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Dual identity of the Shanghai Soviet Emigrants Association: a case study of a real estate dispute

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Abstract

After the outbreak of the Great Patriotic War, a wave of Russian emigrants in Shanghai sought to acquire Soviet citizenship. By 1946, nearly half of the approximately 30,000 Russian emigrants residing in Shanghai had chosen to adopt Soviet nationality. However, in the existing studies on Russian emigration in Shanghai, the research focus has predominantly been on the White Russian émigré community, with little attention given to the thriving Soviet émigré community after the war. This paper explores the complex social relations between the post-war Soviet émigré community and the local Shanghai society through an analysis of a real estate dispute between the Shanghai Soviet Émigré Association and a British expatriate in Shanghai. The research is based on archival materials from the Shanghai Municipal Archives. The conclusion suggests that the relationship between the Shanghai Soviet Émigré Association and the local society was intricate, primarily reflected in its dual identity. On one hand, as the self-governing body of the Soviet émigré community, the Shanghai Soviet Émigré Association enjoyed relative autonomy within Chinese society. On the other hand, due to its funding, which may have come from the Soviet government, the Association's activities were, at times, conducted as a "front" for the Soviet government. In certain situations, its actions crossed the red line tolerated by the Nationalist government, In certain situations, its actions crossed the red line tolerated by the Nationalist government and caused a certain degree of trouble for the management of local Chinese authorities.

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Keywords

Shanghai, 6 Tifeng Road, Shanghai Soviet Émigré Association, Russian emigrants.

Introduction

It is necessary to provide a brief introduction of both the buyer and the seller at the beginning of the article. The buyer is the Shanghai Soviet Emigrants Association, which was formerly known as the Soviet Club, established in March 1937 [Soviet Club Opens in R. Grouchy, 1937], initially located at 64 Route de Grouchy, and later moved to 805 Avenue Foch. At the time of purchasing the land, the chairman of the Shanghai Soviet Emigrants Association, N.S. Zephyroff, had been residing in Shanghai for many years. According to the records of The North-China Desk Hong List, he had been living in Shanghai since 1926, during which he served as the manager of the Chinese Eastern Railway Commercial Agency [The North-China Desk Hong List, 1926, 281].

The seller, British emigrant S.M. Perry, had arrived in Shanghai before 1925. According to known information, after 1925, Perry served as the general manager of Model Dairy Farm and also ran his own small business [ibid, 260]. In early 1934, he married a White Russian emigrant in Shanghai. Perry lived a very extravagant life in Shanghai. In January 1937, to celebrate their third wedding anniversary, Perry and his wife invited 150 friends to their cocktail party [Over the Week-End Happenings, 1937].

The Cause of the Case

After the outbreak of the Great Patriotic War, the Russian émigré community in Shanghai quickly split into two factions. One group believed that the Soviet Union had become the defender of the Russian people, and this faction was primarily composed of younger members of the community. The other group was more cautious regarding Germany, but as more news from the Soviet-German frontlines arrived, it stirred the patriotic sentiments of the Russian émigré community in Shanghai [Fedoulenko, 1967]. After the end of the Great Patriotic War, driven by both patriotic fervor and various Soviet policies of reconciliation, many White Russian émigrés in Shanghai chose to acquire Soviet citizenship. Zephyroff declared that by the end of 1946, the number of Soviet citizens residing in Shanghai had reached approximately 15,000, the majority of whom had regained Soviet citizenship in 1946 [Zephyroff, 1946].

In response to the rapid growth of the Soviet émigré population, the Soviet Club was reorganized into the Shanghai Soviet Émigré Association. It gradually evolved from a venue primarily offering cultural and recreational activities into a self-governing body encompassing cultural, educational, and charitable functions. Meanwhile, the surge in the number of Soviet émigrés caused some operational challenges for the Shanghai Soviet Émigré Association. In November 1946, Zephyroff stated in an article for The China Press that the biggest issue facing the Association was the difficulty in securing premises, which hindered many of its cultural activities and charitable initiatives. Prior to this, the Shanghai Soviet Émigré Association had already opened two kindergartens and had plans to establish a secondary school. However, due to the ongoing difficulty in finding suitable premises, the plan to open the school was repeatedly delayed, only being implemented at the end of 1946 [Zephyroff, 1946]. The suitable premises found by the Shanghai Soviet Émigré Association for the secondary school was the property at 6 Tifeng Road, which Perry was prepared to rent or sell.

