

# Naming and Shaming China: America’s Strategy of Rhetorical Coercion in the South China Sea

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*States adopt public “naming and shaming” as a rhetorical coercion strategy in-lieu of kinetic force in order to get other countries to comply with accepted norms. However, the effectiveness of this strategy has been uneven and at times has failed to elicit the response desired by the rhetorical coercer. The South China Sea dispute is a good example of rhetorical contestation as an important undercurrent in US-China competition. By tracing rhetorical exchanges—from the Obama administration’s subtle rhetorical coercion to the Trump administration’s overt naming and shaming strategy—this article shows that the US-China rhetorical contestation over the South China Sea has evolved from an initial implication contest into a framing contest, both of which are considered as “unstable outcomes” in rhetorical contestation. Such*

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*outcomes show that far from backing down, China has been able to resist and strategically counter American naming and shaming. This was accomplished in three ways. First, by exploiting the ambiguity of the international law frame. Second, by portraying the United States as an “outsider”. Third, by appealing to its audience—the littoral states of Southeast Asia—with a publicly sustainable new narrative.*

**Keywords:** South China Sea, US-China competition, ASEAN, rhetorical coercion, naming and shaming, implication contest, framing contest.

Scholars of foreign policy and International Relations have routinely dismissed rhetoric as a form of posturing, disregarding its significant impact on the conduct of relations between states.<sup>1</sup> We contend, however, that to do so leaves an important gap in understanding the dynamics of interstate relations. In examining rhetorical exchanges, we seek to draw attention to the fact that rhetoric, narratives and the manner in which these are structured are not just tools or epiphenomena in power politics but are themselves power politics with significant capacity to influence interstate relations.<sup>2</sup>

The South China Sea dispute exemplifies this phenomenon well. Although the United States opted for a non-kinetic rhetorical strategy when tensions in the South China Sea began to rise in the late 2000s, much of the academic coverage of the dispute still revolves around the tangible, visible military build-up and manoeuvres to secure disputants’ competing material claims in the South China Sea. In recent years, however, increasing attention has been paid to the rhetorical dimension of the dispute as the administration of President Donald Trump has intensified its critical rhetoric over China’s actions and claims in the South China Sea. A systematic study of this rhetorical dimension is therefore not only important but timely in helping to understand not just the narrative dynamics at play, but also how these powerful narrative forces have influenced foreign policy outcomes.

The primary purpose of this article is to contribute towards the notion of “taking words seriously” in the study of International Relations and foreign policy.<sup>3</sup> It examines how and why America’s strategy of rhetorical coercion has ultimately proven ineffective in countering China’s assertiveness in the South China Sea. While much has been written about US-China strategic competition in the South China Sea, much less discussion has taken place regarding their use of rhetorical tit-for-tat strategies to gain the ideational high ground. Many of the studies on the South China Sea dispute

have focused on making sense of the overlapping maritime claims, issues of lawfare, and examining the various states' materialist and institutionalist responses to rising tensions in the South China Sea.<sup>4</sup> While such analyses are useful in providing an overview and detailing the implications of the dispute, they may be of less value in explaining the processes by which these outcomes occurred. By adopting the causal-process methodology in examining the South China Sea dispute through the lens of rhetorical contestation, we endeavour to uncover "an insight or piece of data that provides information about context or mechanism".<sup>5</sup> While we acknowledge that causal-process tracing does pose a significant methodological challenge in terms of "how one might best identify, track and trace processes", we, nonetheless, see value in utilizing it for an analysis of the South China Sea dispute.<sup>6</sup> Through causal-process tracing, we hope to not only "narrow the list of potential causes" that have led to a specific outcome of China's build-up of island-bases in the Spratly Islands, but also to be more cognizant of the "alternative paths through which the outcome could have occurred".<sup>7</sup> By tracing the rhetorical tit-for-tat between Washington and Beijing in the South China Sea, we examine the ways in which one such potential cause—the framing of international law arguments—has facilitated unstable outcomes in the South China Sea.

This study, therefore, seeks to identify the critical rhetorical moments that can clarify why the United States has failed to prevent China from pursuing a more assertive policy in the South China Sea. Specifically, we analyse America's use of "naming and shaming" against China and argue that this particular rhetorical coercion strategy has been largely unsuccessful due to the ambiguous nature of the international law frame employed by the United States, and that the use of "naming and shaming" ultimately has not sat well among many of the littoral states of the South China Sea.<sup>8</sup> By "frame" we refer to how actors construct and present an argument to a target audience which in turn leads to its interpretation and meaning.<sup>9</sup> We contend that the United States has been ineffective in its rhetorical coercion because of China's ability to exploit the ambiguity of the international law frame and reframe the South China Sea dispute as a sovereignty issue. Moreover, in choosing to name and shame China, America has neglected to thoroughly consider whether such an approach would be palatable to its "audience", i.e. the member states of the Association of Southeast Asian Nations (ASEAN). At this point it should be noted that we do not engage in any value

judgement of America's approach or China's efforts to challenge dominant narratives and established norms. In fact, throughout history, dominant narratives and norms in international politics have always been challenged, modified and shaped by rising powers to suit their own interests.<sup>10</sup> The South China Sea dispute is therefore not just an issue concerning international law, but also a contestation of the boundaries of international law and how the concept of sovereignty continues to feature as a central narrative in our understanding of international politics.

The article consists of five sections. We begin by discussing rhetorical coercion based on "naming and shaming" and unpacking the importance of framing processes in rhetorical contestation. We then lay out the inherent ambiguity of the international law frame deployed by the United States in the South China Sea dispute. In the third and fourth sections, we zoom into our case study by analysing various speech acts. We draw upon publicly available speeches, foreign ministry press releases, statements and reports issued by both the United States and China from 2010 to 2020. In doing so, we seek to examine closely the beginnings of America's rhetorical strategy of naming and shaming China under the Obama administration and the corresponding rhetorical counteracts by China, before analysing the US-China rhetorical contestation during the Trump administration. In the fifth section, we draw attention to the agency afforded to key actors who played an important role in determining the outcome of this rhetorical contestation—the littoral states of Southeast Asia. As the success of any rhetorical strategy is ultimately dependent on how the "audience" responds to the narrative, it is imperative for us to examine the role played by the littoral states as they witness the rhetorical contestation between the United States and China. Finally, we conclude by discussing the article's findings, the implications of the rhetorical manoeuvres and consider some alternative explanations.

