

## A Study of Stimson's Doctrine of Non-recognition\*

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### I. Introduction

Henry L. Stimson, Secretary of State under President Hoover, is generally associated with the non-recognition policy concerning the so-called Manchurian controversy. During the first three years of the thirties, the Manchurian Incident was one of the most important foreign affairs issues with which the United States of America was concerned while facing a most serious domestic problem, the Great Depression. Stimson's manifestations of admirable statesmanship in his persistent efforts to help solve the Manchurian crisis by following principles of international justice and peace appear very significant especially in the light of the grave domestic problems affecting America and of the ineffectiveness of the League of Nations, which was the only machinery of collective security for war prevention at that time. In order to gain a better understanding of the unusual significance of American diplomacy toward Manchuria, I have undertaken the present study to analyze Stimson's doctrine of non-recognition with special references to its ideological basis, its actual application, and its impact on the world. As to the Japanese military operations in China as well as the League's actions in response to the controversy during the particular period concerned, only those which have special relations with Stimson's major actions reflecting his doctrine will be mentioned in the course of the analysis.

Whether the non-recognition doctrine can be rightfully referred to as the Stimson doctrine remains a disputable question. Stimson himself admitted that he derived the idea to warn an aggressor by a notice of non-recognition from Secretary of State William Jennings Bryan who initiated the practice in 1915

when Japan presented the so-called Twenty-One Demands to China.<sup>1</sup> However, it is often pointed out that President Hoover first suggested this idea to Stimson and then Walter Lippmann encouraged Stimson to take this course of action. Furthermore, a few others including Allen T. Klots, William R. Castle, James G. Rogers, and Stanley Hornbeck had been consulted before the final draft of the January 7 Note of Non-recognition was completed. The President intended to establish the fact that it was he who "first proposed this idea," but the doctrine has been popularly called Stimson's although Stimson never specifically claimed its authorship for himself.<sup>2</sup> Although the disagreement on the authorship of this doctrine is understandable, I am inclined to call it Stimson's for two reasons. On the one hand, it was Stimson who, having been most deeply concerned with the Manchurian crisis since its inception with the Mukden Incident on September 18, 1931, took most responsibility to write the note and gave it its final form. On the other hand, President Hoover was so occupied with domestic crises that he left Stimson almost entirely independent in dealing with the Manchurian issue. Stimson took much pain in working out each possible step, which was implemented, of course, with the President's approval. Stimson had put so much effort into this matter that the attachment of this doctrine to his name may therefore be justifiable.

As will be made clearer later, President Hoover and Stimson held different opinions with regard to how the doctrine was to be enforced. In Richard N. Current's words, they "agreed upon most of the actual steps that the United States took in response to Far Eastern events, but they did not always agree upon the inner meaning of these measures."<sup>3</sup> Current further asserted that theirs were actually two distinct doctrines:

For the President, nonrecognition was a final and sufficient measure, a substitute for economic pressure or military force, a formula looking toward conciliation and peace and relying on the moral power of public opinion for its effect. That was the Hoover doctrine. For the Secretary of State, nonrecognition was not an alternative to economic and military sanctions but a preliminary measure, a way of sharpening the issue between the United States (along with the League of Nations) and Japan,

a means of laying down the ideological grounds for war if, as he expected, war eventually should come. That was the Stimson doctrine.<sup>4</sup>

Robert Ferrell disagreed on this point. He contended that the President and Stimson "agreed far more than they disagreed" and so there was only one and the same doctrine.<sup>5</sup> Nevertheless, the remarkable differences on the actual application of the doctrine did exist between the President and Stimson. This is a supplementary reason why I choose to use the commonly-accepted term "Stimson Doctrine." In fact, this distinction is necessary because the doctrine is to be analyzed in this paper especially with the question in mind as to how Stimson intended to enforce it.

Within the scope of the present study, the development of the Manchurian issue falls, roughly speaking, into three stages. The first stage began with the outbreak of the Mukden Incident and ended with Japan's occupation of Chinchow, the last stronghold of the Chinese Government in Manchuria,<sup>6</sup> on January 2, 1932. In this stage, Stimson attempted to conciliate the Japanese militarists, but to no avail. When he began to follow a new course of action marked with firmness by issuing the January 7 Note, the second stage started. Soon the situation was alarmingly aggravated by the Shanghai Incident which broke out on January 28, 1932, and lasted over one month. Because of President Hoover's firm opposition to imposing economic or military sanctions upon Japan, Stimson chose to reiterate his policy based on the doctrine of non-recognition in a letter addressed to Senator William E. Borah on February 24. A few days after the Shanghai Incident was settled, the League of Nations adopted the non-recognition doctrine on March 11, to the great satisfaction of Stimson. Essentially for the purpose of bringing about closer Anglo-American cooperation in diplomatic opposition against Japan, Stimson made a trip to Geneva in April, but he did not achieve this purpose. On August 8, he delivered a speech reiterating his resort to public opinion and emphasis on treaty obligations.

Finally, Stimson reached the third stage when the Lytton Report was made public on October 2, 1932. The League Assembly adopted the Lytton Report on February 24, 1933, and on the following day Stimson expressed his government's support of the League's action in a public message. In defiance of

the findings and recommendations of the Lytton Commission which were in line with Stimson's doctrine, Japan resolutely withdrew from the League on March 27, 23 days after the termination of Stimson's term of office as Secretary of State. Japan's withdrawal from the League, which constituted a grave blow to the world organization of peace, marked the end of the third stage of the Manchurian crisis. From then onward up to the end of World War II, a period not to be covered in the present study, Japan continued enjoying the fruit of her aggressive expansionism in Manchuria, without any effective coercion from the outside world.

