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Recognition of Communist China? A Study in Argument by Robert P. Newman

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Book Reviews

RECOGNITION OF COMMUNIST CHINA? A STUDY IN ARGUMENT. Robert P. Newman. Macmillan, 1961. 318 pp.

This book deals with policy; hence there is little in it of specific interest for the lawyer. Only two chapters deal with legal problems: Chapter 17—International Law and United States Precedent and Chapter 18—The Status of Taiwan (Formosa). The author is neither a lawyer nor a political scientist and his discussion lacks precision from a legal point of view.

After examining the literature on the subject, Newman concludes that while there is no obligation to recognize a new government which is in effective control of a state, it is incompatible with international law to grant, or withhold recognition primarily on political grounds. Like so many other rules of international law this is good so far as it goes, but it does not go very far. International law leaves recognition to the governments of sovereign states; recognition is not an automatic, administrative function. It is a function of the political branch of the government, with freedom of discretion.

The author succinctly summarizes the problem of the legal status of Taiwan:

The United States, at the present time, holds that the legal status of the island is unsettled. This produces an embarrassing position. We maintain that Chiang Kai-shek is sovereign on the mainland, where he has no power, but we deny his sovereignty on Taiwan, where he has power. If we were to admit that his government is sovereign on Taiwan, as the Republic of China, we would be admitting our interference in the Chinese Civil War. If we were to deny his claim to sovereignty on the mainland, his government would lose the sole reason for its existence. It is difficult to imagine a less satisfactory stance. (page 262)

Newman examines and sums up the major issues with respect to the recognition of Communist China. He has no love for the Communist regime, but he concludes that "the United States should extend diplomatic recognition to the Communist government of China, with or without a guarantee of reciprocity, with or without agreement on Peking's part to renounce all claim to sovereignty over Taiwan." He sees no other solution.

Though this book has the qualities of a debater's handbook it gives a good survey and analysis of the problem.

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