### **Rhetorical Coercion, "Naming and Shaming" and the Framing Process**

Why do states employ the rhetorical strategy of "naming and shaming", and how does it work as a type of rhetorical coercion? States, societies and individuals rely on the rhetorical strategy of naming and shaming to enact changes in the behaviour of a target—be it a state, an international organization, a non-state actor,

a community or an individual. Often, the target is considered to have deviated from accepted norms and taken actions contrary to its publicly declared norms.<sup>11</sup> In naming and shaming a target, the coercer hopes to impose sufficient material or symbolic costs on the target, thereby pressuring it into conforming to “the standards of appropriate roles and conduct”.<sup>12</sup> “Naming and shaming” is thus a specific form of rhetorical coercion that states use in international diplomacy to publicly expose a state deemed to have behaved in an objectionable manner by not abiding by customary norms and dominant narratives. In other words, “naming and shaming” relies on the public broadcast of illegitimate conduct to get targeted actors concerned about the erosion of their community or international standing as a result of their non-compliance with declared normative standards.<sup>13</sup> This threat to reputational credibility compels the target to adjust its behaviour and thus its policy actions.<sup>14</sup>

Extrapolating the workings of this rhetorical strategy, Ronald Krebs and Patrick Jackson propose a model of rhetorical coercion to account for outcomes in politics and international relations.<sup>15</sup> They highlight approaches that focus on “observable rhetorical contests, on narrative and language games” and how these rhetorical contests matter in understanding the outcomes of political struggles.<sup>16</sup> They define rhetorical coercion as the “skilful framing” of an argument that denies an opponent’s ability to refute rhetorically.<sup>17</sup> Successful rhetorical coercion would thus see a target “talked into a corner”, unable to counter with a viable rebuttal and compelled to accept the coercer’s demands.<sup>18</sup>

The key to a successful rhetorical coercion strategy lies in both the framing of arguments to coerce the target and in persuading the audience impacted by the target’s actions to support its interpretation and meaning. Frames are critical to the concept of rhetorical coercion as they not only provide the reference backdrop in which rhetorical contestation takes place, but also serve to inform the audience how to perceive the issue at stake. Framing can hence be understood as the way in which an argument is constructed and presented to a target audience, which in turn leads to the argument’s interpretation and meaning. By framing “statements into opportunities for accountability politics” and by highlighting implications that “expose the distance between discourse and practice” of its target, the “naming and shaming” strategy aims to incite shame in the target that forces it to alter its *modus operandi*.<sup>19</sup> For rhetorical coercion to be successful in international relations, much depends

on the coercer's ability to get an "audience" of involved states to buy into the framing of its arguments. Facing pressure from the international community, the target is encouraged to alter its behaviour and conform to the dominant narrative and prevailing norms. The reason why the United States' rhetorical coercion strategy in the South China Sea has been suboptimal comes down to this point. The lack of ASEAN's clear and unequivocal support for America's framing of its arguments undercuts the effectiveness of its rhetorical coercion strategy, allowing China to exploit the ensuing geopolitical uncertainty in its favour and thwarting US moves to name and shame its actions in the South China Sea. Holding respective—and at times differing—stances on how to respond to the dispute, ASEAN member states thus have significant agency in shaping the outcome of this rhetorical contestation.

Whether frames can garner an audience's support also depends on the unambiguity of the subject matter. When ambiguity emerges, focus gets blurred or even lost. As John Noakes and Hank Johnston point out, the framing process "does not go uncontested in the political arena" where actors with different leverages of power compete with unequal "framing capacity" to influence target audiences.<sup>20</sup> Successful frames do "not only analyse events" but must also "ring true with an audience".<sup>21</sup> Targets can and will therefore retaliate by seizing the opportunity created by any ambiguity to reframe the subject matter or come up with entirely new frames. We posit that this is what happened in the United States' rhetorical coercion against China, where the frame employed by Washington was weakened by its continued reservation in ratifying the 1982 United Nations Convention on the Law of the Sea (UNCLOS).<sup>22</sup> China exploited this inconsistency as a form of American duplicity, hence casting doubts on whether the United States' true motivation in naming and shaming China was to uphold the norms of the rules-based international order or to constrain China's rising power, effectively repurposing the American frames to suit its narrative. This repurposing can be seen as "break[ing] the frame" in order to create new frames to explain events.<sup>23</sup> Such reframing acts allow China to make its own case to the same "audience" of the perceived injustice or inequities in the US "naming and shaming" strategy. Akin to the initial act of framing by America, the success of China's reframing would, to a large extent, depend on the responses of its audience, i.e. the ASEAN member states.

This process of framing and rhetorical contestation has been modelled by Krebs and Jackson in a four-by-four matrix showing the four options a target can take in response to the coercer's attempt to name and shame it:

- Outcome 1: Accepting both the frame and implications of the coercer;
- Outcome 2: Rejecting the frame but accepting the implications of the coercer;
- Outcome 3: Accepting the frame but rejecting the implications of the coercer;
- Outcome 4: Rejecting both the frame and implications of the coercer.<sup>24</sup>

The choice of response results in a specific outcome of rhetorical contestation. Table 1 summarizes the target's responses and respective outcomes of rhetorical coercion.

Table 1  
**Target's Response and Outcomes of Rhetorical Contestation**

	<i>Target Accepts Frame</i>	<i>Target Rejects Frame</i>
<i>Target Accepts Implications</i>	Outcome 1: Change in frame-related policy and/or behaviour	Outcome 2: Change in non frame-related policy and/or behaviour
<i>Target Rejects Implications</i>	Outcome 3: Implication contest	Outcome 4: Framing contest

*Source:* Modified from Ronald R. Krebs and Patrick T. Jackson, "Twisting Tongues and Twisting Arms: The Power of Political Rhetoric", *European Journal of International Relations* 13, no. 1 (2007): 43.

In the case of the South China Sea dispute, if China, as the target, accepts both the US framing and implications of its actions (Outcome 1), then rhetorical coercion has succeeded in getting China to align with the international community's interest in maintaining the UNCLOS-based maritime order in the South China Sea. Outcome 2, however, in this current context appears to be a non-starter. It is unlikely that China will accept the implications and modify

its behaviour in the South China Sea without such actions being seen as an implicit acquiescence of the frame. For a rising power like China, such acquiescence will be perceived as weakness by the Chinese Communist Party (CCP) in the eyes of its domestic audience. As “losing face” is not an option for the CCP’s brand of Chinese nationalism, it remains unlikely that China will cease its assertive actions in the South China Sea.<sup>25</sup> Both outcomes are deemed as “relatively stable outcomes”, and rhetorical coercion tends to cease, at least temporarily.<sup>26</sup> A similar case of a relatively stable outcome can be made if rhetorical coercion succeeds in modifying China’s behaviour in favour of the “implications” advanced by the international community.

