>; *WP*, 3 Apr. 2001; United States Department of Defense News Briefing Transcript, 3 Apr. 2001, <http://www.defenselink.mil/news/Apr2001/t04032001_t403dasd.html>.

²⁹ Gilley and Murphy, *FEER*, 19 Apr. 2001, p. 16.

³⁰ *China Daily*, 3 Apr. 2001 (hereafter *CD*); Beijing *Xinhua*, 3 Apr. 2001 in FBIS-CHI-2001-0403 (hereafter *XH*); Beijing *XH*, 4 Apr. 2001 in FBIS-CHI-2001-0404; *WP*, 4 Apr. 2001; *New York Times*, 4 Apr. 2001 (hereafter *NYT*).

violating international and Chinese law. If this plane is sovereign American territory,” he asked, “how has the American territory moved to the Chinese land?”³¹ Finally, irritated by the brusque American demands and seeming indifference to the loss of the Chinese pilot, Chinese officials also demanded some respect and consideration from the US. Foreign Minister Tang Jiaxuan complained to Prueher that the US “did not face up to the reality or take responsibility” for the collision. “On the contrary, it has displayed an arrogant air, used lame arguments, confounded right and wrong, and made groundless accusations against China.”³²

Level 2 Constraints on Level 1 Negotiations

Level 2 bargaining with their domestic hard-liners apparently affected the initial resistance points of both Chinese and American statesmen. Although domestic constraints on Level 1 negotiating positions are difficult to ascertain, especially in authoritarian countries, the available evidence suggests that American and Chinese leaders were both constrained in their Level 1 bargaining by their respective domestic constituencies.

Level 2 Bargaining and the US' Resistance Point

From the beginning of the crisis, Bush and his advisers firmly rejected yielding to the Chinese demand for an apology. Powell insisted on 3 April, “We have nothing to apologise for. We did not do anything wrong. Our plane was in international airspace.” Indeed, according to a senior Administration official, a statement of regret was “not even in question” during the first few days.³³

The disinclination of the Bush Administration to yield to Chinese demands was reinforced by the political constraints imposed by domestic hard-liners. The American military, for example, generally viewed the brewing crisis as another indication that a rising China posed dangers to American allies and regional security. Retired Rear Admiral Michael McDevitt observed, “Many in the US military already had a vague sense of China as a possible military problem and

³¹ Beijing *Zhongguo Xinwen She*, 3 Apr. 2001 in FBIS-CHI-2001-0403; Beijing *XH*, 3 Apr. 2001 in FBS-CHI-2001-0403; *NYT*, 4 Apr. 2001; *CD*, 3 Apr. 2001; Beijing *XH*, 3 Apr. 2001 in FBIS-CHI-2001-0403; *WP*, 4 Apr. 2001.

³² *CD*, 4 Apr. 2001; Beijing *XH*, 4 Apr. 2001 in FBS-CHI-2001-0404; *WP*, 5 Apr. 2001.

³³ Office of International Information Programs, US Department of State, Transcript of Powell Briefing on China-US Aircraft Accident, 3 Apr. 2001; *WP*, 4 Apr. 2001.

this is suspicion confirmed.” For many military hawks, the desire to respond with force was restrained only by a concern for the safety of the crew. “After we get our people out,” declared an infuriated senior Navy officer, “we should denounce all these equivocal statements we made to spring them. And then we should bomb the damn plane on the tarmac.”³⁴

Many conservatives within the Republican Party shared these apprehensions about Chinese intentions and viewed China as a “strategic competitor” to the US. According to Representative Joseph Pitts (R-Pennsylvania) for example, “China’s belligerence is outrageous. It violates international agreements ... and damages US-China relations. President Bush should stand firm and strong and demand an apology from the dictators in Beijing.” Another Representative, Tom Tancredo (R-Colorado) declared, “We’re not going to get anything by pussyfooting around them. They understand and respect power and they respect a no-nonsense approach.” A “soft policy” towards China, insisted conservative activist Gary Bauer, would cause “profound alienation” between the Party’s grassroots and leaders. A failure to respond appropriately to “the challenge China represents”, warned a former Reagan Defense Department official, would be “the end of Bush’s honeymoon with conservatives”.³⁵

Other critics of China raised the spectre of damaging consequences on future bilateral issues. Representative Mark Kirk (R-Illinois) warned that if the Incident was not resolved in two weeks, “the Chinese will begin to pay a price”, while Representative Frank Wolf (R-Virginia) blustered, “If they want trade with us, they should act like a civilised nation.” One conservative activist complained, “What you’ve done is see the Chinese misbehave and pay no cost at this point for their misbehaviour.”³⁶

The demands of domestic hard-liners probably placed constraints on the policy choices available to the Bush Administration. Since they were largely conservative Republicans who were core supporters of the President, these advocates of a tough response to China wielded significant influence. Of even greater consequence, however, the tough Chinese demands threatened to alter the level of domestic support behind American policy towards China. Proponents of diplomatic “engagement” with China (including Republican businessmen) were placed on the defensive, while advocates of military “containment” gained wider

³⁴ *WP*, 12 Apr. 2001; *Time Asia*, 16 Apr. 2001 (hereafter *TA*).