From the brief outline of the Manchurian controversy just drawn above, we can see that the United States assumed a particularly important role in mobilizing world-wide opposition against the Japanese campaign in Manchuria. Before analyzing American efforts directed to a solution of the crisis, we may inquire into the motives behind those efforts. According to Stimson, the two main purposes of his government were: (1) to preserve its future relations with China by carrying out all the treaty obligations to China, and (2) to defend the system of collective peace founded on the post-war multi-lateral treaties.<sup>7</sup> As the initiator of the principles of the Open Door Policy which stipulated that China's territorial integrity and administrative sovereignty should be respected and that equal opportunity of commerce in China be shared by all nations, the United States would naturally attempt to enforce those principles. It seems that Stimson emphasized mainly his country's political interests in Manchuria. It is understandable, however, the United States also had considerable economic interests there. Under the grave impact of world depression, she would naturally be more interested than ever in keeping China's door open, which, as mentioned by Stimson, was a vast potential market to her.<sup>8</sup> Therefore, the Japanese aggression was directly harmful to not only the principles of world peace and order but also American interests in China.

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Abundant evidence can justify Stimson's fear of such harm to be wrought by Japanese imperialism. Ever since her take-over of Korea in 1895 and her victory over Russia in 1905, Japan had incessantly intensified her efforts to grab as extensive interests and privileges as possible in Manchuria. In view of Japan's aggressive bellicosity and China's strong aspiration for complete national unifi-

cation and independence, prolonged conflicts between these two countries were virtually inevitable. Japan openly repudiated the idea of a strong and independent China by arguing that China was not an "organized" country.<sup>9</sup> At the same time, she entertained the fear that China's future development into a strong and independent country would constitute "a menace" to her, as contended by George Bronson Rea.<sup>10</sup> Besides, Japan based her campaign in Manchuria on the self-deluding ideology of the so-called Kōdō, "the Way of God," which, as explained by Marshal Muto, Commander in Chief of the Kwantung Army, was closely associated with "Wangtao," "a political philosophy based on the Confucian doctrine."<sup>11</sup> As a result of all these factors, Japan's exploitation of Manchuria could not but be stubborn and complete. Therefore, it required much moral strength by the United States to take the lead in enforcing the doctrine of non-recognition, while the League of Nations was rendered powerless by such members as Britain and France to impose economic or military sanctions upon its betrayer Japan.

## II. Stimson's Policy Prior to the Pronouncement of His Non-recognition Doctrine

Stimson's policy in the first stage of the Manchurian Incident was designed not to press Japan too hard in order that, as he expected, the civilian Minseito government with Shidehara as its spokesman might be able to regain its control over the militarists who were believed to have ignited the Mukden Incident at their own initiative. Since Stimson's conciliatory efforts were based on certain assumptions which had much to do with his later doctrine, it is worth considering first what the assumptions were and why they were entertained by Stimson.

Stimson stated that after being informed of a series of Japan's military operations subsequent to the Mukden Incident,<sup>12</sup> the State Department of the United States began to contemplate taking any of the following possible actions:

- (1) Some form of collective economic sanctions against Japan, or in default of that
- (2) by the exercise of diplomatic pressure and the power of world public opinion, to try to get as fair play as possible for the weaker power,

China, in the eventual negotiated settlement, and

- ( 3 ) by a vigorous judgment against Japan backed by the public opinion of the world, to save as much respect as possible for the great peace treaties which had been publicly flouted by Japan's actions.<sup>13</sup>

It is not surprising that the first possibility was ruled out as the United States shared the same grave economic predicament with many other countries and consequently tended to avoid deep involvement in the Manchurian crisis. Among the other two alternatives, either through negotiated settlement or by world-wide judgment against Japan, the former one seemed to have stronger appeal to Stimson because it would probably induce less resentment against American interference on the part of Japan. His preference for the negotiation approach was evidently based on his assumptions that, as rightly pointed out by Armin Rappaport and Elting E. Morison, the Mukden Incident was merely a local mutiny and that the moderate civilians as represented by Shidehara would soon be able to resume their former dominance over the radical military power.<sup>14</sup> Stimson was convinced of "the wisdom" of giving Shidehara such an opportunity, "free from anything approaching a threat or even public criticism," to bring the situation under control.<sup>15</sup> Largely due to these assumptions, Stimson decided to seek a peaceful negotiation between the two disputants. This course of action was made clear in the identical notes he sent to China and Japan on September 24, 1931, in which he began to call attention to the importance of observing international law. After expressing his government's regret at and concern with what had happened in Mukden, Stimson stated:

In view of the sincere desire of the people of this country that principles and methods of peace shall prevail in international relations, and of the existence of treaties, to several of which the United States is a party, the provisions of which are intended to regulate the adjustment of controversies between nations without resort to use of force, the American Government feels warranted in expressing to the Chinese and the Japanese Governments its hope that they will cause their military forces to refrain from any further hostilities, will so dispose respectively of their armed forces as to satisfy the requirements of international law and international

agreements, and will refrain from activities which may prejudice the attainment by amicable methods of an adjustment of their differences.<sup>16</sup>

This note clearly set the tone for Stimson's initial policy toward Manchuria. The basic ideas therein are completely in line with those set forth in the identic telegrams which the League of Nations, in response to China's appeal invoking Article XI of the Covenant,<sup>17</sup> sent to China and Japan two days earlier. This act by Stimson unmistakably reflected American policy to cooperate closely with the League, a policy which Stimson adhered to throughout the whole crisis primarily for avoiding the risk of a hostile reaction both at home and from Japan.<sup>18</sup>

Out of deference to the general sentiment of Americans and with the belief in Shidehara's sincerity, Stimson at first would not give his consent to the request from Geneva that the United States should sit in the League Council.<sup>19</sup> However, as he got increasingly impatient with the steady expansion of the Japanese force, Stimson began reconsidering this request. Finally, when Japan launched a cruel attack against Chinchow on October 8, breaking all of Shidehara's pledges, Stimson decided to accept the request. In consequence, he instructed Prentiss Gilbert, the American Consul at Geneva, to sit at the Council table on October 16, 1931. Later, Charles G. Dawes, the Ambassador in Great Britain, was also instructed to do the same thing. Needless to say, this action taken by the American Government was a significant indication of her willingness to assist the League to solve the Manchurian issue.

Stimson's assumption that the Shidehara's civilian group would eventually master the military proved utterly wrong when the Minseito government was superseded by the Seiyukai Party on December 11. With the success of the militaristic party in arousing strong nationalistic feelings in the Japanese people, Stimson was obliged to harden his attitude toward Japan.