Outcome 3 reflects a scenario where China periodically flexes its naval muscle to demonstrate that while it publicly accepts the international law framing, it rejects the corresponding implications in the South China Sea. This was demonstrated when the Chinese survey ship *Haiyang Dizhi 8*—together with its China Coast Guard (CCG) and maritime militia escorts—shadowed the *West Capella*, a drillship contracted by the Malaysian energy corporation Petronas to undertake exploratory work in Malaysia’s exclusive economic zone (EEZ).<sup>27</sup> While the Australian and US navies shadowed the *Haiyang Dizhi 8*, the episode concluded when the Chinese vessels departed the scene once the *West Capella* sailed home.<sup>28</sup> Although there was no aggressive maneuvering by any of the ships involved, this episode does show how China’s military presence in the South China Sea can be interpreted as a rejection of the implications of international law.

In reality, the US-China rhetorical contestation has evolved from an initial implication contest (Outcome 3) into a framing contest (Outcome 4). The key turning point in the rhetorical contest came in 2016 when China rejected a UN-backed Arbitral Tribunal’s award over the South China Sea as being “null and void and has no binding force”.<sup>29</sup> By rejecting the international law frame, China propelled the rhetorical contestation from an implication contest to a framing contest—a switch that Krebs and Jackson termed as “cases of continued contestation”, the outcomes of which are deemed relatively unstable.<sup>30</sup>

### **Ambiguity of the International Law Frame in the South China Sea**

Why has China been able to acknowledge America’s framing of the South China Sea dispute as one rooted in international law, while



demonstrating through its actions its rejection of the implications? We argue that China has done so by taking advantage of the ambiguity in the United States' international law framing of the South China Sea dispute—that China has violated UNCLOS in two ways.<sup>31</sup>

First, China capitalized on UNCLOS's juridical definition of sovereignty where "one state may not dictate to another how the latter must regulate activities in its jurisdiction" to include its maritime claims in the South China Sea.<sup>32</sup> Thus, by depicting America's insistence on the use of international law to frame the South China Sea dispute as an infringement of its sovereign rights, China moved to frame this dispute as one involving juridical sovereignty. In doing so, China presented an alternative to America's emphasis on the use of the international law frame to resolve territorial disputes. By situating this alternative within China's often claimed narrative of recovering the sovereignty it lost during its "century of humiliation", it gave its frame a legitimizing impetus.<sup>33</sup> This sovereignty frame, however, did not completely repudiate America's frame as Washington kept its focus fixed on China's excessive maritime claims by citing UNCLOS provisions and the 2016 Arbitral Tribunal's ruling.

Second, China exploited the ambiguity of America's international law frame by creating a "norm subsidiarity", defined by Amitav Acharya as "a process whereby local actors create rules with a view to preserve their autonomy from dominance, neglect, violation, or abuse by more powerful central actors".<sup>34</sup> By leaning on its own declaration that it "does not accept any of the procedures provided for in Section 2 of Part XV of the Convention", China pushed its argument that insofar as its South China Sea claims are concerned, they should be out of the ambit of multilateral deliberations and confined to bilateral negotiations.<sup>35</sup> While this is as much a tactical move by China to outflank the US-led international law frame, its emphasis on rejecting multilateral dispute resolution mechanisms invoked the perception that regional issues should not be decided upon by outsiders. It would seem as Issac Kardon pointed out in his paper that China is moving towards "a new era of international law with Chinese characteristics".<sup>36</sup> China could hence be seen to be exploiting the ambiguity of international law not with the intent to replace it in its entirety, but rather to present an alternative argument for an international law that can encompass characteristics other than those stipulated by the West. As Martha Finnemore and Kathryn Sikkink explain, norms can be and are commanded by "different levels of agreement by people" and "may be regional" rather than global in consensus.<sup>37</sup> Norms can also be fine-tuned

culturally, geographically and temporally based on the “standards of behaviour defined in terms of rights and obligations”, as has been the case to legitimize China’s maritime claims in the South China Sea.<sup>38</sup> Thus, it could be said that by using its stance that disputes should be resolved by the disputants themselves, China has arguably created a subsidiary norm of state sovereignty to justify its actions in the South China Sea.

### **An Implication Contest: 2010–15**

Despite China and ASEAN signing a non-binding Declaration on the Conduct of Parties in the South China Sea (DoC) in 2002, tensions in the South China Sea continued to escalate in the 2000s as a rising China began to overtly assert its maritime claims.<sup>39</sup> Tensions rose in 2009 when China submitted a note verbale to the UN asserting its “indisputable sovereignty over the islands in the South China Sea and the adjacent waters”, and underscored this by appending its nine-dash-line map to its note.<sup>40</sup> This provides the background to which President Obama’s “Pivot towards Asia” strategy was launched. In a speech to the Australian Parliament on 17 November 2011, President Obama declared America’s commitment to the Asia-Pacific and emphasized “an international order” in which “international law and norms are enforced”.<sup>41</sup> This theme of international law was also reiterated at the Sixth East Asian Summit (EAS) in Bali the same month, this time specifically addressing the issue of the South China Sea. Obama emphasized the United States’ principles-based approach to maritime security, including freedom of navigation, overflight and internationally lawful uses of the seas. He also stressed that the United States rejected the threat or use of force by any party, calling on all parties to accelerate efforts to reach a binding Code of Conduct (CoC) for the South China Sea and to engage in collaborative diplomatic processes to address disputes.<sup>42</sup> With these speeches, the Obama administration had set the frame for comprehending the South China Sea dispute as one based on international law and laid out the corresponding implications.

A year prior to these pivotal addresses, then US Secretary of State Hillary Clinton had also alluded to a similar international law framing when she explicitly addressed the South China Sea issue at the ASEAN Regional Forum (ARF) in Hanoi in July 2010.<sup>43</sup> Clinton asserted that “The United States, like every nation, has a national interest in freedom of navigation, open access to Asia’s maritime commons, and respect for international law in the South

China Sea.”<sup>44</sup> Though her remarks did not openly name China as its target, Clinton’s emphasis on the US stance against “the use or threat of force by any claimant” was taken by China’s foreign minister, Yang Jiechi, as not just “an attack on China” but also an attempt “to give the international community a wrong impression” about the situation in the South China Sea.<sup>45</sup> Both the Western and Chinese media widely publicized this seminal US attempt to rhetorically coerce China to abide by the established international order in the South China Sea.<sup>46</sup>

By not explicitly naming China in their various statements, the Obama administration adopted a subtle “naming and shaming” strategy. Why did this indirect manner of rhetorical coercion prove to be a less-than-optimal approach in getting China to cease its assertive activities in the South China Sea? A four-part analysis of Foreign Minister Yang’s responses to Secretary Clinton’s comments at the 2010 ARF provides insight into this suboptimal approach and demonstrates how China was able to resist and strategically contest US rhetorical coercion.