³⁵ *ABCNews.com*, 5 Apr. 2001; *Stars and Stripe*, 6 Apr. 2001; *Wall Street Journal*, 4 Apr. 2001 (hereafter *WSJ*); *WP*, 10 Apr. 2001.

³⁶ *WP*, 5 Apr. 2001; *Stars and Stripe*, 6 Apr. 2001; *WP*, 12 Apr. 2001.

support. As former Reagan official Kenneth Adelman observed, the Hainan Incident “weakens the supporters of China and very much emboldens those with suspicions that China’s up to no good in the world. Politics is about intensity, and you really zap the intensity out of the pro-China folks.”³⁷ Given the influence of domestic hard-liners and the shifting of domestic support, it was extremely difficult for the Bush Administration to yield to China’s tough initial demands (even if it was inclined to do so) and lower the initial US resistance point. In an instance of Proposition #1, this need to cooperate at Level 2 with domestic hard-liners contributed to the initial US defection against China in the Level 1 negotiations.

Level 2 Bargaining and China’s Resistance Point

Like their American counterparts, Chinese leaders also formulated their initial resistance point under constraints imposed probably by their Level 2 bargaining with domestic hard-liners. In an authoritarian political system, however, such negotiations are difficult to ascertain given the prudent reticence of critics and the absence of interview data with top officials. Nevertheless, there is some evidence to indicate that domestic hard-liners and nationalists exerted some influence on China’s initial resistance point. In an instance of Proposition #1, evidence suggests that Chinese leaders defected against the US in the initial Level 1 negotiations in order to cooperate with their Level 2 critics.

First, during the early days of the crisis, the People’s Liberation Army (and especially the Guangzhou military region) wielded great influence because it supplied the information (and misinformation) about the Incident to China’s top leaders and controlled both the American aircraft and its crew. In relaying their account of the Incident up the chain of command, there were ample opportunities for the recounting of events to be “‘massaged’ or ‘sanitised’ by senior military officers predisposed to tell a PLA-friendly story and place the US actions in the worst possible light”.³⁸ By the time the CMC informed the Politburo Standing Committee, the PLA controlled the official version of the Incident as well as the plane and crew. According to Assistant Secretary of State James Kelley, both plane and crew “became in effect the property of the People’s Liberation

³⁷ *WP*, 12 Apr. 2001.

³⁸ James Mulvenon, “Civil-Military Relations and the EP-3 Crisis”, *China Leadership Monitor* 1, no. 1 (Sep. 2001): 4.

Army ... and apparently some kind of bargaining process then began with the authorities in Beijing".³⁹ Some members of the military opposed the return of both the plane and crew. One Chinese electronic warfare specialist argued that the equipment should be retained because "China is unable to estimate how much valuable intelligence the plane has collected and where the intelligence is stored on the plane." The crewmembers, meanwhile, should be held because "they already know in their minds a number of important electronic warfare parameters of the Chinese armed forces." Hence, "just releasing these Americans constitutes a heavy loss to the Chinese military".⁴⁰

Second, all published statements throughout the crisis by Chinese military leaders and the *Liberation Army Daily* called for tough conditions without the slightest hint of concessions.⁴¹ Even as the Foreign Ministry sought a negotiated solution, Chinese military leaders consistently demanded an apology from the US as the price for the release of the American plane and crew. As Chinese Defense Minister Chi Haotian stated, "The United States must face the facts, assume responsibility, apologise to the Chinese people and take measures to ensure that such Incidents don't happen again." While on a visit to New Zealand, CMC Vice-Chairman Zhang Wannian reiterated Chinese demands for an American apology and for "the United States to stop its spy flights along China's coastal areas". On 9 April he said, "Only if the US side adopts a pragmatic and co-operative approach and takes seriously the Chinese people's request can this Incident be handled properly."⁴² Although difficult for outsiders to ascertain, these demands of the Chinese military probably placed constraints on the policy options of the top leaders. According to a former Chinese official, the military "will insist that Jiang hang tough" in the negotiations over the American plane and crew. "There's no doubt," concluded a senior Bush administration analyst that "China's Defence Ministry is the force behind the increasing difficulties we're experiencing."⁴³

³⁹ Testimony of James Kelley, Assistant Secretary of State for East Asian and Pacific Affairs, "Where Are China-US Relations Headed?", *Hearing before the Subcommittee on East Asian and Pacific Affairs, United States Senate*, 107th Congress, 1st Session, 1 May 2001 (Washington, DC: US GPO, 2001).

⁴⁰ Hong Kong *Sing tao jih pao*, 7 Apr. 2001, in FBIS-CHI-2001-0407.