On December 10 Stimson issued a statement expressing his gratification at the League's adoption of the resolution which resulted in the formation of the five-membered Commission of Enquiry with Lord Lytton as its Chairman.<sup>20</sup> That an American representative was included in the Commission was a further proof of the American Government's eagerness to help the League. In this statement, Stimson again called special attention to the post-war peace treaties. He observed:

This government has from the beginning endeavored to cooperate with and support these efforts of the Council by representations through the diplomatic channels to both Japan and China. Not only are the American people interested in the same objective sought by the League of Nations preventing a disastrous war and securing a peaceful solution of the Manchurian controversy, but as a fellow-signatory with Japan and China in the Kellogg-Briand Pact and the so-called Nine-Power Treaty of February 6, 1922, this Government has a direct interest and obligation under the undertakings of those treaties.<sup>21</sup>

So far Stimson had made it clear enough that he heavily relied upon legal and moral power in dealing with the worsening situation in Manchuria. But unfortunately his conciliatory approach based on international law failed to exert any expected influence on the Japanese movement. As the expansion of Japanese force in Manchuria was even accelerated after the installation of the Seiyukai Cabinet, the League demanded that Japan withdraw from Chinese territory by November 16. But instead of obeying this order, Japan occupied Tsitsihar on November 17. To remedy such a serious situation, Stimson proposed to President Hoover on November 27 that the question of American participation in an embargo against Japan be reconsidered. Definitely this proposal showed that Stimson had begun to modify his conciliatory policy. However, President Hoover refused to accept the proposal for he was convinced that sanctions were "the road to war" and that getting into a war with Japan for Asia would be a "folly."<sup>22</sup>

At last, with the fall of Chinchow to Japan, Stimson was forced to admit that he had clung to the hope for Japan's withdrawal for too long.<sup>23</sup> As remarked by McGeorge Bundy, it was undeniable that "the United States did not in this period step out boldly against aggression."<sup>24</sup> However, Stimson reasoned that his initial policy sounded right because he thought that the League should be assuming the leadership in formulating effective policy toward Japan. An equally important factor which conditioned his "watchful waiting" policy was apparently President Hoover's strong objection to any active involvement in the struggles of the Far East,<sup>25</sup> a position fully supported by the majority of the American people.<sup>26</sup> In this connection, Edwin L. Fang was right in asserting that the Japanese campaign in Manchuria was not encouraged by the United States' gentle



attitude toward Japan but by their conviction that the American Government was unable and unwilling to offer an effective opposition against Japan.<sup>27</sup>

Nevertheless, Stimson would not allow himself to let an aggressor go unrebuked for his "ideal world was one of ordered and disciplined relations between states . . . ." <sup>28</sup>

### III. After the Pronouncement of the Doctrine of Non-recognition

Stimson's attitude became sterner with Japan's occupation of Chinchow but he was not free enough to undertake all that he deemed to be appropriate. The transition from the conciliatory policy to the new policy of non-recognition was by no means abrupt for the principles of the new policy had been laid down by its preceding one. Both were prompted by deep respect for treaties obligations. In other words, the conciliatory efforts had paved the way for the pronouncement of the non-recognition doctrine.

On January 7, 1932, the doctrine was declared in the identic notes addressed to China and Japan. The text of this historic note is worthy of a verbatim quotation:

With the recent military operations about Chinchow, the last remaining administrative authority of the Government of the Chinese Republic in South Manchuria, as it existed prior to September 18, 1931, has been destroyed. The American Government continues confident that the work of the neutral commission recently authorized by the Council of the League of Nations will facilitate an ultimate solution of the difficulties now existing between China and Japan. But in view of the present situation and of its own rights and obligations therein, the American Government deems it to be its duty to notify both the Government of the Chinese Republic and the Imperial Japanese Government that it can not admit the legality of any situation de facto nor does it intend to recognize any treaty or agreement entered into between those governments, or agents thereof, which may impair the treaty rights of the United States or its citizens in China, including those which relate to the sovereignty, the independence, or the territorial and administrative integrity of the Republic of China or to the international policy relative to China, commonly known as the open-door policy; and that it does not intend to recognize any situation, treaty, or agreement which may be brought about by means contrary to the covenants and obligations of the

Pact of Paris of August 27, 1928, to which treaty both China and Japan, as well as the United States, are parties.<sup>29</sup>

The straightforward language used in this note was very likely to provoke an adverse reaction on the part of Japan. So Stimson might have had this possibility in mind when he defined the actual position of his government in a press interview on the following day. The gentle tone prevailing in the following statement made it clear that the United States would not defend the Pact of Paris by force so long as Japan would respect American treaty rights in China. He declared:

In the first place we have not desired to question Japan's legitimate treaty rights in Manchuria. We do not intend to interfere with them in the slightest degree.

In the second place we have not desired to intrude ourselves into any settlement which Japan may make of the present unhappy difficulties except that:

1. Nothing in that settlement must impair our rights or our citizens' rights in China, such as the condition of an open-door policy, and the Nine-Power Treaty which embodies the open-door policy;

2. That settlement should not be achieved by violation of the methods agreed upon in the Kellogg Pact.

That is the substance of the position we have taken up.<sup>30</sup>

Naturally, such a verbal action not to be backed by force received favorable response from most of the American people. But it did not win the whole-hearted approbation of the Chinese, who thought Stimson's protest against Japanese aggression was "too late and too weak."<sup>31</sup> Stimson had expected Britain and France to do the same in protest against Japan, but he gained nothing from them but rebuff. An editorial in the *London Times* of January 11 stated: "Nor does it seem to be the immediate business of the Foreign Office to defend the 'administrative integrity' of China until that integrity is something more than an ideal."<sup>32</sup> Such a cold reaction from the League as well as the American government's clear intention to shun any direct conflict with Japan combine to explain why Japan appeared so bold in its reply of January 16 as to acknowledge as if Stimson's note were meant to support the Japanese program in Manchuria. In its first two paragraphs Japan replied in a sheer mocking tone:

The Government of Japan is well aware that the Government of the United States would always be relied upon to do everything in their power to support Japan's efforts to secure full and complete fulfillment in every detail of the treaties of Washington and the Kellogg treaty for the outlawry of war.