Firstly, Yang directly called out Clinton’s remarks, putting all participants at the ARF on notice that China would not accept criticisms of its actions even if they were oblique. In reality, the target of his robust defence was not the United States but the South China Sea littoral states. The muted response from the ASEAN member states was indicative that they were not ready to take sides. This worked in China’s favour, as the ASEAN “audience”—while not openly acknowledging its position—also did not reject its narrative. This resonates with Krebs and Jackson’s emphasis on the importance of the audience in determining the boundaries of rhetorical contestation. Not only do frames need to appeal to the audience, Krebs and Jackson highlighted that their model of rhetorical contestation “presumes not” that the audience has “a well-thought-out position in advance on the issue being contested”, but rather that “there is only a limited set of arguments” that the public would “find minimally acceptable”.<sup>47</sup> While Clinton’s remarks were relevant, the mode of delivery could have struck an uncomfortable tone with the ASEAN states, many of which were more accustomed to less combative and accusatory types of exchanges with each other. In this regard, Clinton’s speech critically set the stage for China to openly refute the insinuations. As ASEAN has built a reputation for quiet, consensus-building diplomacy and traditionally avoided open criticism and “naming and shaming” in their interactions with one another—as evident in their numerous carefully constructed

joint declarations concerning the South China Sea—America’s mode of rhetorical coercion against China, at that time, fell outside its boundaries of acceptable rhetorical contestation.

Secondly, Yang countered the implication that the interactions among states in the South China Sea have not been peaceful by asking whether the situation in the sea was really “tense” to begin with.<sup>48</sup> He asserted that in China’s “bilateral discussions” with the ASEAN member states, “most people say the situation is peaceful” and that “there is no threat to regional peace and stability”, pointing out that China is a signatory to the DoC.<sup>49</sup> For the benefit of the ASEAN states observing this tense exchange, Yang also reminded them that China had emerged as their most significant export destination, proving that there has been no hindrance to freedom of navigation in the South China Sea, contrary to the fears stoked by the United States.<sup>50</sup>

Thirdly, Yang rhetorically excoriated US intentions by questioning its “purpose of talking about coercion” in the South China Sea.<sup>51</sup> He insinuated that by “playing up the issue”, the United States was sowing division in the region and pressuring ASEAN states to take sides. Outflanking the United States on this matter, Yang exercised unsolicited leadership by declaring that the “non-claimant [ASEAN] countries hate it that some try to coerce them into taking sides on the South China Sea issue”.<sup>52</sup> In doing so, Yang pre-empted open concurrence by the Southeast Asian states with the US position, even though there were claimant states such as Vietnam which saw “the territorial dispute in the South China Sea [as] one of Vietnam’s most critical security issues”.<sup>53</sup> Witnessing this exchange, ASEAN astutely took the middle path, calling for “continued exercise of self-restraint by all the parties concerned”.<sup>54</sup>

Fourthly, Yang emphasized that China had “sovereignty and legitimate rights and interests” in the South China Sea, and that these are inviolable since international law enshrines the principle of non-interference in sovereign matters.<sup>55</sup> By pushing the argument that the settlement of disputes “through bilateral negotiations between the claimants” is in itself an application of international law, China was able to counter US claims that it had disregarded customary international law.<sup>56</sup> China was hence still acknowledging the international law frame but contesting its implications. Yang also emphasized the notion of Asian identity and nationalism to bolster his argument by stating “Asia has already stood up and gained its dignity. Asian countries can properly address each other’s concerns on the basis of equality and mutual respect.”<sup>57</sup> His contention was

that Asians can resolve their disagreements themselves and that there was no need for an “outsider” to have a say in a critical regional security matter, for such intervention can be detrimental to regional stability.<sup>58</sup> By emphasizing the principle of non-interference, China spoke in a language that resonated with the core principles of ASEAN. Thus, by playing on the concepts of national sovereignty, regionalism and the principle of non-interference, China was able to circumvent the specific international law framing of the South China Sea dispute and consequently diminished the success of the United States’ “naming and shaming” strategy.

### **The Framing Contest: 2015–20**

Washington’s oblique references to China became direct and more virulent from 2015 onwards. This escalated the rhetorical contestation into an all-out framing contest, with two seminal moments in the mid-2010s signalling China’s rejection of both the international law frame and its implications. The first was President Xi Jinping’s failure to uphold the assurance he made to President Obama in 2015 that “China does not intend to pursue militarization” of the South China Sea.<sup>59</sup> The American media, scholars and US officials have repeatedly pointed this out as the hypocritical gap between Chinese words and actions.<sup>60</sup>

The second defining moment of the framing contest came a year later when China rejected the Arbitral Tribunal’s ruling on the South China Sea. The Tribunal ruled that not only does China have no legal basis “to claim historic rights to resources within the sea areas falling within the ‘nine-dash line’”, but also that “none of the Spratly Islands is capable of generating extended maritime zones” and that its actions at Scarborough Shoal were unlawful and a violation of the Philippines’ sovereign rights in its EEZ.<sup>61</sup> In response, China demonstrated its rejection of both the frame and implications of international law when the foreign ministry denounced the ruling as “null and void and has no binding force”.<sup>62</sup> To cement its narrative, China’s State Council issued a white paper a day after the ruling to argue that since the arbitration was conducted without its consent, the “will of sovereign states” was violated and thus China need not accept nor comply with the ruling.<sup>63</sup> This response became known as China’s “Four-Nos” stance.<sup>64</sup> Foreign Minister Wang Yi also issued his “Three Illegals” statement at the sixth East Asia Summit Foreign Ministers’ Meeting on 26 July 2016, claiming that since the “ruling clearly runs counter to the spirit of the international rule of law

and violates the principles and spirit of [UNCLOS]”, the arbitration process, the establishment of the Arbitral Tribunal and the result of the arbitration were all “illegal”.<sup>65</sup>

China’s rejection of the Arbitral Tribunal’s ruling reflected a shift in its rhetorical contestation with the United States. It signifies a momentous move away from an implication contest to a framing contest where both the frame of international law and its implications are disregarded. Although China had previously made a reservation under UNCLOS against participating in compulsory and binding dispute resolution procedures with regard to the South China Sea dispute, the issue brought up by the Philippines was not about settling a sovereignty-based argument. Rather, the case sought to clarify the legal merits of China’s maritime claims through an interpretation of UNCLOS. By adamantly arguing that the process and outcome of the arbitration was illegal, China showed that it was unwilling to actively participate as a member of a community that upholds international law.

In response, the United States escalated its naming and shaming efforts in two specific ways. One was to enable direct visual reporting of China’s artificial island-building and militarizing activities in the South China Sea by taking the media on the US Navy’s routine freedom of navigation reconnaissance flights over the disputed reefs. The objective was underscored by a US military official who told a CNN crew taken on such a flight that this move was deliberate as it was time “the American public, and the Asian public, understand what’s going on out there”.<sup>66</sup> For US officials, the time had come for the public to see and judge for themselves China’s activities in the South China Sea and not rely only on statements made by Chinese officials. This first-hand coverage and reporting by the media were supposed to provide additional pressure on Beijing. In mid-August 2018, the US Navy made a similar move, this time taking journalists from the BBC, CNN and the *New York Times* on a P-8A Poseidon reconnaissance aircraft.<sup>67</sup> Compared to its earlier naming and shaming efforts in 2010, the United States’ decision in 2015 and 2018 to publicize China’s expansive land reclamation projects through the mainstream media represented a shift to a more overt strategy of rhetorical coercion.