The land that Perry is preparing to sell, located at No. 6 Tifeng Road (now No. 113 Urumqi North Road, dormitory building of Shanghai West Middle School), is situated at the intersection of Yuyuan Road (Yu Yuen Road) and Tifeng Road. Across from it is Shanghai West Middle School, and next door is the British Model Dairy Farm, which was established in 1911 and operated by Perry. By the end of 1936, No. 6 Tifeng Road was rented by Perry to the Ministry of Foreign Affairs of the Nanjing

National Government for use as their Shanghai office [From Day to Day, 1936]. After Shanghai fell, the Japanese attempted to blockade this property in 1938, but they were unsuccessful due to not having declared war on Britain and the United States. Since this was British property, the Japanese military police would have had to notify the British Consul General if they wanted to blockade the premises [British Property Defies Sealers, 1938]. The property was later rented by Chen Yunbiao, a representative of the Union Club, in June 1941. After leasing the site, the Union Club constructed several buildings on the open land and operated a casino. Upon the expiration of the lease, Perry purchased the additional buildings for 47,000 Fapi (Legal Tender of the Republic of China during 1935-1948), with the payments made in five installments by British lawyer Iris on Perry's behalf, and a contract was signed, although the payment schedule is not known [英侨潘雷关于申请发还地丰路, 1946]. In December 1941, Japan declared war on Britain and the United States, and the Pacific War broke out. Perry was interned in a civilian internment camp, and his properties were subsequently forcibly requisitioned by the Japanese puppet regime and used as the headquarters for the puppet income tax office [英侨潘雷关于申请发还地丰, 1945]. After the victory of the War of Resistance against Japan, the site was taken over by the Shanghai Direct Tax Bureau of the Ministry of Finance of the Kuomintang government and used as the bureau's West Shanghai office [财政部上海直接税局公告, 1946]. After the victory of the War of Resistance against Japan, Perry left the internment camp in September 1945. Due to the difficulty in finding work temporarily and facing financial hardship, he was unable to pay the rent and urgently needed to reclaim his property at No. 6 Tifeng Road. According to the "Regulations for the Handling of Enemy and Puppet Properties" issued by the Nanjing National Government at the end of 1945: "If the property originally belonged to the people of our country's allies or friendly nations, and there is solid evidence that it was forcibly taken over by the Japanese side, it should be returned to the original owner, but the original owner must provide sufficient guarantee to reclaim it" [行政院例会通过三办法, 1945].

Perry's journey to regain his property was far from smooth. Within the Kuomintang government, various factions fought fiercely for their interests, leading to a very ugly scramble for power, characterized by chaotic order, power struggles, and exchanges of interests, which were the "common ailments" of the Kuomintang government's post-war reception of enemy properties. Even before Perry wrote to the Shanghai Direct Tax Bureau, the Jiangsu, Zhejiang, and Anhui Enemy and Puppet Property Processing Bureau had already confirmed that the property belonged to Perry, and the additional buildings constructed during the Anti-Japanese War were not built by the Japanese puppets but by the tenants, and had been purchased by Perry. However, the Shanghai Direct Tax Bureau, citing the reason that Perry had been interned in a civilian internment camp by the Japanese puppets and had no means to make payments when purchasing the additional buildings on the land, demanded that the Jiangsu, Zhejiang, and Anhui Enemy and Puppet Property Processing Bureau conduct a new investigation.

After Perry's multiple negotiations with the British Consulate, it was agreed at the beginning of 1946 that the property would be returned by the end of March. However, by the end of March, the Shanghai Direct Tax Bureau postponed the return of the property, citing the inability to find a new office location, and once again refused to hand over the property under the pretext of whether the additional buildings on the property were built by the puppet government. The Shanghai Direct Tax Bureau wrote to the Jiangsu, Zhejiang, and Anhui Enemy and Puppet Property Processing Bureau for assistance in the investigation. Within a month, the two parties exchanged five letters, and despite the Jiangsu, Zhejiang, and Anhui Enemy and Puppet Property Processing Bureau confirming on several

occasions that the property was legally held by Perry, the Shanghai Direct Tax Bureau still expressed doubts. On April 15, 1946, Perry wrote a letter to the Shanghai Direct Tax Bureau from No. 8 Tifeng Road (the Model Dairy Farm), questioning why the property was not returned. In the letter, Perry angrily accused: "The Japanese took my property and put me in an internment camp because I was a citizen of an enemy country. Also, because I cooperated with your Ministry of Foreign Affairs, they had every reason to take my property, but do you? Is this the reward for the suffering I have endured for so many years?" [英侨潘雷要求迁让地丰路, 1946].