They are glad to receive this additional assurance of the fact.<sup>33</sup>

The United States was irritated at Japan's bold mockery but would do nothing about it. Sadako N. Ogata correctly observed, "The absence of international opposition with teeth was the overall factor that helped the Japanese military feel free to advance in Manchuria."<sup>34</sup> As a matter of fact, Stimson was not without the intention of equipping his doctrine with some "teeth." On January 29, at a Cabinet meeting, Stimson requested "that there should be no talk or action by anyone which should indicate that we were not going to use any weapon that we might have, whether it be the fleet or the boycott."<sup>35</sup> But again President Hoover would not consent to this request.

As a demonstration of her increasing defiance of Stimson's "moral sanction," Japan attacked Chapei, a Chinese district in Shanghai, on January 28, 1932. The attack, originally prompted by the Chinese boycott of Japanese trade, was met with very stubborn resistance by the Chinese 19th Route Army. While the severe fighting was going on, the British Foreign Office was greatly disturbed because of her extensive interests in Shanghai. Stimson made use of this opportunity to solicit British cooperation, and the result was that both nations strengthened their naval force in the International Settlement in Shanghai and thus formed a united diplomatic opposition against Japan.

Obviously, the Shanghai Incident was a side-issue of the Manchurian crisis. But Japan tried to draw a distinction between the disturbances at Shanghai and the dispute in Manchuria.<sup>36</sup> On February 8, as the situation was getting worse, Stimson suggested to President Hoover that Article VII of the Nine-Power Treaty be invoked.<sup>37</sup> The President approved of this suggestion on the condition that the cooperation of Britain and other signatories of the treaty be secured. But Britain refused to take such an action. In order to further enhance the non-recognition doctrine, Stimson finally decided to invoke the Nine-Power Treaty by writing a letter to Senator Borah, Chairman of the Senate Committee on Foreign Relations. With the approval of the President, the letter was published on February 24.

In this historic letter, which was described as “a diplomatic masterpiece” by Rappaport,<sup>38</sup> Stimson elaborated on the intimate relationships between the Nine-Power Treaty and the Kellogg-Briand Pact as the legal basis of the open-door policy. He strongly upheld these two treaties which “represent independent but harmonious steps taken for the purpose of aligning the conscience and public opinion of the world in favor of a system of orderly development by the law of nations including the settlement of all controversies by methods of justice and peace instead of by arbitrary force.”<sup>39</sup> The letter did not name Japan specifically, but it deplored that these treaties were being violated. It made clear that faithful observation of these treaties was in harmony with their signatories’ legitimate rights in China. Furthermore, Stimson urged the other nations to follow the non-recognition doctrine. He wrote:

If a similar decision should be reached and a similar position taken by the other governments of the world, a caveat will be placed upon such action which, we believe, will effectively bar the legality hereafter of any title or right sought to be obtained by pressure or treaty violation, and which, as has been shown by history in the past, will eventually lead to the restoration to China of rights and titles of which she may have been deprived.<sup>40</sup>

It is shown here that Stimson was rather optimistic about the restoration of world peace so long as all the nations upheld the doctrine.

Another important point discernible in this letter was the implication that the United States would reconsider the disarmament agreements of 1922 and refortify the islands of Guam and the Philippines. According to Bundy, that was “the strongest statement Stimson made during the Manchurian crisis.”<sup>41</sup> To Stimson the implied revision of the naval program was a very useful threat to Japan, but President Hoover was afraid that the implication would push Japan to the verge of war. Therefore, the President intended to declare that the United States would not wage any war against Japan. But Stimson dissuaded him from lifting the veiled threat. This may also be taken as an excellent illustration of the differences between the President and Stimson on the actual enforcement of the non-recognition doctrine.

Written for five unnamed addressees, this letter was meant to encourage China, to explain the American policy to the public, to suggest future possible

action to the League, to remind the British Government of its obligations, and above all, to warn Japan. Compared to the January 7 Note, this letter achieved a greater degree of success. Japan reacted in a less defiant manner and accordingly agreed to attend a truce and round-table conference as demanded by the League on February 29. And a few days later the Shanghai Incident was settled. Partly because the heroic performance of the Chinese 19th Route Army had won greater sympathy from Americans, anti-Japanese sentiment was mounting rapidly in the United States. Such organizations as the Federal Council of Churches, the American Boycott Association, etc., strongly proposed boycott of Japanese goods. The most remarkable success achieved by this letter was perhaps the League's adoption of the non-recognition doctrine on March 11, 1932. Significantly enough, it was Sir John Simon who first proposed the resolution. Thus the Assembly "declares that it is incumbent upon the members of the League of Nations not to recognize any situation, treaty or agreement which may be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris."<sup>42</sup> This is indeed a victory of legality and morality.

But unfortunately, the successful mobilization of the world's public opinion against aggression failed to check Japanese movement in Manchuria. Under the guidance of Japan, the puppet regime "Manchukuo" declared its independence on March 1, 1932. Then on March 9 Henry Pu Yi was inaugurated as regent of the artificially-erected state. The Manchurian situation was thus considerably aggravated.

However, Stimson would not yield to the challenge of the tough situation. In order to keep Japan "guessing and wondering and fearing,"<sup>43</sup> he persuaded President Hoover to order the American fleet, after holding its annual maneuvers in the Pacific, to stay there until the 1933 maneuvers. It might be safe to consider this undertaking by the American navy as an embodiment of the "veiled threat" implied in the Borah letter. Besides, the anti-Japanese campaigns launched by such institutions as the American Committee on the Far Eastern Crisis, the Committee on Economic Sanctions, the American Boycott Association, and the Twentieth Century Fund were also in agreement with Stimson's purpose. Another remarkable indication of Stimson's earnestness in doing something about Japan's escalating aggression was his trip to Geneva from April 8 to May 14. On

the surface his mission was to attend the World Disarmament Conference, but actually his more important goal was to ask the major powers for close cooperation in the efforts to deter Japan. But to his disappointment, he won no favorable response from them. Equally frustrating was that while Stimson was on his trip, Under-Secretary Castle was instructed by President Hoover to say what Stimson did not want the President to say.