The second way in which America escalated its naming and shaming efforts was when US leaders shifted from oblique references to South China Sea disputes to directly naming China as the antagonist. Then US Vice President Joe Biden joined the charge when, in a speech at the US Naval Academy on 22 May 2015,<sup>68</sup>

he denounced Beijing's South China Sea expansionism and stressed that the principles of freedom of navigation and peaceful resolution of disputes were "being tested by Chinese activities in the South China Sea".<sup>69</sup> A week later at the annual Shangri-La Dialogue, US Defense Secretary Ashton Carter directly called out China's actions in the South China Sea when he said "China is out of step with both the international rules and norms that underscore the Asia-Pacific's security architecture, and the regional consensus that favours diplomacy and opposes coercion."<sup>70</sup> More notably in this instance, the United States sought to counter Beijing's narrative of the South China Sea dispute as a sovereign rights issue by explicitly stating that "turning an underwater rock into an airfield simply does not afford the rights of sovereignty", thereby calling out China's militarization of the South China Sea.<sup>71</sup>

The intensity of rhetorical coercion rose significantly during the Trump administration. The bellicosity became evident as the rhetorical international law frame expanded to include geostrategic contestation. At the 2017 Shangri-La Dialogue in Singapore, then US Defense Secretary James Mattis sharply reminded China that "the 2016 ruling by the Permanent Court of Arbitration ... in the South China Sea is binding".<sup>72</sup> In the same year, the US *National Security Strategy* criticized China's geostrategic ambitions by stating that its "efforts to build and militarize outposts in the South China Sea endanger the free flow of trade, threaten the sovereignty of other nations, and undermine regional stability".<sup>73</sup> A year later, again in the same forum, Secretary Mattis called out China's duplicitous South China Sea statecraft when he pointed out that "China's militarization of the Spratlys is also in direct contradiction to President Xi's 2015 public assurances in the White House Rose Garden that they would not do this."<sup>74</sup> In January 2018, Mattis continued to name and shame China, arguing that "China is a strategic competitor using predatory economics to intimidate its neighbors while militarizing features in the South China Sea."<sup>75</sup> Such speech acts that unabashedly called out China continued in 2019, when US Secretary of State Michael R. Pompeo emphasized that "China's illegal island-building in international waterways isn't simply a security matter" but that it also had severe economic consequences.<sup>76</sup> The most damning comment came in July 2020 when Secretary Pompeo, in a speech at the Nixon Presidential Library, called America's engagement with China a failure and grimly remarked that "President Nixon once said he feared he had created a 'Frankenstein' by opening the world to the CCP, and here we are."<sup>77</sup> By emphasizing that the time had



come to “distrust and verify” the CCP’s actions, Secretary Pompeo pointed out that the US strategy of naming and shaming China was not directed at the Chinese people but rather the CCP itself. While this could be seen as an attempt to undercut the CCP’s domestic standing, it could also be seen as a statement to the world and to the South China Sea littoral states that America’s policy on China is sharply focused on ensuring that the CCP abide by established international legal norms.

China, however, did not buckle under this rhetorical onslaught of overt naming and shaming attempts. Not only was China not “talked into a corner”, it was able to counter with its own narratives. Although Admiral Sun Jianguo, who led the Chinese delegation to the 2015 Shangri-La Dialogue, avoided responding directly to Secretary Carter’s remarks, other Chinese officials reacted strongly to US allegations that China had acted unlawfully in the South China Sea. On 3 June 2015, China’s Ministry of Foreign Affairs held a press conference and publicly challenged the US notion of international law in the South China Sea dispute. Specifically, spokesperson Hua Chunying contested US framing of the dispute by re-emphasizing China’s narrative of upholding national sovereignty in the South China Sea. At the press conference, she questioned whether the United States had closely read UNCLOS and demanded to know which article gave “the green light to one country’s infringement upon another country’s sovereignty”.<sup>78</sup> Moreover, Hua sought to cast doubt on the United States’ credibility when she insinuated that it was driven by “hidden motives” into using the “excuse of navigation freedom” to arbitrarily distort the reading of international law.<sup>79</sup> By controverting the US interpretation of international law and discrediting its position, China demonstrated that it was not entrapped by America’s overt naming and shaming attempts. China warded off these rhetorical attacks by strategically reframing the South China Sea issue into one concerning China’s national sovereignty and shrewdly depicted the United States as an “outsider seeking to stir up trouble”.<sup>80</sup>

### **Appealing to ASEAN with a New, Publicly Sustainable Narrative**

As much as China was able to exploit the ambiguity of the international law frame by creating a counter-narrative of the United States as a regional “outsider”, the outcome of rhetorical contestation invariably rested on how the “audience”—that is ASEAN—perceived it and to the extent to which both the United States and China were able



to galvanize support for their respective narratives. Insofar as there is a consensus on the dominance of the “US-led” narrative in the South China Sea, resistance to narrative dominance can still exist. Grounds for narrative contestation are laid during unstable periods when the public is more receptive to alternative narratives that can help them make sense of the crisis at hand.<sup>81</sup> For example, the Global Financial Crisis of 2008–09 was one such unsettled moment that coincided with the start of China’s attempts to lay the narrative foundation for subsequent rhetorical contestations that work in its favour. China’s leading role in preventing a global economic meltdown allowed it to perpetuate a credible narrative of responsible leadership, competence and adherence to international rules and norms. China was playing by the rules of the game, stepping up as a global economic stabilizer and showing that it could play an increasingly important role on the global stage.<sup>82</sup> This credibility helped when China subsequently espoused its competing narrative based on the upholding of state sovereignty in the South China Sea. It presented a “publicly sustainable narrative” because it appealed to the “identity narratives” of the smaller Southeast Asian littoral states.<sup>83</sup> By appealing to ASEAN’s emphasis on respect for state sovereignty and non-interference, China’s new narrative problematized the US-led dominant narrative of adhering to the norms of international legal institutionalism.