⁴¹ Mulvenon, "Civil-Military Relations", pp. 6-7.

⁴² *CD*, 8 Apr. 2001; *CD*, 11 Apr. 2001; *Hong Kong AFP*, 9 Apr. 2001 in FBIS-CHI-2001-0409 (hereafter *HK AFP*).

⁴³ *TA*, 16 Apr. 2001; Richard Sale, "Analysis: PLA Driving Crisis", *United Press International*, 10 Apr. 2001, <<http://www.globalsecurity.org/org/news/2001/010410-aries5.htm>>.

A third piece of evidence pointing to the influence of hard-liners can be derived from the dynamics of China's political succession. Jiang apparently pledged in 1997 at the 15th Party Congress, to relinquish his position as General Secretary of the Communist Party in 2002 and as President in 2003. Like Deng Xiaoping before him, however, he sought to retain his backstage influence by remaining Chairman of the powerful CMC. To retain the support of senior military leaders, he probably sought to accommodate their demands for a tough stance against the US.⁴⁴ "If [Jiang] caves in to the Americans," observed a Chinese military analyst, "the military won't give him their support." According to Lieberthal, who served on President Clinton's National Security Council, "the biggest problem to moving this forward more rapidly has been the Chinese military. The last thing in the world he [Jiang] wants to do is to see this conclude in a way where the Chinese military is going to start putting out the word that this man caved in to US pressure and sold out China's interests."⁴⁵

A fourth piece of evidence revealing the influence of hard-liners is the apparent factionalism within China's political elite. Among China scholars, it is widely believed that "reformers" who advocate varying degrees of economic and political liberalisation are pitted against "conservatives" who oppose these reforms to varying degrees.⁴⁶ Although the influence of the "conservatives" has been declining since the 1990s, Joseph Fewsmith observed that "events like the bombing of the Chinese embassy in Belgrade and the recent Incident off Hainan Island bring a quick, if temporary, revival of their fortunes".⁴⁷ Under these circumstances, internal struggles and compromises within the ruling elite explain China's tough response to the Incident. Indeed, since "the current leadership is really ... a fragile coalition formed among groups with divergent interests and views," argued Minxin Pei, "decision-making is by necessity very, very slow and often is made with compromise."⁴⁸

A fifth empirical indicator of the influence of domestic hard-liners on China's initial resistance point is the public reaction to the Incident. Nationalistic public opinion probably also placed constraints on the policy options of China's top

⁴⁴ Mulvenon, "Civil-Military Relations", p. 5.

⁴⁵ *WP*, 8 Apr. 2001; *Lehrer Transcript*, 10 Apr. 2001.

⁴⁶ Joseph Fewsmith, *China Since Tiananmen* (Cambridge: Cambridge University Press, 2001).

⁴⁷ Testimony of Joseph Fewsmith in "After Hainan", *Hearing before the Subcommittee on East Asia and the Pacific, House of Representatives*, 107th Congress, 1st Session, 25 Apr. 2001 (Washington, DC: US GPO, 2001), p. 49.

⁴⁸ *Brookings Transcript*.

leaders.⁴⁹ As a result of the political and economic reforms implemented during the past 20 years, Chinese public opinion has become more important politically, even though its precise effects vary and are difficult to specify. Nevertheless, judging by the numerous angry comments of ordinary Chinese reported in newspapers⁵⁰ and the flood of anti-American postings on websites,⁵¹ many Chinese believed that the US has engaged in a series of unfriendly actions against China for over a decade. To them, the Hainan spyplane Incident and death of Wang Wei were simply the latest manifestations in a series of hostile American acts that included weapons sales to Taiwan, obstruction of China's entry into the WTO, criticism of China's human rights record, opposition to Beijing's bid to host the 2000 Olympics, the 1993 *Yin He* ship-boarding Incident and especially the May 1999 bombing of the Chinese Embassy in Belgrade. "Look what they did to our embassy in Yugoslavia," said one man in Haikou. "We didn't do much to them then. This time, it's no longer bearable."⁵²

Viewed by many Chinese as part of a larger "package" of anti-Chinese policies, the Hainan Incident sparked genuine anti-American sentiment that made it difficult for China's leaders to release the American plane and crew promptly. "If President Jiang gives into this [US demands]," observed a Chinese political analyst, "people are going to say he's soft, weak and that's deadly in China. It's not the right tactic. No one here wants to be seen as soft." At the very least, there could be no release of the crew until an acceptable American explanation was received, an investigation of the Incident was conducted, the plane's surveillance equipment examined and the search for the missing Chinese pilot completed. "If there is no apology," observed military analyst Zhang Yihong, "the leadership will not be able to explain to the Chinese people why they have released the crew." Similarly, according to Chu Shulong of the China Institute of Contemporary International Relations, "The leadership is concerned about the reactions of ordinary Chinese and their anger about the Incident. They are trying to satisfy public opinion to get the American government to apologise and explain. ... We lost a pilot, remember. There will be no way for us to release the crew at least until our search for him is over."⁵³

⁴⁹ Mulvenon, "Civil-Military Relations", p. 5.