Stimson's "threat" was thus rendered weak. With passage of time, Japan's influence in Manchuria was increasingly solidified. The Lytton Commission of Enquiry was going on with its important mission, but it seemed that Japan was not in the least affected by what the League was doing. Under such circumstances, Stimson made one more admirable effort in mobilizing the world's public opinion by delivering a speech on August 8, 1932, before the Council of Foreign Relations. Stimson wrote that the original purpose of this speech was "to support the Kellogg Pact as the fulcrum upon which we will have our issue with Japan." He added, it was also intended "to rally the European countries around the Pact, so that when the issue with Japan comes up, they will support us intelligently on this central point."<sup>44</sup> But as pointed out by Current, President Hoover disagreed on such a strong stand, so Stimson was obliged to revise his first draft.<sup>45</sup>

In the speech entitled "The Pact of Paris: Three Years of Development," Stimson eloquently condemned the "fruits of aggression" and the extremely destructive and abnormal "illegal thing"—war, asserted the inadequacy and incompatibility of the old concept of neutrality, expounded the "irresistible" power of "public opinion," and concluded by urging "the entire group of civilized nations" to cooperate with the United States in expressing their "moral disapproval." The following paragraphs carry such weighty ideas that they warrant verbatim quotation:

Moral disapproval, when it becomes the disapproval of the whole world, takes on a significance hitherto unknown in international law. For never before has international opinion been so organized and mobilized.

I believe that this view of the Briand-Kellogg Pact which I have discussed will become one of the great and permanent policies of our nation. It is founded upon conceptions of law and ideals of peace which are among

the most cherished faiths of the American people.

.....

These aspirations of the world are expressed in the great peace treaty which I have described. It is only by continued vigilance that this treaty can be built into an effective living reality. The American people are serious in their support and evaluation of the treaty. They will not fail to do their share in this endeavor.<sup>46</sup>

When viewed together with the January 7 Note and the Borah letter, this speech may be taken as their "sister statement" of the non-recognition doctrine. All of them are based on the principles of law and ideals of peace which are embodied in the League Covenant, the Kellogg-Briand Pact, and the Nine-Power Treaty. (For the main contents of these treaties which are specially related to the Stimson doctrine, see Appedix). Although expressed in different forms and at different forms and at different times, all these documents were intended to impose moral condemnation on Japan's aggression.

However, this speech was unique in certain respects. As Rappaport succinctly put it, the speech was

a revolutionary pronouncement, a departure from the injunction of the Founding Fathers, from the long tradition of the American people, and from the policy of the Administration and its two predecessors. Neutrality had become the basic ingredient of American foreign policy, and here was the Secretary of State announcing its demise.<sup>47</sup>

Apparently, traditional adherence to neutrality tended to prevent the United States from close involvement in the Far Eastern crisis. And it required great courage and wisdom of Stimson to abandon neutrality and step out resolutely against an aggressor. If all the other nations would not remain neutral bystanders, Japan's Manchurian movement would immediately be thwarted.

Such a strong stand taken by Stimson naturally aroused strong anti-American sentiment in Japan. Japan's angry and defiant response to the Stimson doctrine can be seen in a speech given by Ishii Kikujiro, the president of the League of Nations Association of Japan, who warned the United States not to interfere with Japan's "pacific and natural expansion" unless it wished to "create a grave situation."<sup>48</sup> History has testified that this warning was not a hollow one.

Japan's defiance resulted in its formal recognition of the puppet regime

on September 15, 1932. An advocate of "Manchukuo," Rea contended that the state was established with the determination of its people. He said, "It is a self-created entity, satisfied of its own existence and can exist indefinitely without recognition. Recognition is merely the acknowledgement of an existing fact; it does not create the fact."<sup>49</sup> Defiant as he was, Rea still admitted that Stimson's doctrine would seem "to undermine the very basis of state sovereignty."<sup>50</sup> In defining recognition, Stephen C. Pan maintained, "Through recognition only and exclusively a state becomes an international person and a subject of international law, and without it there is no possibility of other states formally entering into intercourse with the new state."<sup>51</sup>

The legal functions of recognition being such, the Stimson doctrine at least served to disparage the legal status of "Manchukuo."

#### IV: A Regrettable Dénouement

After Japan's formal recognition of "Manchukuo," Stimson seemed to be caught in a sort of dilemma. The weapons he was permitted to use were mere "words" and "implied threats" which had been proved ineffective. He knew that his doctrine ought to be backed up by force, but this approach was denied to him. In the face of Japan's solid position in Manchuria now, what could Stimson do then?

It seems that all he could do then was to wait for the Lytton Report.

After studying in detail and impartially how the Manchurian controversy had resulted in the establishment of "Manchukuo," the Commission of Enquiry published its famous report on October 2, 1932. All the facts led the report to the conclusion that "Manchukuo" was not the result of "a genuine and spontaneous independence movement" of the Chinese people. Among the factors which contributed to its formation, the Report said, the two most effective ones were "the presence of Japanese troops and the activities of Japanese officials, both civil and military." On February 24, 1933, the League Assembly adopted the Second Report prepared by the Committee of Nineteen. The recommendations in regard to the settlement of the dispute given in this report include these main points: (1) the evacuation of Japanese troops outside the South Manchurian Railway zones; (2) the restoration of autonomy of Manchuria under the sovereignty



of China; (3) the initiation of Sino-Japanese negotiations with the assistance of a Committee set up by the Assembly; and (4) the observation of the non-recognition policy toward "Manchukuo" de jure or de facto by the members of the League.<sup>52</sup> All the findings and recommendations in the report thoroughly conformed to the Stimson doctrine. So on February 25, Stimson conveyed in a public statement the United States' endorsement of the principles recommended by the Assembly. He emphasized that "in their affirmations respectively of the principle of non-recognition and the attitude in regard thereto, the League and the United States are on the same ground." In this statement he, for the last time, clearly expressed his earnest hope that Japan and China might "find it possible in the light of world opinion to conform their policies to the need and the desire of the family of the nations that disputes between nations shall be settled by none but pacific means."<sup>53</sup>