Moreover, when America’s naming and shaming strategy shifted into an aggressive calling out of China and labelling it as revisionist, the US rhetorical narrative crossed the semantic distinction between shaming and humiliation. While shaming is about the violation of a norm held by a collective, humiliation goes much further by radically pushing to exclude the target from the collective.<sup>84</sup> ASEAN countries—who have a deep understanding of the ingrained Chinese cultural sensibility of “face”—may see this “othering” of China by the United States as being disrespectful and counterproductive. Faced with a rising China on their doorstep, and recognizing that China’s presence in the South China Sea, entrenched by its seven highly militarized artificial islands in the Spratlys, is now a *fait accompli*, Southeast Asian leaders are fully cognizant of what Singapore’s first Prime Minister, Lee Kuan Yew, said in 1993:

The size of China’s displacement of the world balance is such that the world must find a new balance in 30 to 40 years. It’s not possible to pretend that this is just another big player. This is the biggest player in the history of man.<sup>85</sup>

Ignoring this and trying to prevent China from taking its place as a rising power in the international community will only serve to humiliate it, stoking a form of nationalism that blends pride, anguish and anger into one that is “neither religiously, ethnically, nor ideologically based [but] tied to China’s national experiences and strong historical consciousness”, what scholar Zheng Wang terms “myth-trauma nationalism”.<sup>86</sup> While ASEAN is by no means a monolithic grouping that will readily share the same perception of China’s actions in the South China Sea, a new narrative that centres on respectfully acknowledging China’s rise is possible and potentially one hoped for by some ASEAN states, given their existential need for peaceful coexistence with China.<sup>87</sup>

Caught in the vices of this Great Power rhetorical contestation, ASEAN faces a dilemma whereby it cannot afford to take sides with either the United States or China, or offend either of them by not endorsing their respective narratives. This has pushed Southeast Asian states to engage in what is generally seen as “hedging” strategies, with its variants described as strategies of “omni-enmeshment”, “double-hedging” or “flexible-hedging”.<sup>88</sup> Such hedging strategies involve institutional balancing through the various ASEAN-led multilateral mechanisms as narrow as the ASEAN Plus Three (of China, Japan and South Korea) to those as wide as the EAS (comprising of the ASEAN Plus Three members and Australia, India, New Zealand, Russia and the United States).<sup>89</sup> Bilaterally, Southeast Asian countries have deftly engaged in varying degrees of simultaneous bandwagoning and balancing to ensure that they can continue to reap the benefits of China’s economic growth through trade and its Belt and Road Initiative (BRI), while benefitting from the security provided by the United States primarily through its “hub-and-spokes” alliance system.<sup>90</sup> Within this strategic “noise” created by the various overlapping geopolitical-economic-strategic initiatives and mechanisms, the United States has had a hard time getting its audience, ASEAN, to pay attention and respond to its rhetorical “naming and shaming” narratives of China’s actions in the South China Sea. When ASEAN did, it invariably steered clear of taking sides. Singapore Prime Minister Lee Hsien Loong pointed this out lucidly both in his keynote speech at the 2019 Shangri-La Dialogue and in a 2020 *Foreign Affairs* article in which he argued that:

Asian countries see the United States as a resident power that has vital interests in the region. At the same time, China is a reality on the doorstep. Asian countries do not want to be forced to choose between the two. And if either attempts to force such

a choice—if Washington tries to contain China's rise or Beijing seeks to build an exclusive sphere of influence in Asia—they will begin a course of confrontation that will last decades and put the long-heralded Asian century in jeopardy.<sup>91</sup>

Ultimately for ASEAN, the question of trust will inform the moves it takes to secure its interests. Can ASEAN rely on America's continued commitment as the security guarantor of the region? The reality is that the United States has global interests beyond Southeast Asia. Besides its entanglements in the Middle East, it has geostrategic concerns that stretch across Europe, Africa and Latin America. America's preoccupation with its "Global War on Terror" gave what President Jiang Zemin termed in 2002 a 20-year "period of important strategic opportunities" for China to "seize tightly".<sup>92</sup> This period coincided not only with China's astounding economic expansion but also its geostrategic footprint across the South China Sea. Furthermore, the Trump administration's withdrawal from the Trans-Pacific Partnership (TPP) free trade deal that would have boosted its economic leadership in the Asia-Pacific was another stark reminder to ASEAN of the strong gravitational pull American public opinion has on the country's foreign policy.<sup>93</sup> The perceived positivity of President Obama's assertion in 2011 that the "Asia-Pacific is top US priority" has dimmed considerably in Southeast Asia.<sup>94</sup> Nearly half of the respondents in the ISEAS – Yusof Ishak Institute's *State of Southeast Asia Survey* in 2020 stated that they have "little or no confidence in the US as a strategic partner and provider of regional security", while nearly four-fifths held the view that America's engagement with Southeast Asia had diminished under the Trump administration.<sup>95</sup> This does not mean ASEAN is leaning towards China, for in the same survey both China and the United States were also rated as the two most distrusted powers by Southeast Asians and, tellingly, both were rated approximately equal but less than the European Union in their "leadership in maintaining the rules-based order and upholding international law".<sup>96</sup>

Fundamentally, the outcome of the US-China rhetorical contestation in the South China Sea will rest on how Beijing and Washington choose to relate and demonstrate their understanding of ASEAN's unique characteristics, the principles upon which it was founded and the diverse set of national interests and priorities that each of the ten member states hold. Since the end of the Second World War, the United States has been accustomed to dealing with Southeast Asian countries as the sole Great Power in the region. Would

rhetoric that has largely worked in the past resonate in the same manner today? Would the ASEAN states be the pliant “audience” to US rhetoric when it comes to the South China Sea dispute? The reality is that the ASEAN of today is not the same as the ASEAN when it was established in 1967. ASEAN is on target to become the world’s fourth largest economy by 2030, and militarily it is not without agency.<sup>97</sup> At the same time, China has also emerged as a nuclear-armed competitor to the United States and as ASEAN’s largest trade partner. This has given credible currency to China’s rhetorical counters to US attempts to name and shame it. Having pursued a strategy of socio-economic engagement with China in the hope of moulding its emergence as a democracy, and stymied by its preoccupation with anti-terrorism, it could be said that the United States had left it too late to alter the course of China’s geostrategic ambitions in the South China Sea. Thus, the reliance on rhetorical coercion to counter Beijing in the South China Sea seemed to be the only option left in its diplomatic toolkit—a tool that without the other instruments of statecraft has ultimately proven suboptimal in reining in China’s expansionism in the South China Sea.

## **Conclusion**

The US rhetorical coercion against China and the US-China framing contest regarding the South China Sea dispute is ongoing. During the period under analysis, the United States in its role as the rhetorical coercer kept tabs on China’s increasingly assertive actions in the South China Sea. Despite efforts at publicizing China’s actions as a violation of international law through its naming and shaming strategy, the United States has not been able to prevent China from entrenching its position in the South China Sea. Naming and shaming did not leave China hamstrung and rhetorical contestation ensued. In this last section of the article, we explored the implications of rhetorical contestation and consider some alternative explanations. For example, would the outcome in the South China Sea be different if the United States had used a more precise frame in its naming and shaming strategy? Correspondingly, does China’s ability to strategically reframe the South China Sea issue suggest that the international law frame did not really resonate with the regional audience in the first place?

