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## On Journalism of the Russian Diaspora

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### Abstract

*Introduction:* the article analyzes legal journalism of the European and Asian branches of Russian emigration. The activity of international lawyers in covering international legal events and analyzing relevant documents is shown. *Purpose:* to conduct a historical, legal and cultural analysis of scientific works of Russian emigrants as a socio-cultural phenomenon on the basis of currently available Russian-language publications, to reveal and highlight crucial aspects of scientific and publishing activities of international lawyers, which took place in specific conditions of the Russian abroad. *Methods:* theoretical methods of formal and dialectical logic, empirical methods of description and interpretation, textual and formal legal methods, comparative legal, analysis, generalization, and comparative historical. *Results:* a significant layer of international legal culture, accumulated by Russian emigration, is still closed by time and space. It is concluded that the Russian foreign science of international law has been created due to efforts of emigrant scientists. The conclusion is made about the inevitability of studying this rare, extremely valuable and prone to disappearing baggage of knowledge.

**Key words:** emigration; foreign Russia; Russian diaspora; international legal diaspora; international law; science of international law; International Court of Justice.

5.1.1. Theoretical and historical legal sciences.

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### Introduction

The 1917 October Revolution led to the mass exodus of Russian citizens to various countries up to 1922. Russian emigration is a unique phenomenon in world history in terms of its size and

intensity [1]. It cannot be compared either with political emigration of Poles after 3 partitions of Poland in the 18th century, or with the French one that followed the 1789 revolution. It cannot be compared to the history of the disper-

sion of Jews or Armenians. This peculiar ethnocultural community developed rapidly in just a few years. Due to the figurative apt remark of international lawyer B.E. Nolde, the community, expelled from its Homeland and created its own “country” without physical and legal borders, was named foreign Russia or Russian emigrants.

The number of foreign Russians is estimated at two million people. This figure was most often used in the emigrant press [2]. “The largest number of emigrants was in Germany (500 thousand people), France (400 thousand people)” (according to the Sofia newspaper “Rus” of June 3, 1924, no. 3, p.12) [3], China (400 thousand people) and Poland (350 thousand people) (according to the emigrant newspaper “Rudder” of October 10, 1922, no. 567, p. 5). The number of emigrants in other countries was relatively small. So, in April 1922, there were about 20 thousand Russian emigrants in Bulgaria (according to the Berlin emigrant newspaper “The Day Before” of April 22, 1922, no. 22, p. 5), 7 thousand in Austria, 14 thousand in Estonia (according to the emigrant newspaper “Rudder” of October 5, 1922, no. 563, p. 5), etc. Yugoslavia welcomed 35 thousand immigrants from Russia, Czechoslovakia – 22 thousand, Romania and Greece – 50 thousand, the Baltic States and Finland – 100 thousand [1, pp. 34–35].

The emigration of Russian international lawyers had its own specifics. Its main directions were the following: 1. South – Constantinople and then Bulgaria, the Kingdom of Serbs, Croats and Slovenes (mainly Serbia), Czechoslovakia, France;

2. North-West – Finland, Sweden, Germany, Czechoslovakia, France;

3. East – China, then the USA.

Historically, the first centers of the Russian international legal scientific diaspora were Harbin, Constantinople and Berlin. Harbin remained so throughout the interwar period. In Europe, Berlin, Prague and Paris were alternately “capitals” of the Russian foreign science of international law.

The Russian scientific international legal diaspora had been formed by 1922 [3]. By that year, scientific organizations of Russian emigration had been established: Harbin, Constantinople, Bulgarian, German, Parisian, Czechoslovak, English, Italian, Estonian, Yugoslav and after a while North American academic

groups. Since 1921, scientific papers were regularly published [4] and scientific congresses were convened. Many publishing houses were formed in emigration, hundreds of magazines and newspapers with international legal publications were printed [5]. The change in modern Russia’s attitude to the work of emigrated scientists requires us to pay closer attention to the scientific heritage of the Russian emigration, whose publications (usually of small-circulation) penetrated the territory of the former Soviet Union less often than others.

In modern Russia, there are centers for the study of Russian emigration. Among them are the Russian State Library (RSL), the State Public Historical Library (SPHL), the All-Russian State Library for Foreign Literature (ARSLFL), the Russian Public Library named after Saltykov-Shchedrin (RPL), the Russian State Library of the Academy of Sciences (LAS), etc. The most significant fund of the Russian diaspora is concentrated in the Russian State Library – about 120 thousand Russian-language publications published abroad after 1917. Among them there are more than 650 emigrant journals and 250 newspapers [1, pp. 8–9].