Once and for all, Japan shattered Stimson's earnest hope by announcing her withdrawal from the League on March 27. All the treaties on which the non-recognition doctrine was founded were thus completely torn into "scraps of paper."<sup>54</sup> In Mo Shen's words, "Japanese invasion of Manchuria has practically tolled the death of the three principal pillars of world peace . . . ." <sup>55</sup>

Writing in 1947, Stimson himself commented on his doctrine:

What happened after World War I was that we lacked the courage to enforce the authoritative decision of the international world. We agreed with the Kellogg Pact that aggressive war must end. We renounced it and we condemned those who might use it. But it was a moral condemnation only. We thus did not reach the second half of the question—what will you do to an aggressor when you catch him? If we had reached it, we should easily have found the right answer, but that answer escaped us for it implied a duty to catch the criminal and such a choice meant war. . . . <sup>56</sup>

Thus Stimson admitted that he had caught a criminal and let him go unpunished. Stimson could do nothing about the criminal except to give him moral condemnation. This is exactly the way in which the non-recognition doctrine was applied to Japan.

## V. Conclusion

We have seen in the foregoing pages that several factors combined to bring about the failure to halt the Japanese campaign in Manchuria. First of all, Stimson failed to realize in time that the Mukden Incident was an initial military operation closely integrated with the whole Manchurian campaign well planned by Japan. Then, after Japan's imperialistic ambition was completely revealed, Stimson could not enforce his doctrine with force partly because of the restraining President and partly because of the ineffective League. The President's rejection of the proposal either for economic or military sanctions was largely due to the traditional neutrality policy and the Great Depression, while the League's ineffectiveness was mostly caused by "paralyzed" Britain and France.<sup>57</sup> The pro-Japanese attitude of these two powers made the League unable to exert juridical force strong enough to check Japan's aggression.

In addition to the apparent reasons just mentioned, a few others are also worthy of note. For instance, Sara R. Smith maintained that Stimson failed to keep the American people well informed of the true state of affairs and made it impossible to mobilize strong enough moral force by "consistently minimizing [Japan's] faults and displaying quite prominently its sometimes non-existent virtues."<sup>58</sup> Smith also pointed out that Stimson failed to cooperate well enough with the League because of "the complete lack of a technique of collaboration."<sup>59</sup>

Thus, the essential cause of the doctrine's failure lay in the absence of serious intention to enforce the moral pressure with force. Tragically, the failure to wage a war against Japanese aggression turned out to be a cause of World War II. The Pearl Harbor Incident of December 7, 1941, Stimson believed, "was merely the logical result of events which began in Manchuria."<sup>60</sup> More often than not, peace can not be achieved without war. It was true in the case of the Manchurian controversy. Secretary of War Patrick Hurley was right in predicting that "notes and diplomatic representations were not going to do much good unless backed by force."<sup>61</sup>

Based on its "Situational Analysis," the Kwangtung Army was fully convinced that the United States would not use force to deter Japan.<sup>62</sup> Undoubtedly,

Japan's defiant attitude was rooted in this conviction. Throughout the Manchurian crisis, almost every action by which either the League or the United States intended to check Japan was soon followed by Japan's defiant reaction. For instance, soon after the pronouncement of the January 7 Note Japan alarmed the world by bombing Chapei in Shanghai. The publication of the Borah letter was soon followed by the establishment of "Manchukuo." Then Japan formally recognized this puppet regime soon after Stimson gave his August 8 speech. Finally, Japan's defiance culminated in its withdrawal from the League soon after the Lytton Report was adopted by the League Assembly.

However, it would be unfair to consider the Stimson doctrine a complete failure. In fact, Stimson's efforts in upholding this doctrine are praiseworthy. Specifically, the doctrine achieved three effects as mentioned by Pan, namely, "(1) it bars 'Manchukuo' from acquiring international recognition either de facto or de jure; (2) it provides a legal basis upon which Chian may recover her lost territory; (3) it offers many obstacles to, although it can not prevent, the establishment of the present regime in Manchuria."<sup>63</sup> At least one more point can be added, that is, the doctrine kept the whole world more responsive to the requirements of legality and morality and therefore more reverent to the principles of international peace. This is why Bundy asserted that "Stimson's success in securing a unanimous judgment against Japan and a nearly unanimous adoption of the non-recognition doctrine seemed to him perhaps the greatest constructive achievement of his public life."<sup>64</sup>

### Notes

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<sup>1</sup> Henry L. Stimson, *The Far Eastern Crisis* (New York: Harper, 1936), p. 93.

<sup>2</sup> Elting E. Morison, *Turmoil and Tradition: A Study of the Life and Times of Henry L. Stimson* (Boston: Houghton Mifflin, 1960), p. 386.

<sup>3</sup> Richard N. Current, "Henry L. Stimson," in *An Uncertain Tradition: American Secretaries of State in the Twentieth Century*, ed. Norman A. Graibner

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(New York: McGraw-Hill, 1961), p. 177. See also Richard N. Current, "The Stimson Doctrine and the Hoover Doctrine," *The American Historical Review*, LIX, No. 3 (1954), 541.

<sup>4</sup> *Ibid.*

<sup>5</sup> Robert H. Ferrell, *American Diplomacy in the Great Depression* (New Haven: Yale Univ. Press, 1957), p. 169.

<sup>6</sup> The geographical area of Manchuria was described in the Lytton Report as follows: "Manchuria is a vast country with an area as large as France and Germany taken together, estimated at about 380,000 square miles. Manchuria is bound on the west by the province of Ho-pei and Outer and Inner Mongolia. . . . On the northwest Manchuria is bound by the Siberian province of the U. S. S. R., on the southeast by Korea, and on the south by the Yellow Sea. The Southeastern end of Liao-tung Peninsula has been held by Japan since 1905. Its area is over 1,300 square miles, and it is administered as a Japanese leased territory. In addition, Japan exercises certain rights over a narrow strip of land, which extends beyond the leased territory, and which contains the lines of the South Manchuria Railway. The total area is only 108 square miles, whereas the length of the lines is 690 miles." See *Report of the Commission of Enquiry of the League of Nations* (Washington, 1932), pp. 25-26. Cited by Stephen Chao Ying Pan, *American Diplomacy Concerning Manchuria* (Boston: Bruce Humphries, 1938), p.6.