In order to respond to the above questions, we return to Noakes and Johnston’s discussion on frame effectiveness. Three main factors should be taken into consideration when considering the effectiveness

of a frame. These include the characteristics of the “makers” and “receivers” of the frame, as well as the inherent “frame qualities”.<sup>98</sup> In the case of the South China Sea, framing ambiguity undermined America’s rhetorical coercion because the intrinsic qualities of international law—especially pertaining to what can be done in disputed regions—have always been subject to interpretation and are inconsistent to begin with. Moreover, the qualities of the frame “makers” (United States) and the “receivers” (the Southeast Asian states) have a direct impact on frame effectiveness. In particular, the “credibility” of the frame makers in terms of their credentials vis-a-vis the matter at stake would impact the extent in which the audience resonates with the proposed frame.<sup>99</sup> To some degree, our discussion corresponds with this insight. The fact that the United States has not ratified UNCLOS and is considered an “outsider” to the region undermines its legitimacy in framing the issue as one based on international law. Moreover, an erratic foreign policy under the Trump administration had eroded US credibility, sparking fears of possible US disengagement from the region. Lastly, the effectiveness of a frame also depends on the composition of its receivers and the extent to which the frame resonates with them. Noakes and Johnston posited that the audience’s “ideological”, “demographical”, “attitudinal” and “moral” inclinations all affect the frame’s resonance.<sup>100</sup> In the absence of thorough data collection of the targeted audience’s respective inclinations, we can only postulate that in the case of the South China Sea dispute, even if China’s desired narrative is not fully accepted at this point, the fact that some ASEAN states are, at the minimum, paying “lip service” to China’s leadership role is arguably indicative of the region’s creeping resonance with a non-interference, sovereignty-focused frame.<sup>101</sup> Such a frame not only resonates with China’s present-day overwhelming economic power, but is also backed by its historically nuanced and curated diplomatic-speak.

Returning to what Krebs and Jackson have posited about rhetorical coercion being a “political strategy that seeks to twist arms by twisting tongues”, in the case of US rhetorical coercion in the South China Sea, its “twisting tongues” strategy was, to a certain extent, undermined by its reluctance to explicitly “twist arms” in the initial years of contestation in the South China Sea.<sup>102</sup> By employing rhetorical coercion as a largely standalone approach without greater consideration of other tools of statecraft (such as a show of force) in order to compel a change in China’s behaviour, there was a gap in its “twisting tongues” strategy. Yet, we would

like to highlight why such realist explanations of force (or lack thereof) do not completely account for the outcome in the South China Sea. Even as the United States and China continue to ramp up their military presence in the South China Sea, there remains a need for them to justify their stances and behaviour. Tangible steps by political actors can rarely be taken without explaining the rationale behind it. In other words, both actors have to engage in framing acts to advance their policy positions in this “struggle over meanings”, a uniquely “intersubjective” exercise which “cannot be imposed unilaterally or through the exercise of material power alone”.<sup>103</sup> In the South China Sea dispute, regardless of the material resources at both the rhetorical coercer (the United States) and the target’s (China) disposal, there exists particular frames which better resonate with the audience (the ASEAN member states). Moreover, rhetorical exchanges, if left unchecked as it gets more belligerent, may spiral out of control. In tracing the rhetoric that has been used and analysing ASEAN’s response, we sought to highlight the rhetoric’s impact on actions—how “twisting tongues” hold the potential to “twist arms”, or if employed suboptimally, have the potential of bringing about a different policy outcome. In doing so, we present an alternative causal explanation of why and how China has been able to consolidate its position in the South China Sea.

Finally, while we focus specifically on the United States’ naming and shaming of China in the South China Sea, it should be recognized that these rhetorical exchanges are situated within the broader context of Sino-US competition. Even as we argue that the US strategy of rhetorical coercion has been largely suboptimal in curtailing China’s expansion in the South China Sea, we note that this in itself is not representative enough to determine that a broader power shift in the region has occurred. An important observation that we derived from tracing US-China rhetorical exchanges is that despite America’s hegemonic status, China still exhibited substantial agency in countering US rhetorical coercion. While the US narrative of an “assertive China” is still accepted as the dominant account, one can see the potential of a “peaceful China” narrative gaining currency as China continues to grow both in its normative and material power. This is also where we think the study of rhetoric and narratives could be promising in helping us understand power shifts. Our argument here is not that uncovering the dynamics of rhetorical contestation can be the “solution” to account for all foreign policy outcomes or that

realist and materialist explanations should take a backseat. Rather, by taking the study of rhetoric and narratives seriously, it may be possible to develop a more nuanced and balanced understanding of international conflicts.

## NOTES

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- <sup>1</sup> See Robert Keohane, *Neo-Realism and its Critics* (New York City, New York: Columbia University Press, 1986), p. 9; Kenneth Waltz, *Theory of International Politics* (Reading, Massachusetts: Addison-Wesley, 1979), pp. 66, 127, 186; Hans J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* (New York City, New York: Alfred A. Knopf, 1978), pp. 8–9, 38; John Vasquez, *The Power of Power Politics: An Empirical Evaluation of the Scientific Study of International Relations* (New Brunswick, New Jersey: Rutgers University Press, 1983), pp. 162–70. While these scholars may not have explicitly dismissed the analysis of rhetoric, their emphasis on the realist and materialist bases of international politics stand in contrast to the significant impact that rhetoric has on the conduct of international relations.
- <sup>2</sup> Janice Mattern, “The Concept of Power and the (Un)Discipline of International Relations”, in *The Oxford Handbook of International Relations*, edited by Christian Reus-Smit and Duncan Snidal (Oxford, UK: Oxford University Press, 2009), pp. 691–98.
- <sup>3</sup> For more on rhetoric and narratives in the study of international relations, see Francis A. Beer and Robert Hariman, “Realism and Rhetoric in International Relations”, in *Post-Realism: The Rhetorical Turn in International Relations*, edited by Francis A. Beer and Robert Hariman (East Lansing, Michigan: Michigan State University Press, 1996), pp. 1–30; Ronald R. Krebs, “Narrating National Security”, in *Narrative and the Making of US National Security*, edited by Ronald R. Krebs (Cambridge, UK: Cambridge University Press, 2015), pp. 1–7.
- <sup>4</sup> On the different perspectives of the South China Sea, see Tsu-Sung Hsieh, *The South China Sea Disputes: Historical, Geopolitical and Legal Studies* (Hackensack, New Jersey: World Scientific, 2018); Ian Storey and Lin Cheng-yi, eds., *The South China Sea Dispute: Navigating Diplomatic and Strategic Tensions* (Singapore: ISEAS – Yusof Ishak Institute, 2016).
- <sup>5</sup> David Collier, Henry Brady and Jason Seawright, “Sources of Leverage in Causal Inference: Toward an Alternative View of Methodology”, in *Rethinking Social Inquiry. Diverse Tools, Shared Standards*, edited by Henry Brady and David Collier, 2nd ed. (Lanham, Maryland: Rowman & Littlefield, 2010), p. 184.
- <sup>6</sup> Colin Hay, “Process Tracing: A Laudable Aim or a High-tariff Methodology?”, *New Political Economy* 21, no. 5 (2016): 501.