In order to protect the legitimate rights and interests of its people, the British Consulate conducted negotiations with the Shanghai Direct Tax Bureau. The outcome of the talks was an agreement to return the property at No. 6 Tifeng Road, along with Perry's furniture, to Wing Commander Stewart of the Royal Air Force, at 6 PM on May 10th. Perry finally succeeded in reclaiming his property on May 10, 1946, but the Shanghai Direct Tax Bureau continued to be entangled in the matter. To confirm whether the buildings on the property were constructed by the puppet government, the Shanghai Direct Tax Bureau, in collaboration with the Central Trust Bureau, visited the property at No. 6 Tifeng Road in November for an inspection. The investigation report mentioned that at this time, Perry's property had been rented by American soldiers for use as a dormitory, and Perry had already left Shanghai for Australia [英侨潘雷要求迁让地丰路, 1946].

On October 12, 1946, the Shanghai Soviet Emigrants Association sent a letter to Perry expressing their intention to rent the property at No. 6 Tifeng Road, with plans to lease it for three years. "According to the agreement, the Shanghai Soviet Emigrants Association will first pay a year's rent, totaling \$14,400, and after renting for six months, pay \$1,200 per month" [上海地方法院关于上海苏联侨民协会诉潘莱返还价金案, 1936].

Both parties agreed to sign a formal lease agreement before November 20, 1946. Later, after several rounds of negotiations, the Shanghai Soviet Emigrants Association ultimately decided to purchase the property and reached a preliminary sales agreement with Perry on November 11th.

The preliminary sales agreement stipulated: "Perry will sell No. 6 Tifeng Road, British Title Deed No. 13764, with a total land area of three acres, eight fen, nine li, and two Hao (a traditional Chinese unit of area), including the main building which is a western-style house, and the garden, to the Shanghai Soviet Emigrants Association for a total price of \$288,000. The Shanghai Soviet Emigrants Association shall pay a lump sum of \$14,400 at the first payment. The remaining price will be paid in 24 installments starting from May 11, 1947. Thereafter, a payment of \$1,200 will be made every 11th of the month until the final payment is cleared on April 11, 1949. For this part of the payment, the Shanghai Soviet Emigrants Association will first issue 24 post-dated checks to Perry, which will be cashed by Perry or his designated agent on the aforementioned dates. The other part, namely \$234,800, shall be paid in full by November 11, 1949, and should be paid into the account designated in writing by Perry" [上海地方法院关于潘莱诉上海苏联侨民协会确认买卖合同无效案, 1946].

"The house acquired by the Shanghai Soviet Emigrants Association is a two-story western-style house, with a semi-three-story section on the east side, and several flat-roofed rooms on the east side of the courtyard" [上海地方法院关于上海苏联侨民协会诉潘莱返还价金案, 1948]. After Perry handed over the property, the Shanghai Soviet Emigrants Association carried out several repair works on the estate, including rebuilding the roof, installing heating, replacing wooden floors, and purchasing sanitary equipment, with a total expenditure of \$11,270 [上海地方法院关于上海苏联侨民协会诉潘

莱返还价金案, 1948]. The Shanghai Soviet Emigrants Association even "purchased desks and chairs of the same style as those used in Soviet schools" [Post Scripts, 1946]. Various signs indicate that the Shanghai Soviet Emigrants Association is preparing to operate a school on this site for the long term. After receiving \$1,440 in cash from the Shanghai Soviet Emigrants Association in November 1946, Perry left Shanghai for Australia. Regarding the payment of the remaining funds, Perry informed the Shanghai Soviet Emigrants Association in a letter dated November 19, 1946, that the payment bank is: "Chase National Bank of New York, c/o The Foreign Department, 18 Pine Street, at the corner of Pine Street in the city of New York" [上海地方法院关于潘莱诉上海苏联侨民协会确认买卖不动产契约无效案, 1946]. In a reply letter dated January 27, 1947, the Shanghai Soviet Emigrants Association expressed no objections to the aforementioned payment address and assured that they would inform the Chase National Bank in New York of the relevant payment information as soon as possible.