⁵⁰ Beijing *Zhongguo Xinwen She*, 5 Apr. 2001, in FBIS-CHI-2001-0405; Beijing *XH*, 3 Apr. 2001 in FBIS-CHI-2001-0403; Beijing *XH*, 8 Apr. 2001 in FBIS-CHI-2001-0408.

⁵¹ *HK AFP*, 2 Apr. 2001, in FBIS-CHI-2001-0402; *HK AFP*, 11 Apr. 2001 in FBIS-CHI-2001-0411.

⁵² *HK AFP*, 4 Apr. 2001 in FBIS-CHI-2001-0404.

⁵³ *WP*, 4 Apr. 2001; *HK AFP*, 5 Apr. 2001, in FBIS-CHI-2001-0405.

Lowering Initial Resistance Points

The initial resistance points did not generate overlapping “win-sets” and thus prevented a prompt resolution of this Incident. The horizontal dotted line in Figure 2 represents the initial resistance point of the US. The high initial American demands for “sovereign immunity” and the prompt return of both the aircraft and crew are depicted above it. Meanwhile, the dotted vertical line represents China’s initial resistance point. China’s high initial demands for an apology and a halt to American aerial surveillance are depicted on the right side of it. Since the initial resistance points created a very small (and hence “empty”) initial zone of agreement, their “win-sets” did not overlap and no agreement was possible. As explained in the previous section, the available evidence indicates that these high initial resistance points might plausibly be explained as empirical instances of Proposition #1.

Figure 2. *Two-level Negotiated Resolution of Hainan Spy Plane Crisis*

Damage to the Overall Relationship

In order to resolve the growing crisis, American and Chinese negotiators had to lower their initial resistance points and thereby enlarge their zone of agreement.

Unless they were lowered, both countries risked deleterious consequences for more important issues involving trade, weapons sales (e.g., Aegis radar system to Taiwan, Chinese missiles to rogue nations) and regional stability. In their Level 1 state-to-state negotiations, they signalled to each other that serious damage to their mutually beneficial overall relationship was the true rock bottom resistance point for both sides. They probably also signalled to each other that they could not yield to each other's high initial demands because their hands were tied by their respective domestic hard-liners. Both sides probably attempted the "tying hands" strategy delineated in Proposition #3, although these signals were probably conveyed privately and have not been revealed publicly. Until insider accounts are publicly available, Proposition #3 cannot be confirmed with the currently available evidence.

In his 3 April remarks, Bush warned the Chinese, "This accident has the potential of undermining our hopes for a fruitful and productive relationship between our two countries. To keep that from happening, our service men and women need to come home." At a cabinet meeting on 9 April, he reiterated, "It is now time for our troops to come home, so that our relationship does not become damaged."⁵⁴ Other high-ranking members of the US Government also tried to highlight the true location of the resistance points for both countries. As Cheney emphasised, "Every day that goes by without having it resolved raises the risks to the long-term relationship." Similarly, Powell warned on 8 April, "The relationship is being damaged. The damage can be undone, but in order for the damage to be undone and no further damage to occur, we've got to bring this matter to a close as soon as possible."⁵⁵ This orchestrated message of potential damage to the overall relationship was coupled with an explicit reassurance to the Chinese that the US did not want such a deterioration. "It's in their nation's interests to end this situation as quickly as possible", explained Bush on 10 April because "the longer this goes, the more likely it is that it could — could — jeopardise relations, and we certainly don't want that to happen."⁵⁶

Chinese leaders similarly did not want to damage the mutually beneficial overall relationship with the US. As Foreign Ministry spokesman Sun Yuxi acknowledged on 5 April, "We do not want to see US-Chinese relations affected by this Incident." In a letter to Powell, Vice Premier Qian Qichen reiterated the Chinese demand for an American apology but also stated, "China hates to see

⁵⁴ *WCPD*, 37, no. 14: 572; *WP*, 10 Apr. 2001.

⁵⁵ *WP*, 9 Apr. 2001.