The main difficulty in working with this kind of sources is determined by the search for journals, newspapers, and international legal articles in them, as well as the need to distribute texts. Poor-quality printing and fading of the text are additional problems. Characterizing the entire array of these sources, we note a high degree of informativeness and species diversity of the materials contained in it.

Journalism of the Russian diaspora has never been studied in Russian literature. The term “journalism” itself is interpreted in different ways, although there are no fundamental differences between them. In the context of this article, journalism is understood as a newspaper and journal genre of literature devoted to topical social and political issues, i.e. a set of newspaper and journal articles, pamphlets, discussing public interests [6].

The topic of this article had been taboo in Soviet international law science for decades. This clarifies the complete absence of Russian literature on the international legal research of Russian emigrants. The research available so far is devoted to general analysis of the cultural heritage of emigration – fiction and philosophical prose, journalism, literary criticism, etc. It

contains little or no information about international law literature of the Russian diaspora.

A lack of publications on this topic is connected, on the one hand, with its complexity, and, on the other, with the fact that in legal science a “combined” study of two streams of Russian legal thought and two communities of Russian legal scholars is still unfolding and only the first steps are being taken to consider them as two parts of a single whole. Such a problem has existed for a long time, but conditions for its solution in Russia developed only in the last decade of the XX century.

For the modern Russian science of international law, which is going through a difficult process of rethinking old ideas, it is extremely important to turn to emigrant legal thought, which continued the best traditions and high professionalism of pre-revolutionary international law science.

The purpose of the article is to conduct a historical, legal and cultural analysis of the international law science of Russian emigration as a socio-cultural phenomenon on the basis of currently available Russian-language publications, to reveal and highlight the most important moments of the scientific and publishing activities of international lawyers, which occurred in specific conditions of the Russian abroad.

The article does not contain an overview of publications in foreign languages, because they do not relate to journalism of the Russian diaspora. Works of Russian scientists were also published in foreign journals and newspapers, but they had been previously tested in Russian-language publications.

#### *Research*

The emigrant periodical press is of exceptional importance for understanding legal thought of the Russian diaspora. In emigration, there were many publications in which the problems of international law were widely covered. The most authoritative and popular journals were “The Coming Russia”, “Modern Notes”, “Law and Economy”, “Jewish Tribune” (Paris), “Russian Book” and “New Russian Book” (Berlin), “Bulletin of Manchuria” (Harbin), “New Journal” (New York), as well as newspapers – “Latest News”, “Renaissance”, “Russia and Slavjanism”, “Russian Thought” (Paris), “Rudder” and “The Day Before” (Berlin), “New Time” (Belgrade), “Rus” (Sofia), and “Russian Voice” (Harbin). Emigrant journals and newspa-

pers described the life of legal institutions and published articles on international law and critical reviews.

Collections of scientific works by Russian scientists abroad are an important source of legal thought. We should mention “Law Faculty News” (12 volumes) in Harbin, “Proceedings of Russian Academic Organizations Abroad” (5 volumes), “Proceedings of Russian Scientists Abroad” (4 volumes), “Notes of the Russian Academic Group in the USA” (27 volumes), etc.

A huge amount of knowledge contains reference and information materials. There is extensive bio-bibliographic and encyclopedic literature published in Moscow, Belgrade, Boston, the Hague, London, Munich, New York, Paris and Prague. Based on the study of archival sources, new materials are introduced into scientific circulation.

New to historical and legal research is the technique by which the analysis of international legal thought of the Russian diaspora is carried out: the influence of isolation from Russia, activity in a foreign environment, the complexity of life and creativity in exile can be traced at various levels – from the generalized theoretical to the concrete practical.

A comprehensive analysis of journalism shows a picture of the life and work of international lawyers and reveals their works and basic scientific concepts. Based on their study, new materials are introduced into scientific circulation. The proposed work provides an overview of only a part of the works on international law published in journals and newspapers of the Russian diaspora. This is a small part of a huge scientific international legal array hidden from the reader. Scattered through thousands of archival documents; hidden from eyes of the researcher by reviews, references, petitions; accumulated in reports, lectures, abstracts, articles, monographs, personal letters and memoirs, it can be useful for teaching in modern Russian law educational establishments.