The Process of Case Adjudication

To the surprise of both the buyer and the seller, in order to stabilize prices and crack down on speculation in gold and US dollars, the Kuomintang government issued the "Emergency Economic Measures" on February 16, 1947. The plan prohibited the circulation of foreign currencies and stipulated that Chinese and foreign people could not carry more than 100 US dollars of foreign currency when leaving or entering the country. In addition, the act also stipulated: "Except for the Central Bank, all domestic and foreign banks are not allowed to accept, pay, and trade in foreign currency bills. Violators will be charged with speculation and financial disruption, in addition to confiscating their currency and revoking their business licenses, and the managers will also face imprisonment of up to five years" [府令公布经济紧急措施方案, 1947]. In order to make the payment smoothly, the Shanghai Soviet Emigrants Association had written to Moscow before May 1947, requesting it to remit funds to New York, USA, but did not receive approval. Therefore, the Shanghai Soviet Emigrants Association had to write to Chase National Bank in New York on May 10, 1947, hoping that they would inform Perry that "due to reasons beyond our control, we need to renegotiate the payment issue in Shanghai" [上海地方法院关于潘莱诉上海苏联侨民协会确认买卖不动产契约无效案, 1947].

The reasons for Moscow's refusal to remit funds are, due to the limited capabilities of the author, not yet supported by direct evidence. However, based on the domestic and international situation of the Soviet Union after the war, there are possibly two reasons. In terms of economics, in March 1946, the Soviet Union adopted its fourth Five-Year Plan, the basic task of which was to "rebuild the war-damaged regions of the country, restore industry and agriculture to pre-war levels, and then significantly surpass those levels" [何国贤、方钢、葛纪娥、刘赫文、沈云锁译, 1988]. Faced with a country in need of rebuilding, both personnel and funds were particularly scarce. To address the shortage of labor for domestic economic construction, the Soviet Union actively organized the evacuation of overseas emigrants. On August 10, 1947, the first batch of Soviet emigrants from Shanghai, totaling 971 people, began their evacuation at 3:00 PM aboard the "Ilyich" ship [汪芬, 1947]. Among the evacuees, the majority were doctors, engineers, architects, and other experts [上海苏联侨民首批下周反国, 1947], and many of the evacuees were White Russians who had recently regained their Soviet citizenship [苏联撤退侨民每家美金一千, 1947], the return of these professionals will

provide tremendous support for the post-war economic reconstruction of the Soviet Union. In terms of politics, when the Shanghai Soviet Emigrants Association applied for funds to Moscow, U.S.-Soviet relations were becoming increasingly tense, especially with the introduction of the Truman Doctrine in March 1947, which marked the two sides as having completely embarked on a path of confrontation with almost no room for maneuver. This tense international situation may also be a reason why Moscow refused to remit funds to New York.

Due to the lack of a legal payment channel and the absence of any property available for payment in New York, the Shanghai Soviet Emigrants Association could only convert the U.S. dollars into Chinese legal tender (Fapi) and make the payment in Shanghai on June 6th. Since Perry refused to accept the Chinese legal tender, the Shanghai Soviet Emigrants Association had no choice but to deposit the payment with the Shanghai District Court to avoid liability for late payment [上海地方法院关于潘莱诉上海苏联侨民协会确认买卖不动产契约无效案, 1947]. The reason for Perry's refusal to accept is not hard to understand. His purpose in selling the land was to cash in his assets to cover his daily expenses abroad. If paid in Fapi (the Chinese legal tender at the time), this need would not be met. Perry had already left China, but due to not receiving the payments owed, he had to return to Shanghai and filed a lawsuit with the Shanghai District Court on July 30th. Perry demanded the cancellation of the preliminary sales agreement and the return of the property, and also requested the court to order the Shanghai Soviet Emigrants Association to pay a penalty for breach of contract.

The Shanghai District Court conducted a public trial for this case on September 10th. On the same day, the Shanghai Soviet Emigrants Association submitted a civil defense statement, insisting that they had not breached the contract. They pointed out that the preliminary sales agreement did not specify the payment location for the funds, and since the Emigrants Association was established in Shanghai, all legal actions should naturally follow Chinese law. After both parties completed their oral arguments, Judge Xu Fuji of the Shanghai District Court announced that the verdict would be pronounced on the morning of September 15th [上海地方法院关于潘莱诉上海苏联侨民协会确认买卖不动产契约无效案, 1947].

At 10 o'clock on the morning of September 15th, both parties and their agents arrived on time at the first public courtroom of the Shanghai District Court. After the trial, the court held that in the original preliminary sales agreement, Perry had the right to designate the payment location, and initially both parties had reached a consensus on making the payment in New York. Therefore, the payment should have been made in New York. The Shanghai Soviet Emigrants Association, being an entity established in Shanghai, did not have any assets in New York, and the payment could only be remitted from Shanghai. Due to the restrictions of the "Emergency Economic Measures," they could not freely remit funds, thus making the payment impossible. The preliminary sales agreement between the parties was dissolved, and the Shanghai Soviet Emigrants Association was to return the property to Perry, who in turn was to return the paid purchase price to the Shanghai Soviet Emigrants Association. However, the final judgment did not address the issue of returning the purchase price. The court rejected Perry's claim for liquidated damages and ruled that the preliminary sales agreement was invalid, ordering the Shanghai Soviet Emigrants Association to return the property and bear the litigation costs.