<sup>7</sup> Stimson, p. 233.

<sup>8</sup> *Ibid.*, p. 91.

<sup>9</sup> Henry L. Stimson and McGeorge Bundy, *On Active Service: In Peace and War* (New York: Harper, 1947), p. 255.

<sup>10</sup> George Bronson Rea, *The Case for Manchuria* (New York: D. Appleton-Century, 1935), pp. 21-25.

<sup>11</sup> James A. B. Scherer, *Manchukuo: A Bird's-Eye View* (Tokyo: The Hokuseido Press, 1933), p. 120.

<sup>12</sup> By the afternoon of September 19, the Japanese troops had occupied several cities including Antung, Changchun, and Newchang. Kirin was taken on September 21.

<sup>13</sup> Stimson, *The Far Eastern Crisis*, p. 57.

<sup>14</sup> Armin Rappaport, *Henry L. Stimson and Japan, 1931-33* (Chicago: The Univ. of Chicago Press, 1963), pp. 53-54. Also see Elting E. Morison, *Turmoil and Tradition*, p. 374.

<sup>15</sup> Stimson, p.34.

<sup>16</sup> Geneva Research Information Committee, "The League and Manchuria," *Geneva Special Studies*, II, No. 10 (October, 1931), p. 22.

<sup>17</sup> Article XI of the League Covenant reads as follows: "Any war or threat of war, whether immediately affecting any of the Members of the League or not, is hereby declared a matter of concern to the whole League, and the League shall take any action that may be deemed wise and effectual to safeguard the peace of nations." See Stimson, p. 259.

<sup>18</sup> Stimson, p. 61.

<sup>19</sup> Stimson, *Diary*, September 23, 1931.

<sup>20</sup> The members of the Commission were: Count Aldrovandi (Italian), General de Division Henri Claudel (French), The Earl of Lytton (British), Major-General Frank Ross McCoy (American), and Dr. Heinrich Schnee (German).

<sup>21</sup> Geneva Research Information Committee, "The League and Manchuria," *Geneva Special Studies*, II, No. 12 (December, 1931), p. 80.

<sup>22</sup> Stimson, *Diary*, January 26, 1932. Cited by Current, p. 521.

<sup>23</sup> Stimson & Bundy, p. 231.

<sup>24</sup> *Ibid.*, p.232.

<sup>25</sup> Stimson, *Diary*, September 23, 1931.

<sup>26</sup> Stimson & Bundy, p. 233.

<sup>27</sup> Edwin Lo-tien Fang, *Manchuria: A Second Korea?--An Outline of Japan's Manchurian Policy from Its Inception to Its Climax* (Shanghai: The Commercial Press, 1934), p. 404.

<sup>28</sup> William L. Neumann, *America Encounters Japan: From Perry to MacArthur* (Baltimore: The Johns Hopkins Press, 1963), p.191.

<sup>29</sup> Quoted by Stimson, *The Far Eastern Crisis*, pp. 96-97.

<sup>30</sup> Edwin Lo-tien Fang, p. 409 .

<sup>31</sup> Armin Rappaport, p. 104.

<sup>32</sup> Cited by Stimson, p. 103.

<sup>33</sup> Geneva Research Information Committee, "The League and Shanghai,"

*Geneva Special Studies*, III, No. 5 (May, 1932), p. 112.

34 Sadako N. Ogata, *Defiance in Manchuria: The Making of Japanese Foreign Policy, 1931-1932* (Berkeley: Univ. of California Press, 1964), p. 179.

35 Stimson, *Diary*, Jan. 26, 29, 1932. Cited by Current, p. 527.

36 Japan published a statement in *London Times* of February 4th saying: "In Shanghai, Japan's interests were said to be similar to those of other powers; in Manchuria, they were of paramount importance, economically and politically, and our position there is a matter of life and death." Cited in Geneva Research Information, "The League and Shanghai," *Geneva Special Studies*, III, No. 5 (May, 1932), p. 41.

37 Article VII of the Nine-Power Treaty reads as follows: "The Contracting Powers agree that, whenever a situation arises which in the opinion of any one of them involves the application of the stipulations of the present Treaty, and renders desirable discussion of such application, there shall be full and frank communication between the Contracting Powers concerned." See Stimson, *The Far Eastern Crisis*, p. 269.

38 Rappaport, p. 141.

39 Stimson, *The Far Eastern Crisis*, p. 172.

40 *Ibid.*, p. 174.

41 Stimson & Bundy, p. 256.

42 Stimson, p. 178.

43 Rappaport, p. 159.

44 Stimson, *Diary*, Aug. 8, 1932. Cited by Current, p. 535.

45 Current, *loc. cit.*

46 Stimson, "Pact of Paris: Three Years of Development," *New York Times*, 9 Aug. 1932.

47 Rappaport, p. 170.

48 Reported in *New York Times*, 22 June 1932. Cited by Rappaport, p. 164.

49 George Bronson Rea, p. 12.

50 *Ibid.*, p. 13.

51 Stephen C. Pan, p. 295.

52 The League of Nations, *Findings and Recommendations of the League Assembly on the Lytton Report, February 24, 1933*, Reprinted in Stimson, *The Far Eastern Crisis*, pp. 279-85.

53 Stimson, pp. 229-30.

54 Stimson & Bundy, p. 232.

55 Mo Shen, *Japan in Manchuria: An Analytical Study of Treaties and Documents* (Manila: Grace Trading Co., 1960), p. 317.