The intellectual international legal potential of Russian emigration is an integral part of the national heritage. It should be returned to its homeland, involved in domestic science and thoroughly studied. There should be no forgotten names in science. Each generation of lawyers has contributed to the development of international legal concepts. It is our duty to restore the past. The thoughts of scientists from

abroad in Russia can now significantly expand our understanding of many concepts of modern international law.

All editions are impossible to be considered. Their analysis, finding names, works, is the business of future scientists, as well as determining the volume of Russian foreign international legal periodicals. Having set ourselves a more modest task – to give a cursory overview of the Russian-speaking emigrant international legal literature – we will touch only on the most famous and authoritative journals and newspapers of the Russian diaspora.

In 1920, the weekly “Jewish Tribune” began to be published in Paris [7]. It was a collaboration of writers, publicists, and public figures. Among its regular authors were lawyers B.S. Mirkin-Getsevich (Mirskii), M.V. Vishnyak, A.N. Mandelstam, B.E. Nolde, B.E. Shatskii and others.

Articles devoted to international law occupied a worthy place in the scientific arsenal of the journal. M.V. Vishnyak wrote fruitfully, for example, “The Court of the League of Peoples and Protection of Minority Rights” (1920, no. 42); “The League of Nations and Minority Rights” (1922, no. 31 (136)), as well as “The Rights of Minorities and Societies of the League of Nations” (no. 34 (139)), “Minority Rights and the Split in the Union of Societies of the League of Nations” (no. 36 (141)).

“The Jewish Tribune” actively published B.E. Shatskii (no. 38 (143)) and especially B.S. Mirkin-Getsevich (no. 145, 149, 151, 178) (under the pseudonym B. Mirskii). B.S. Mirkin-Getsevich’s area of special legal interest was the international rights of national minorities. He wrote a series of articles on this topic, in particular, “Guarantees of the Rights of Minorities”, “To the Meeting of the League of Nations in Geneva” (1921, no. 50), “Minority Rights” (1921, no. 55), etc.

B.E. Nolde collaborated fruitfully with the journal. He published the article “Minority Rights and International Law” (1920, no. 7) and an obituary on the death of V.M. Hessen (1920, no. 17). In the obituary, the scientist, in particular, wrote, “Russia is not just a collection of square miles and millions of people; it is a moral union of Russian citizens in the name of preserving and creating a great national culture”.

Issues of international law were also presented on pages of the journal “The Coming Russia”. It was the first large literary journal of

the Russian diaspora, two issues of which were published in Paris. Both of its issues reflected international law problems. “The Coming Russia” has smoothly grown into the most famous magazine abroad, *Modern Notes*. “The Coming Russia” was the first emigration journal, in which B.E. Nolde made his debut. Subsequently, almost none of the significant emigrant publications could do without his works, including on international law.

The journal “Law and Economy” is also associated with the name of B.E. Nolde; he, together with B.E. Shatskii, was its editor. The journal was set up in Paris in 1925. “Law and Economy” was a special legal publication of the Russian diaspora. In addition to the editors, a number of prominent scientists from the Russian abroad took part in its publication, including international lawyer A.N. Mandelstam.

The journal “Modern Notes” is one of the few examples of literary longevity in emigration. The research section was interesting to read, much was written on legal topics, including problems of international law. International law topics were covered by G.D. Gurvich, B.E. Nolde, A.N. Mandelstam, M.I. Rostovtsev, V.V. Rudnev, S.A. Korf, B.S. Mirkin-Getsevich, K.N. Gul’kevich, Yu.N. Danilov, S.O. Zagorskii, and B.E. Shatskii. In the first issue of the journal, three articles on the issues of interest to us were published, in particular, “The League of Peoples and the International Court of Justice” by B.E. Nolde [8], “Federalism and Centralization in Modern America” by S.A. Korf [9] and “The League of Nations and International Labor Legislation” by V.V. Rudnev” [10].

The decisions of the 1907 Hague Conference, the commission of ten lawyers established by the 1920 Milan Conference of the League of Nations Societies, and the Council of the League of October 27, 1920 regarding the Permanent International Court of Justice were published in the second issue of the journal. The famous scientist A.N. Mandelstam, being himself a participant in many international conferences, quite clearly and intelligently outlined the historical outline of the idea of the International Court [11].