⁵⁶ *WCPD*, 37, no. 15: 594.

the bilateral relations damaged by this Incident. It has therefore kept a cool head and exercised great restraint in handling this matter.” At a 10 April news conference in Uruguay, Jiang asserted, “Given the important roles of our countries, I think we should find an adequate solution to this problem.”⁵⁷

Lowered Resistance Point of China

China’s high initial resistance point hampered a prompt resolution of the Incident. One Chinese political analyst worried, “By setting his price so high for the Americans — an apology — he [Jiang] is probably going to fail, whatever the outcome.”⁵⁸ Given their primary objective to preserve the mutually beneficial overall relationship with the US, however, Chinese leaders moved to lower their resistance point. Although Chinese military leaders such as Chi Haotian and Zhang Wannian continued to call for an apology and halt to American aerial reconnaissance off China’s coast, Chinese leaders risked the ire of intransigent domestic hard-liners by signalling a lowering of Chinese demands. This Level 2 defection against domestic hard-liners in order to seek Level 1 cooperation with the US is an instance of Proposition #2. “I want to emphasise,” Jiang stated on 5 April while visiting Chile, “that Chinese and US leaders should manage this situation with maximum interest in bilateral relations in order to find an adequate solution.” Then lowering the bar on what was an acceptable apology, he casually said, “I have visited a lot of countries and seen that it is normal for people to ask forgiveness, to say ‘excuse me’ when they collide in the street.”⁵⁹ On the same day, Sun reiterated, “We do not want to see US-Chinese relations affected by this Incident.” Responding to Powell’s conciliatory statements, he acknowledged, “The regret expressed by the US side is a step in the right direction to solving this question.” Although still insisting upon an apology, the Foreign Ministry spokesman omitted the earlier Chinese demands for an end to American aerial reconnaissance flights off China’s coast. “The crucial point,” he insisted instead, “is that the US side should take a co-operative attitude and treat China’s representations and protests seriously, admit their mistakes and apologise.”⁶⁰

⁵⁷ *WP*, 6 Apr. 2001; *CD*, 7 Apr. 2001; Beijing *XH*, 7 Apr. 2001 in FBIS-CHI-2001-0407; *CD*, 11 Apr. 2001; *HK AFP*, 10 Apr. 2001 in FBIS-CHI-2001-0410.

⁵⁸ *WP*, 8 Apr. 2001.

⁵⁹ *CD*, 7 Apr. 2001.

⁶⁰ *CD*, 5 Apr. 2001; *HK AFP*, 5 Apr. 2001, in FBIS-CHI-2001-0405; *WP*, 6 Apr. 2001.

Lowered Resistance Point of the US

The initial high resistance point of the US was similarly detrimental to a negotiated resolution of the brewing Hainan crisis. A worried Republican foreign policy veteran stated, “By saying we won’t apologise, we set the bar way too high.”⁶¹ Nevertheless, the initial American demands for “sovereign immunity” and the prompt return of the aircraft and crew were soon scaled back, simply to the expedited return of the crew. “I think we’ve already pretty much written off the hardware on the plane,” acknowledged a congressman after an intelligence briefing. “Right now, it’s the crew we care about.”⁶²

Acceding to Chinese demands for an American apology and a halt to aerial surveillance along China’s coast, however, was unthinkable given the opposition of American leaders and the demands for tougher action by hard-liners both within the Bush Administration and in the Republican Party. “We’ve made it very clear”, Cheney reiterated on 8 April that “We don’t think an apology’s in order.” The US also rejected the Chinese demand for a halt to aerial reconnaissance flights, with the Vice President insisting, “We absolutely have to continue to exercise our rights, and it is a right to be in international airspace for whatever purpose, and if that includes collection of intelligence, that’s appropriate.”⁶³

At the same time, however, Bush resisted pressure from hard-liners to threaten or impose retaliation against China on other issues (e.g., weapons to Taiwan, trade sanctions). As an analyst at the Center for Strategic and International Studies noted, “He ignored them, which is to his great credit. He did not let them affect his decisions. ...”⁶⁴ This refusal to yield to the Level 2 demands of domestic hard-liners in order to seek Level 1 cooperation with China is an instance of Proposition #2.

Joint Modulation of Eventual Resistance Points

The mutual desire of both countries’ leaders to preserve their overall bilateral relationship prodded them to lower their initially high resistance points and seek a negotiated resolution of the brewing Hainan crisis. In cooperating with each other, Chinese and American leaders defected against their domestic hard-liners. However, what made this defection politically sustainable was their unofficial

⁶¹ *TA*, 16 Apr. 2001.

⁶² *WSJ*, 4 Apr. 2001.

⁶³ *WP*, 9 Apr. 2001.

⁶⁴ *WP*, 12 Apr. 2001; *ABCNews.com*, 11 Apr. 2001.

joint modulation of their resistance points. To lower their initial resistance points successfully, each side needed to offer enough concessions to allow the other side to oppose or ignore their respective domestic hard-liners at a minimally acceptable political cost. Furthermore, the determination of the specific contents of their eventual lowered resistance points also depended upon placating some of their respective critics through these uncoordinated mutual concessions. Hence, the decisions to lower their initial resistance points are instances of Proposition #2, but the actual determinations of their eventual resistance points is more plausibly explained as instances of Proposition #4.