The Shanghai Soviet Emigrants Association, dissatisfied with the judgment, appealed to the Shanghai High Court on October 17. However, due to the failure to pay the appeal fees on time, their appeal was dismissed by the Shanghai High Court. Regarding the issue of returning the paid purchase price, a separate lawsuit is required. Perry encountered many difficulties in the process of reclaiming the property. On December 12, he applied to the Shanghai Local Court for compulsory enforcement,

but the Shanghai Soviet Emigrants Association raised objections, claiming that the property had been leased to others for the establishment of a school, which has not yet expired, and they are unable to surrender the property [上海地方法院关于上海苏联侨民协会诉潘莱返还价金案, 1947]. On January 13, 1948, in the courtroom, the Shanghai Soviet Emigrants Middle School, as the lessee of the property, clearly stated that it is an independent entity from the Shanghai Soviet Emigrants Association and has no obligation to execute the judgment. The school emphasized that they had rented the property on December 15, 1946, with a two-year lease agreement and had prepaid one year's rent, amounting to six million Chinese legal tender (Fapi) [上海地方法院关于苏联七级学校诉上海苏侨协会执行异议案, 1948]. School of the soviet residents' association filed a lawsuit for the execution of objections on January 23, 1948. The petition stated: "Regardless of to whom the ownership of the property is transferred... the legitimate leasehold rights, according to Article 425 of the Civil Code, should continue to exist." The school requested the court to confirm that it held the lease rights to the property and that it could not be required to vacate the premises before the lease expired on December 31 [上海地方法院关于苏联七级学校诉上海苏侨协会执行异议案, 1948].

On February 26, 1948, the School of the Soviet Residents' Association withdrew the lawsuit in court. The principal, N.M. Koolesh, stated in court that since Perry and the school had reached an agreement outside of court, Perry was willing to reclaim the property only after the end of the current semester and would compensate the school for the expenses incurred by the relocation [上海地方法院关于上海苏联侨民协会诉潘莱返还价金案, 1948]. However, this claim was denied by Perry himself. At the beginning of March, the Shanghai District Court issued an eviction order, commanding the School of the Soviet Residents' Association to vacate the property within three days. After receiving the eviction order on March 13, the school filed a request with the court to postpone the execution, arguing that due to the housing shortage in Shanghai, it was difficult to find a new location for the school within three days, and expressed hope that the execution could be postponed until the end of the semester.

However, this request was ignored by the Shanghai District Court. On the last day of the eviction order, March 16, Perry, along with the Shanghai District Court's bailiff, judicial police, and police from the Bubbling Well Police Station, went to No. 113 North Tiwa Road (today No. 113 Urumqi North Road) to enforce the eviction order, but the School of the Soviet Residents' Association refused to vacate the premises. The Soviet Emigrants Association and the School of the Soviet Residents' Association contacted the Soviet Consulate in Shanghai, and soon the Soviet Vice Consul and his staff arrived at the scene. Negotiations took place on the spot, and ultimately Perry agreed to postpone the eviction order for three days [Soviet Intervention Eviction Order, 1948].

Perry expressed extreme dissatisfaction with the interference of the Soviet Consul. In his protest submitted to the Shanghai District Court, he accused the Soviet Consulate of interfering with China's judicial sovereignty, causing him great mental distress, and insisted that, given the current situation of the School of Soviet Emigrants in Shanghai, it was fully capable of relocating immediately. This was because, after several repatriation actions, the number of students attending classes at the school had sharply decreased from around 400 to just a few dozen [上海地方法院关于上海苏联侨民协会诉潘莱返还价金案, 1948]. Additionally, the Shanghai Soviet Emigrants Association has sufficient real estate to support the operation of the school.

On March 26, 1948, both parties reached a settlement at the Shanghai District Court, agreeing that the School of Soviet Emigrants in Shanghai would vacate 113 North Tiwa Road by the end of April. The Shanghai Soviet Emigrants Association paid a total of 56.15 million Fapi for the litigation and enforcement costs of the case to dissolve the preliminary sales agreement. On May 1st, the Shanghai Soviet Emigrants Association submitted the outstanding payment to the Shanghai District Court and requested the court to notify Perry to collect it. The School of Soviet Emigrants in Shanghai then vacated the premises on May 3rd.