- <sup>7</sup> Alexander George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge, Massachusetts: MIT Press, 2004), p. 206.
- <sup>8</sup> The use of the term “strategy” here does not imply that both the Obama and Trump administrations had consciously developed a plan of action to rhetorically “name and shame” China’s actions in the South China Sea. It should be noted that the rhetorical assertions that we have identified are part and parcel of the diplomacy that goes hand in glove with materialist deterrent and influence measures, although the extent to which different instruments of statecraft were used together varied in both administrations.
- <sup>9</sup> John Noakes and Hank Johnston, “Frames of Protest: A Road Map to a Perspective”, in *Frames of Protest: Social Movements and the Framing Perspective*, edited by Hank Johnston and John Noakes (Lanham, Maryland: Rowman & Littlefield, 2005), pp. 3–5; Dennis Chong and James Druckman, “Framing Theory”, *Annual Review of Political Science* 10 (2007): 104–6.
- <sup>10</sup> See Courtney Fung, “Rhetorical Adaptation, Normative Resistance and International Order-making: China’s Advancement of the Responsibility to Protect”, *Cooperation and Conflict* 55, no. 2 (2020): 193–215.
- <sup>11</sup> Alistair Johnston, “Treating International Institutions as Social Environments”, *International Studies Quarterly* 45, no. 4 (2001): 499–506.
- <sup>12</sup> Joshua Busby and Kelly Greenhill, “Ain’t that a Shame? Hypocrisy, Punishment, and Weak Actor Influence in International Politics”, in *The Politics of Leverage in International Relations*, edited by H. Richard Friman (New York City, New York: Palgrave Macmillan, 2015), p. 109.
- <sup>13</sup> Pascal Vennesson, “War Under Transnational Surveillance: Framing Ambiguity and the Politics of Shame”, *Review of International Studies* 40, no. 1 (2014): 32.
- <sup>14</sup> Margaret Keck and Kathryn Sikkink, *Activists Beyond Borders* (Ithaca, New York: Cornell University Press, 1998), p. 24.
- <sup>15</sup> Ronald R. Krebs and Patrick T. Jackson, “Twisting Tongues and Twisting Arms: The Power of Political Rhetoric”, *European Journal of International Relations* 13, no. 1 (2007): 36.
- <sup>16</sup> Ibid.
- <sup>17</sup> Ibid.
- <sup>18</sup> Vennesson, “War Under Transnational Surveillance”, p. 32.
- <sup>19</sup> Keck and Sikkink, *Activists Beyond Borders*, p. 24.
- <sup>20</sup> Noakes and Johnston, “Frames of Protest”, pp. 16–17; see also Vennesson, “War Under Transnational Surveillance”, p. 34.
- <sup>21</sup> Noakes and Johnston, “Frames of Protest”, p. 2.
- <sup>22</sup> Lorenz Langer, “The South China Sea as a Challenge to International Law and to International Legal Scholarship”, *Berkeley Journal of International Law* 36, no. 2 (2018): 398–99.
- <sup>23</sup> Ibid.
- <sup>24</sup> Krebs and Jackson, “Twisting Tongues and Twisting Arms”, pp. 43–44.
- <sup>25</sup> Peter Gries, *China’s New Nationalism: Pride, Politics, and Diplomacy* (Berkeley, California: University of California Press, 2004), pp. 13–29.



- <sup>26</sup> Krebs and Jackson, "Twisting Tongues and Twisting Arms", p. 44.
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- <sup>29</sup> Clive Schofield, "A Landmark Decision in the South China Sea: The Scope and Implications of the Arbitral Tribunal's Award", *Contemporary Southeast Asia* 38, no. 3 (2016): 340.
- <sup>30</sup> Krebs and Jackson, "Twisting Tongues and Twisting Arms", p. 44.
- <sup>31</sup> Langer, "The South China Sea as a Challenge to International Law", pp. 398–99.
- <sup>32</sup> United Nations Convention on the Law of the Sea (UNCLOS), 10 December 1982, [https://www.un.org/depts/los/convention\\_agreements/texts/unclos/unclos\\_e.pdf](https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf); see also Francis Hinsley, *Sovereignty*, 2nd ed. (Cambridge: Cambridge University Press, 1986), p. 158; David Lake, "The New Sovereignty in International Relations", *International Studies Review* 5, no. 3 (2003): 303–23.
- <sup>33</sup> Teh-Kuang Chang, "China's Claim of Sovereignty over Spratly and Parcel Islands: A Historical and Legal Perspective", *Case Western Reserve Journal of International Law* 23, no. 3 (1991): 403–8. See also Hsieh, *The South China Sea Disputes*, pp. 1–60.
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- <sup>35</sup> *Ibid.*
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- <sup>37</sup> Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change", *International Organization* 52, no. 4 (1998): 892.
- <sup>38</sup> Stephen Krasner, "Structural Causes and Regime Consequences: Regimes as Intervening Variables", *International Organization* 36, no. 2 (1982): 185–203.
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- <sup>40</sup> Notes Verbales to the UN Secretary-General, 7 May 2009, *CML/17/2009*, *CML/18/2009*, [https://www.un.org/Depts/los/clcs\\_new/submissions\\_files/mysvnm33\\_09/chn\\_2009re\\_mys\\_vnm\\_e.pdf](https://www.un.org/Depts/los/clcs_new/submissions_files/mysvnm33_09/chn_2009re_mys_vnm_e.pdf); [https://www.un.org/depts/los/clcs\\_new/submissions\\_files/vnm37\\_09/chn\\_2009re\\_vnm.pdf](https://www.un.org/depts/los/clcs_new/submissions_files/vnm37_09/chn_2009re_vnm.pdf).
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- <sup>44</sup> "Address by US Secretary of State at 2010 ARF", US Department of State, 23 July 2010, <https://2009-2017.state.gov/secretary/20092013clinton/rm/2010/07/145095.htm>.
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- <sup>47</sup> Krebs and Jackson, "Twisting Tongues and Twisting Arms", pp. 46–47.
- <sup>48</sup> "Foreign Minister Yang Jiechi Refutes Fallacies".
- <sup>49</sup> Ibid.
- <sup>50</sup> Ibid.
- <sup>51</sup> Ibid.
- <sup>52</sup> Ibid.
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