The Eventual Resistance Points

In searching for their eventual resistance point, Chinese leaders indicated they would accept some sort of oblique apology to end the crisis as long as the US treated China with respect. As Tang informed Prueher on 4 April, “China values its ties with the United States and hopes that the Incident will be settled properly at an early date. At the same time, China’s sovereignty and national dignity allow no infringement, and for the Chinese Government and people, safeguarding the national sovereignty and dignity is more important than anything else.” In other words, China values the bilateral relationship with the US and wishes to resolve the crisis, but the US must respect China’s sovereignty and dignity by issuing some sort of apology. As a sign of respect, such an apology was, as the *China Daily* editorialised, “a test of the US government’s genuine attitude towards the bilateral relationship”.⁶⁵

Chinese leaders were flexible about the specific nature of this apology, but they needed some such apology (before releasing the American crew) to moderate anti-American public opinion and thereby prevail in their formal and informal Level 2 bargaining with domestic hard-liners and nationalists. As Lieberthal explained, Jiang “wants to get a resolution that doesn’t tear apart the US-China relationship but that does at the same time go far enough to bring the military into support of the basic approach that he’s taken”.⁶⁶ The willingness of the US to offer an oblique apology was decisive in placating enough Chinese hard-liners and nationalists to enable Chinese leaders to lower their resistance point sufficiently to resolve the crisis. This determination of China’s eventual resistance point is

⁶⁵ CD, 4 Apr. 2001; Beijing XH, 4 Apr. 2001 in FBIS-CHI-2001-0404; WP, 5 Apr. 2001.

⁶⁶ *Lehrer Transcript*, 10 Apr. 2001.

plausibly explained as an instance of the joint modulation of concessions posited in Proposition #4.

US leaders similarly opted to preserve a mutually beneficial bilateral relationship by lowering the American resistance point. In exchange for the crew they accommodated to Chinese demands for some sort of apology as a sign of American respect for China's sovereignty and dignity. To placate American hard-liners, however, Bush and his top advisers explicitly stated that this more conciliatory message was not an apology. "I regret that a Chinese pilot is missing, and I regret one of their airplanes is lost," the President said on 5 April. "Our prayers go out to the family, to the pilot. Our prayers are also with our own servicemen and women, and they need to come home." A day earlier, Powell similarly said, "We regret that the Chinese plane did not get down safe, and we regret the loss of life of that Chinese pilot. But now we need to move on."⁶⁷

American expressions of regret were formally expressed in a letter delivered to Qian Qichen on 5 April. According to Keefe, this letter "broke the impasse" and improved the "tenor" of the subsequent discussions between Prueher and Assistant Foreign Minister Zhou Wenzhong.⁶⁸ "We have expressed regrets, we've expressed our sorrow, and we are sorry that a life was lost," Powell clarified on 8 April. "I think it's a very proper thing to express our regrets and sorrow over that." With regard to Wang Wei's widow, he added, "We're sorry that her husband was lost, no matter what the fault was."⁶⁹ The willingness of Chinese leaders to accept an American expression of regret and sorrow rather than an apology was decisive in placating enough American hard-liners to enable US leaders to lower their resistance point sufficiently to resolve the Hainan crisis. This determination of the eventual resistance point of the US is plausibly explained as an instance of the joint modulation of concessions posited in Proposition #4.

The Negotiated Settlement

The initial resistance points of China and the US created a very small initial zone of agreement that prevented a negotiated resolution of the brewing Hainan crisis. Faced with an impasse that threatened to undermine their mutually beneficial overall relationship, Chinese and American leaders engaged in two-level negotiations to lower their initial resistance points and thereby create some overlap

⁶⁷ *WP*, 6 Apr. 2001; *WP*, 5 Apr. 2001.

⁶⁸ Keefe, *FEER*, 21 Mar. 2002.

⁶⁹ *WP*, 9 Apr. 2001.

in their “win-sets”. In determining their eventual resistance points, they made unofficial and uncoordinated joint concessions that helped each other placate their respective domestic oppositions.

By offering the Chinese people some sort of oblique apology, US leaders helped their Chinese counterparts deflect the demands of domestic hard-liners for an explicit American apology and a halt to US aerial reconnaissance along China’s coast. As a result, Chinese leaders were able to lower their resistance point to entail some sort of American expression of US respect for Chinese sovereignty and US sorrow for the death of the Chinese pilot. Similarly, by indicating a willingness to accept some sort of oblique American apology, Chinese leaders helped their American counterparts deflect the demands by domestic hard-liners for no apology of any sort and even tougher retaliations against China. As a result, US leaders were able to lower their resistance point to entail the return of only the crew and the American expression of some sort of regret that showed some respect for China and the missing Chinese pilot. Both sides agreed to postpone all other issues (i.e., the EP-3E, compensation and surveillance flights) for future negotiations.