While both parties were busy with the execution of the case regarding the invalidity of the real estate sales contract, the Shanghai Soviet Emigrants Association filed a lawsuit against Perry at the Shanghai District Court on April 16, demanding the return of \$14,400, to be converted into local currency and paid, while retaining a lien on the property at No. 113, North Tiwa Road. The Association also requested that Perry bear the litigation costs.

Faced with the mounting pressure from the Shanghai Soviet Emigrants Association, Perry, who had no wish to continue the dispute, submitted a defense statement on May 4. He argued that according to the sales agreement, he had the right to retain the \$14,400 and filed a counterclaim, demanding that the Shanghai Soviet Emigrants Association pay him a total of \$21,600 for eighteen months' rent, from November 1946 to May 1948, with a monthly rent of \$1,200. After offsetting the amount already paid for the property, an additional \$7,200 should still be paid.

However, the Shanghai Soviet Emigrants Association argued that the contract they signed was a sales contract, not a lease contract, and thus, they had the right to use the property until the contract was canceled. Even if rent was to be paid, it should only be calculated from the date the contract was canceled. They also believed that the interest on the amount Perry had not returned would be sufficient to cover the rental costs.

On May 6, 1948, Perry once again filed a petition with the Shanghai District Court, claiming that the property had been severely damaged upon its return and requesting a postponement of the hearing to take photographs and collect evidence of the damage. However, Perry did not attend the hearing on May 7. On May 10, the Shanghai Soviet Emigrants Association sent a letter to the Shanghai District Court, requesting an additional lawsuit for the reimbursement of \$11,270 for renovation costs. In his civil petition on May 11, Perry demanded that the Shanghai Soviet Emigrants Association restore the building and reinstall the sanitary fixtures that had been removed, submitting 33 photographs of the site as evidence.

From May to mid-June, two hearings took place, but neither party could fully attend due to ongoing investigations and evidence collection. During this period, the Shanghai Soviet Emigrants Association also requested the Shanghai District Court to temporarily seize Perry's property, as they had heard that he might sell the property again and return to his home country. After review, the Shanghai District Court rejected the request. Dissatisfied, the Shanghai Soviet Emigrants Association appealed to the Shanghai High Court and expressed its willingness to provide a guarantee and pay the required bond. On July 1, the Shanghai High Court overturned the original ruling and ordered the creditor to provide a guarantee of 20 billion yuan in Fapi [假扣押案, 1948].

On June 16, the Shanghai District Court held a public hearing, with both parties in attendance. During the hearing, the lawyer for the Shanghai Soviet Emigrants Association, Li Yijun, stated: "The doors and windows are tightly closed, making it impossible to inspect the property. The extent of the damage is unknown, so an on-site inspection is necessary" [上海地方法院关于上海苏联侨民协会诉潘莱返还价金案, 1948]. Judge Wang Yicheng asked Perry's representative, lawyer Yang Jiasheng,

about the reason for locking the property. Yang responded: "Because military troops tend to move into vacant houses, we had no choice but to lock it" [上海地方法院关于上海苏联侨民协会诉潘莱返还价金案, 1948].

In response to the Shanghai Soviet Emigrants Association's request for an inspection, Pan Lai stated in court: "The plaintiff's purpose is simply to delay the execution of this case. Since they can't delay it further, they are now trying to salvage face after being forced to vacate the property. This lawsuit is just a way for them to appear as if they are making the defendant pay a little money for honour" [上海地方法院关于上海苏联侨民协会诉潘莱返还价金案, 1948]. After this the Shanghai District Court then announced the session adjourned, and a new date for the inspection would be set later.

Outside the courtroom, the Shanghai District Court and both parties agreed to conduct an inspection of the property at No. 113, Dihua North Road before July 9. After the inspection, it was confirmed that the damaged areas of the property matched those shown in the photographs. Following the hearing on July 12, the Shanghai Soviet Emigrants Association requested a rescheduling of the case, and the hearing was postponed to July 26. However, on that day, Pan Lai was absent due to illness. A hearing was held again in August, but both parties requested further delays. Finally, the case was heard on September 3, with both sides presenting verbal arguments. Pan Lai was unable to prove ownership of the removed sanitary fixtures during the trial.