56 Stimson, "The Nuremberg Trial," *Foreign Affairs* (January, 1947). Cited by Stimson & Bundy, p. 262.

57 Leon Blum, *L'Histoire Jugera* (Montreal, 1945), p. 47. Cited by Elting E. Morison, p. 380.

58 Sara R. Smith, *The Manchurian Crisis* (New York: Columbia Univ. Press, 1948), p. 261.

59 *Ibid.*, p. 260.

60 Stimson & Bundy, p. 220.

61 *Ibid.*, p. 243.

62 *Josei handan*, "Situational Analysis," April, 1932. Draft written by Itagaki Seishiro. Cited by Ogata, p. 166.

63 Stephen C. Pan, p. 342.

64 Stimson & Bundy, p. 262.

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## Appendix

### Excerpts from the League Covenant, the Nine-Power Treaty and the Kellogg-Briand Pact

- I. The League covenant was signed in 1919. It provided that disputes between nations must be settled through pacific means so as to maintain world peace.

The High Contracting Parties,

In order to promote international cooperation and to achieve international peace and security

by the acceptance of obligations not to resort to war,

by the prescription of open, just and honourable relations between nations,

by the firm establishment of the understandings of international law as the actual rule of conduct among Governments, and

by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organised peoples with one another,

Agree to this Covenant of the League of Nations.

(Reprinted in Stimson, *The Far Eastern Crisis*, p. 255.)

- II. The Nine-Power Treaty was signed in 1922 in Washington. The first three paragraphs of the treaty provided that the contracting parties, other than China, agreed:

(1) To respect the sovereignty, the independence, and the territorial and administrative integrity of China;

(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government;

(3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China.

(Reprinted in Stimson, p. 267.)

III. The Kellogg-Briand Pact was signed on August 27, 1928, at Paris. The Treaty for Renunciation of War is also called the Pact of Paris or the Paris Peace Pact. The central points of the treaty are contained in its first two articles:

#### Article I

The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

#### Article II

The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

(Reprinted in Stimson, p. 272.)

## A Study of Stimson's Doctrine of Non-recognition

(Abstract)

Yü Yüh-chao

The main purpose of the present study is to examine the unusual significance of American diplomacy toward Manchuria by way of analyzing Stimson's doctrine of non-recognition with special references to its ideological basis, its actual application, and its impact on the countries concerned.

Roughly speaking, the development of Stimson's non-recognition policy falls into three stages. In the first stage, beginning with the Mukden Incident and ending with Japan's occupation of Chinchow, Stimson adopted, for various reasons, a conciliatory approach to the Japanese aggression in Manchuria. In the second stage, he relied on his doctrine of non-recognition which was pronounced on January 7, 1932. As the situation was increasingly aggravated by the Shanghai Incident, among other events, Stimson began to consider imposing economic sanctions on Japan, but President Hoover was opposed to his proposal. Finally, in the third stage, Stimson insisted on his doctrine, and continued to cooperate with the League in dealing with Japan.

In the analysis of Stimson's policy, special attention is directed to the complicated process of changes in Stimson's attitude toward Japan as the situation in Manchuria was getting worse, and also to the most regrettable fact that many factors, such as President Hoover's unwillingness to equip Stimson's doctrine of non-recognition with some "teeth," the incapability of the League to deter Japanese imperialism, and the incooperative attitude of Britain and France, combined to render Stimson's doctrine an object of the Japanese aggressors' contempt and ridicule. Throughout the Manchurian crisis, almost every action by which either the League or the United States intended to check Japan's campaign was soon followed by Japan's defiant reaction. For example, soon after the pronouncement of the January 7 Note Japan alarmed the world by bombing Chapei in Shanghai. The publication of the Borah letter was soon followed by the establishment of the puppet regime "Manchukuo." Then Japan's defiance culminated in its withdrawal from the League soon after the Lytton Report was adopted by the League Assembly.

Thus, Japanese imperialism became increasingly rampant, and eventually contributed to the outbreak of World War II, bringing immeasurable damages to China and many other countries. However, Stimson's non-recognition doctrine can not be viewed as a total failure. At least it helped to prevent "Manchukuo" from acquiring international recognition, to give legal and moral support to China's efforts to recover its lost territory, and to keep the whole world reverent to the principles of international peace.

## 史汀生「不承認主義」之研究

余玉照

### 中文摘要

本論文主旨在於研析史汀生「不承認主義」之思想背景、形成經過、實施情形、以及對有關國家產生之影響，藉以深入瞭解美國對我東北外交政策之特殊意義。

大致說來，史汀生「不承認主義」之發展可以分三個階段加以說明。首先，自九一八事變爆發以迄日軍攻佔錦州，史汀生採取多方斡旋之策略，避免對日施加太多壓力，然而事實證明此一策略毫無效果。於是，在第二階段中，他採行在民國廿一年一月七日宣佈之「不承認主義」，後因日軍發動一二八事變，局勢更形惡化，他便開始考慮對日施以經濟制裁，但此提議屢遭胡佛總統之反對。最後，在第三階段中，史汀生繼續為堅持「不承認主義」作了種種努力，但日軍侵華行動仍無有已時，在在顯示此一主義並無多少實際成效。

在分析史汀生對我東北之外交方針時，本文強調史氏如何因情勢日趨危急而逐漸將對日態度轉趨強硬，同時強調由於胡佛總統之掣肘，國聯之積弱，以及英法等國之不合作態度等因素，導致史氏不承認主義淪為日本帝國主義侵略者嘲弄之對象。在整個東北危機中，國聯與美國針對日本侵略而採取之許多舉措，幾乎全遭日本公然違抗，例如不承認主義宣佈後不久，日本掀起上海戰事；波拉信函發表後，傀儡「滿州國」即告成立；及至李頓報告書為國聯大會採納後，日本悍然退出國聯，使其蔑視空泛之道德制裁，進而遂行其侵略野心，達於另一高峯。

在此情況下，日本帝國主義遂日益猖狂，及至二次大戰爆發，危害我國至深且鉅，對許多其他國家亦造成重大影響。不過，史汀生不承認主義却不能視為完全失敗，至少它阻止了「滿州國」獲取國際承認，警惕了世人應該正視國際和平之原則，同時也對我國為收復失土所作之努力提供了一種道義支援。