In the end, without using the word “apology”, the US officially apologised for the EP-3E entering China’s territory without prior authorisation and expressed sorrow for the missing pilot. In a formal letter to Tang signed by Prueher, the US was “very sorry the entering of China’s airspace and the landing did not have verbal clearance” and wished to “convey to the Chinese people and to the family of pilot Wang Wei that we are very sorry for their loss”.⁷⁰ By jointly lowering their resistance points, apparently against the wishes of their respective domestic hard-liners, the US and China enlarged their zone of agreement sufficiently to make possible a negotiated resolution of the crisis (see Figure 2).

Semantic Ambiguity and Linguistic Flexibility

In establishing the overlap in their eventual “win-sets”, Chinese and American negotiators were aided by the ambiguities surrounding the semantics and translations of the two “very sorries” in Prueher’s letter. Although the second “very sorry” apologised for entering Chinese airspace without authorisation, the first “very sorry” was used in a way that essentially expressed regret and sorrow.

Since the official American letter was in English, both sides were able to make their own Chinese translations. In the American translation issued by the

⁷⁰ *WP*, 12 Apr. 2001.

US Embassy in Beijing, the first “very sorry” was translated as “*feichang wanxi*” (i.e., great sympathy) to the Chinese people and the family of Wang Wei. The second “very sorry” was translated as “*feichang baoqian*” (i.e., extremely sorry) that the American plane landed without Chinese permission. In the Chinese translation printed in *People’s Daily*, however, the two “very sorries” were translated as “*shenbiao qianyi*” (i.e., deep expression of apology or regret), which in the Chinese language entails an admission of wrongdoing and an acceptance of responsibility.⁷¹ This official Chinese translation was reprinted in all tightly controlled state newspapers and the American letter was described in these newspapers using the strong Chinese words for apology “*dao qian*” and “*zhi qian*”.⁷²

Semantic Ambiguity and Joint Deflections

These differences in semantics and translations helped both sides deflect the criticism from their domestic hard-liners that they yielded too much in the negotiations. After the release of the crew, some conservative critics condemned American leaders for yielding to Chinese demands for an apology. “The Bush administration has caved publicly to the Chinese communists,” charged the president of the conservative Judicial Watch foundation, “and we aim to find out if any secret promises were made to the ‘Butchers of Beijing’ behind closed doors.”⁷³ By insisting that they did not issue an apology while procuring the return of the crew, however, American leaders shifted the domestic support on this issue sufficiently in their favour to make their deflection of domestic hard-line opposition politically sustainable. For example, Larry Wortzel of the conservative Heritage Foundation concluded that “Bush and Secretary of State Colin Powell appropriately expressed America’s regret for the loss of the Chinese pilot’s life from the collision. However, because the Incident was accidental and the US was neither negligent nor responsible, the President rightly refused to apologise. Furthermore, the Administration has made it clear that it will resume surveillance flights.”⁷⁴ “The president has handled the situation very adeptly — I think he’s prevented a tough situation from becoming worse,” similarly concluded the hawkish Republican Congressman Joseph Pitts. “What

⁷¹ Hang Zhang, “Culture and Apology: The Hainan Island Incident”, *World Englishes* 20, no. 3 (2001): 390; Beijing *Zhongguo Xinwen She*, 11 Apr. 2001, in FBIS-CHI-2001-0411; *WP*, 12 Apr. 2001.

⁷² *HK AFP*, 12 Apr. 2001 in FBIS-CHI-2001-0412.

⁷³ *ABCNews.com*, 11 Apr. 2001.

⁷⁴ Wortzel.

he is saying is that they're very sorry about the loss of life ... and although we didn't cause it, we're not pleased when anything like this happens." As even some advocates of containment and retaliation grudgingly conceded, "By this point Bill Clinton would have apologised three times to the world." But as Powell pointedly reassured Americans after the release of the crew, "there is nothing to apologise for ... we did not do anything wrong, and, therefore, it is not possible to apologise."⁷⁵

Chinese leaders, meanwhile, were able to claim that they extracted an American apology as the price for releasing the crew. The *People's Daily* crowed, "Our government and people have carried out a staunch struggle against American rule by force and compelled the United States to change its rude and unreasonable hard line attitude and apologise to the Chinese people."⁷⁶ Other state-controlled newspapers printed numerous statements by military officers praising the great leadership of Comrade Jiang Zemin and the CPC Central Committee in extracting an American apology.⁷⁷ Nevertheless, some domestic hard-liners were probably critical of the Chinese leaders, although such critics in the military and government remained prudently silent in public. Outraged nationalistic public sentiment, however, was more difficult to contain. When the negotiated settlement was announced on television, about 75 protesters on Hainan condemned their leaders. One middle-aged man shouted, "China is a coward! President Jiang Zemin must step down! All Chinese people will not accept this." Another protester grouched, "China's leaders nowadays are no good. We've seen what happened after the embassy bombing. A few more incidents like this and the leadership won't be able to maintain its hold on power." Similarly, a Beijing University student complained, "The Chinese government is just too weak. They should have forced the United States to apologise and pay compensation."⁷⁸

Despite claims of an American apology by the Chinese Government, many people recognised the difference between "*bao qian*" (i.e., sorry) and "*dao qian*" (sincere apology for wrongdoing). As one man insisted, "We can't release them. They haven't apologised yet. We don't even know where our pilot is." Another man asked incredulously, "Our pilot is still missing, so how

⁷⁵ *ABCNews.com*, 11 Apr. 2001; *TA*, 19 Feb. 2003; *Lehrer Transcript*, 11 Apr. 2001.