On September 8, the Shanghai District Court rendered its final judgment. The court found that the dispute was a civil matter and, according to Article 23 of the applicable legal provisions, stated: "The formation and validity of legal acts depend on the intentions of the parties. When the intentions of the parties are unclear, the law of the parties' country applies for those with the same nationality, and the law of the place of the act applies for those with different nationalities." Since the two parties had different nationalities but the contract was signed in Shanghai, the case should be judged according to Chinese law. The court ruled that Perry should return the payment made by the Shanghai Soviet Emigrants Association after the cancellation of the sales agreement. However, since the Shanghai Soviet Emigrants Association had used the property for 18 months and gained benefits during that period, the court found this to be an unjust enrichment. Considering the value of the property and the prior agreement between the parties, the court determined that a monthly rent of \$1,200 was not excessive and thus supported Pan Lai's demand for rent. Additionally, the Shanghai Soviet Emigrants Association had the obligation to restore the property. However, due to insufficient evidence provided by Pan Lai regarding the sanitary fixtures, the court did not support his claim in that regard. In the end, the Shanghai Soviet Emigrants Association's claims were all rejected, while part of Pan Lai's demands were upheld and part rejected. The Shanghai District Court ordered the Shanghai Soviet Emigrants Association to repay Pan Lai a total of 28,800 Chinese gold yuan [上海地方法院关于上海苏联侨民协会诉潘莱返还价金案, 1948].

The Shanghai Soviet Emigrants Association, dissatisfied with the judgment, appealed to the Shanghai High Court on November 3. However, there were no subsequent records in the original case files. According to later archives held by the Shanghai Municipal Archives, the appeal from the Shanghai Soviet Emigrants Association was received by the Shanghai High Court in January 1949, and a verbal defense was scheduled for a later date. However, based on the eventual location of the Soviet Emigrant Middle School, it can be inferred that Pan Lai ultimately won the case.

However, when looking at the entire case, Perry may not have sold the property solely for the

reason stated in the court records—that he was preparing to leave China and retire abroad. It is also likely that his decision was influenced by his desire to avoid further entanglements with the Shanghai Direct Tax Bureau. Two pieces of evidence support this. First, there is the situation with his wife's family. Perry's sister-in-law was granted Chinese citizenship on April 9, 1946, and was preparing to settle permanently in China [本府处理俄国侨民申请加入中国国籍问题的函件, 1946]. This event is thought-provoking. According to Article 3 of the "Regulations for the Implementation of the Nationality Law," promulgated on February 5, 1930, applicants for naturalization as Chinese citizens were required to submit a guarantee from at least two local residents [中国法规刊行编审委员会编, 1946]. During that period, many foreign émigrants acquired Chinese nationality in preparation for helping other family members and friends obtain Chinese citizenship [日伪上海特别市政府关于于外侨归化中国籍的文件, 1943]. Whether this action was intended as preparation for Pan Lai and his family to later acquire Chinese nationality remains open to debate. Additionally, regarding Pan Lai's own activities, on August 4, 1951, the Model Dairy Company submitted a letter to the Shanghai Labor Bureau notifying them of its closure. At that time, Pan Lai was still residing at a property on Nanchang Road, Lane 310 [模范牛奶公司潘利关于公司已准歇业如有信件请送南昌路310号11室的函, 1951]. This is sufficient evidence to prove that Pan Lai did not leave China after selling the property but instead continued to operate the Model Dairy Company in Shanghai.

In conclusion, Pan Lai's personal reason for selling the property was not to prepare to leave China and never return. Coupled with Pan Lai's demand that the Shanghai Soviet Emigrants Association pay in U.S. dollars in the U.S., it is highly likely that Pan Lai's actions were a self-preservation measure in response to the wartime atrocities, inflation, and the Chinese Civil War following the end of World War II.

Conclusion

The land dispute case at 6 Difeng Road in Shanghai reflects the dual identity of the Shanghai Soviet Emigrant Association in the post-war period. As an autonomous organization, establishing schools is undoubtedly a legal activity within the scope permitted by the Nationalist government, which aligns with the first identity of the Shanghai Soviet Emigrant Association as an autonomous body. However, as mentioned earlier, despite the Association emphasizing that its daily operations rely solely on donations from its members, why did the funds for purchasing land need to be applied for from Moscow? This raises questions, and there are other actions that also reveal its complex identity. First, the Shanghai Soviet Emigrant Association attempted to establish an "Arbitration Court" on Zhongzheng Middle Road (now Yan'an Middle Road) [所谓苏侨之公断法庭, 1947]. Although there is no direct evidence to suggest that this action was instructed by the Soviet Consulate, it was established as a private entity, and its function was "to handle disputes among Soviet emigrants, primarily concerning issues such as leasing, business, and marriage." However, this move caused an uproar in public opinion, with major newspapers accusing the Shanghai Soviet Emigrant Association of violating China's judicial sovereignty. In March 1947, the Shanghai Social Bureau of the Nationalist government summoned the president of the Shanghai Soviet Emigrant Association and the head of the "court," explicitly ordering the immediate closure of the so-called "Arbitration Court," which was carried out on the same day [苏侨协会负责人愿自动停闭公断法庭, 1947]. Although this action may

have been unintentional, it undoubtedly touched a nerve with the Nationalist government and cast a veil of mystery over the true identity of the Shanghai Soviet Emigrant Association. Was this act a concrete manifestation of Soviet post-war great power chauvinism and pragmatic diplomacy? Was it a test of the Nationalist government's boundaries? Due to limited materials, the author is unable to find direct evidence. However, there are certain events that indirectly support this. First, considering the extensive functions of the Shanghai Soviet Emigrant Association, which not only included establishing schools, hospitals, and organizing cultural and sports activities to facilitate the lives of local Soviet emigrants, but also undertook the task of persuading Shanghai's White Russian emigrants to join Soviet citizenship and assisting the Soviet government in organizing repatriation and distributing relief in Shanghai [Zephyroff, 1946]. It can be said that the Shanghai Soviet Emigrant Association played a special role in Shanghai, effectively acting as the "glove" of the Soviet government in handling émigré affairs. As a cooperative executor of Soviet government policies, the dual identity of the Shanghai Soviet Emigrant Association, particularly the existence of the "Arbitration Court," could not have been unknown to the Soviet government. The actions of both the Soviet Consulate in Shanghai and the Shanghai Soviet Emigrant Association were clearly closely related to Soviet post-war policy toward China.

In addition to the controversy over the "Arbitration Court," the actions of the Soviet Consulate in the land dispute case at 6 Difeng Road in Shanghai are also worth noting. While the British Consulate no longer interfered with China's judicial sovereignty, the Soviet Consulate actively intervened. When Chinese police went to enforce the judgment, the appearance of the Soviet vice-consul disrupted the normal judicial process, preventing the Chinese police from carrying out their duties and directly infringing on China's judicial sovereignty. Furthermore, the Nationalist government strengthened its surveillance of Soviet emigrants in Shanghai. Not only did it order the Shanghai Municipal Police Bureau to intensify monitoring of Soviet emigrant activities, but it also sought to block Soviet efforts to promote Soviet citizenship among the White Russian émigrés [关于调查处理苏侨在沪之房屋地产权问题及土地清册与地税局往来文书, 1946]. It also ordered the Shanghai Municipal Land Bureau to register the properties of Soviet and White Russian émigrés in Shanghai [关于调查处理苏侨在沪之房屋地产权问题及土地清册与地税局往来文书, 1946]. The increased surveillance of Soviet émigrés in Shanghai, while influenced by the Cold War, undoubtedly also reflected the Nationalist government's distrust of the Soviet community in Shanghai. This, in turn, indirectly confirmed the dual identity of the Shanghai Soviet Emigrant Association.

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Двойная идентичность Шанхайской ассоциации советских эмигрантов: на примере спора о недвижимости

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Аннотация

После начала Великой Отечественной войны волна русских эмигрантов в Шанхае стремилась получить советское гражданство. К 1946 году почти половина из примерно 30 000 русских эмигрантов, проживавших в Шанхае, решили принять советское гражданство. Однако в существующих исследованиях русской эмиграции в Шанхае основное внимание уделялось преимущественно сообществу белоэмигрантов, при этом мало внимания уделялось процветающему сообществу советских эмигрантов после войны. В данной статье изучаются сложные социальные отношения между послевоенным сообществом советских эмигрантов и местным шанхайским обществом посредством анализа спора о недвижимости между Шанхайской ассоциацией советских эмигрантов и британским экспатриантом в Шанхае. Исследование основано на материалах из Шанхайского муниципального архива. Сделан вывод о том, что отношения между Шанхайской ассоциацией советских эмигрантов и местным обществом были сложными, что в первую очередь отражалось в их двойной идентичности. С одной стороны, как самоуправляющийся орган советской эмигрантской общины, Шанхайская ассоциация советских эмигрантов пользовалась относительной автономией в китайском обществе. С другой стороны, из-за финансирования, которое могло поступать от советского правительства, деятельность Ассоциации порой велась как «прикрытие» для советского правительства. В определенных ситуациях ее действия пересекали «красную линию», терпимую националистическим правительством, в определенных ситуациях ее действия пересекали красную линию, допустимую националистическим правительством, и создавали определенные проблемы для управления местными китайскими властями.

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Ключевые слова

Шанхай, улица Тифэн, дом 6, Шанхайское общество советских эмигрантов, русские эмигранты.

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