⁷⁶ *HK AFP*, 12 Apr. 2001, in FBIS-CHI-2001-0412; *WP*, 12 Apr. 2001.

⁷⁷ Beijing *Jiefangjun bao*, 12 Apr. 2001 in FBIS-CHI-2001-0412; Beijing *XH*, 11 Apr. 2001 in FBIS-CHI-2001-0411.

⁷⁸ *HK AFP*, 12 Apr. 2001 in FBIS-CHI-2001-0412.

can they do this? How can they release them when we haven't finished investigating the collision? The United States should formally apologise. That letter wasn't enough. It's clear the American attitude hasn't changed." A Beijing University student complained, "If all the Americans said was they were sorry, and they didn't give a full apology, then I don't think we should have let the crew go."⁷⁹ Despite these protests, however, the extraction of an oblique American apology in the Level 1 negotiations altered the domestic support on this issue sufficiently to make it politically feasible for Chinese leaders to deflect the criticisms of domestic hard-liners in their Level 2 negotiations. As one Chinese student reasoned, "We let the crew go, but we're keeping the plane. We can't let the Incident hurt relations between our countries. I don't think we lost face ... And we made the Americans say sorry."⁸⁰

Conclusion

Chinese and American leaders apparently engaged in two-level negotiations to resolve the brewing Hainan crisis. Although the intricacies of these negotiations are difficult to ascertain, particularly on the Chinese side, the available evidence indicates that informal or implicit Level 2 bargaining between the statesmen and their domestic constituencies affected Level 1 bargaining between states. In establishing their initial resistance points, Chinese and American leaders were influenced by the constraints imposed on them by domestic hard-liners and nationalistic public opinion. In instances of Propositions #1, they defected in their Level 1 negotiations in order to cooperate with their Level 2 constituencies.

To resolve the growing crisis, however, they eventually moderated their initial demands by defecting against their domestic hard-liners. On the Chinese side, Jiang apparently restrained the demands of the military and a nationalistic public to extract a high price for the release of the American crew and plane. The Chinese Government carefully controlled media coverage of the brewing crisis and clamped down on anti-American public demonstrations.⁸¹ On the American side, Bush ignored or resisted demands by hard-liners within the military and the Republican Party for tougher actions to gain release of the crew and plane. By defecting against hard-liners in their Level 2 negotiations, Chinese and American leaders lowered their initial resistance points and opened a search for a negotiated Level 1 resolution. These initial Level 2 defections are instances of Proposition #2.

⁷⁹ *Ibid.*; *WP*, 12 Apr. 2001.

⁸⁰ *WP*, 12 Apr. 2001.

⁸¹ *HK AFP*, 5 Apr. 2001 in FBIS-CHI-2001-0405.

To determine their eventual resistance points, however, Chinese and American leaders made mutual concessions that enabled them to placate enough of their respective domestic critics to render their concessions politically sustainable. This unofficial and uncoordinated joint modulation of their resistance points is an instance of Proposition #4. The lowered demands by each side placated enough of the other side's domestic opposition to enable each side to ignore or resist the objections of their remaining respective hard-liners. By unofficially helping each other deflect the criticisms of their respective Level 2 opponents, they rendered their mutual concessions "ratifiable" domestically and thereby made their Level 1 agreement possible.

In lowering their resistance points and enlarging their zone of agreement, Chinese and American leaders were aided by the ambiguities of semantics and translations. It was very fortuitous that the Chinese have six different levels of apology, while the Americans could be "very sorry" both about their own wrongdoing and about any loss of life. In the end, American and Chinese leaders claimed the other side met their demands and enough of their citizens concurred to enable them to deflect the ire of disgruntled hard-liners. The importance of semantics and translations in facilitating the resolution of the Hainan Incident suggests that devoting greater attention to the effects of language can enhance two-level analysis, especially in cases where the two sides have significantly different languages.

More generally, by illuminating more precisely how two-level negotiations operated in the Hainan case, this article clarifies how this approach can be used to analyse other episodes in China-US relations. Such a two-level approach promises to explain this bilateral relationship more effectively than prevailing single-level approaches based either on domestic conflicts or on purposive calculations by unitary states. Instead of narrow debates about strategic competition ("containment") or strategic partnership ("engagement") on both sides of the Pacific, analysts of China-US relations can explain this key bilateral relationship more profitably by examining the two-level negotiations of resistance points that largely determine international conflict and cooperation.