The highlight of the fourth volume was an article by the leading scientist, historian and archaeologist M.I. Rostovtsev. According to him, “there is no book in modern scientific literature in which the question of the history of international relations and international law in the an-

cient world would be dealt with fully and thoroughly ..." [12, p. 128]. This research is certainly a notable event in the international legal literature of the Russian abroad. Written in amazing language, it faithfully presented answers to the questions posed by the author.

B.E. Nolde collaborated a lot and fruitfully with "Modern Notes". In a considerable number of articles, he introduced readers to legal decisions of the most important international conferences and clarified international legal positions of a number of states.

B.S. Mirkin-Getsevich, a former associate professor at the Petrograd University, also worked closely with the journal. Being a specialist in the field of international law, he also wrote works on various topics. He gave an overview of the 1924 USSR Constitution [13] and the 1920 Czechoslovakia Constitution [14].

While in exile, scientists continued studies of peaceful means of dispute resolution that were so successfully carried out in pre-revolutionary times [15], especially international arbitration [16, pp. 103–113]. Separate pages of Baron M.A. Taube's monograph "Eternal Peace or Eternal War" (Berlin, 1922), as well as M.A. Zimmerman's "Essays on New International Law" (Prague, 1924) and "Intervention and Recognition in International Law" (Prague, 1926) were devoted to issues of international arbitration proceedings. M.A. Zimmerman gave a brief analysis of the Permanent Court of Arbitration, founded in 1899, and the mixed arbitration courts established after the First World War. Regarding the latter, he wrote, "These courts are created from two representatives from each interested state and a chairman chosen from among the lawyers of the state that was neutral in the World War". Giving their assessment, he stated, "activities of these courts, in general, were imbued with the spirit of impartiality and justice" [17, pp. 265–266].

The analysis of theoretical foundations of international arbitration was undertaken by G.D. Gurvich. Having reported that "for the XIX century there had been 170 arbitration cases, while in the first 14 years of the XX century ... as many as 130 cases", he concluded, "Arbitration proceedings of international legal disputes, i.e. proceedings based on a special agreement between the parties (the so-called compromise), to submit to the resolution of their dispute by judges specially called upon by mutual agree-

ment, constitutes the oldest institution of international law, which was already used in Greece in the VII century BC" [18, p. 18]. The arbitration court differs from an ordinary one that its competence is determined by an agreement of the disputing parties (compromise), whereas the competence of an ordinary court does not depend on it at all" [18, pp. 21–22].

The research of scientists on international arbitration was of the global level and even surpassed it in some ways. Scientists' ideas were so progressive for their time that they have not lost their value today. Embodied in a large number of existing international legal acts, they represent the basis of modern justice.

Problems of international law were reflected on pages of emigrant newspapers. The role of the Berlin newspaper "The Day Before" is noteworthy. International legal notes in it were mainly presented by its Editor-in-Chief, international lawyer Yu.V. Klyuchnikov. Starting from the first issue, the newspaper regularly informed readers about the printing of his book "At the Great Historical Crossroads..." and about its going on sale on April 1, 1922. After the specified period, it also regularly reported on the sale of the book in the Russian bookstore "Moscow" in Germany. The book was devoted to the analysis of international law problems the mankind faced after the World War.

I.N. Yutanin in his review of the book wrote, "Being a course of lectures, the book concisely outlines the author's theses, giving them a justification that is too brief compared to the depth and difficulty of the issues discussed. Most of all, this remark can be attributed to the main idea of the book – the assertion of the autonomy of politics along with morality and law. This idea, by virtue of its originality and novelty, requires the widest theoretical and philosophical justification. However, even from the concise wording that the book gives, the dynamism of this idea clearly emerges, which requires the same skillful handling of itself as any explosive. The very essence of Yu.V. Klyuchnikov's ideas is scary mainly because of its novelty" [23].

A series of publications on international legal issues was opened in the second issue of the newspaper by an article by Yu.V. Klyuchnikov "Russian Reparations". The article was intended to clarify from the point of view of international law the illegality of the Western countries' demands to Russia for compensation for all

losses caused by the Russian revolution and the civil war. Such a goal, according to Yu.V. Klyuchnikov, seemed important because “in official and business circles of the West there is ... a strong belief that Russia is obliged to compensate foreigners for all the losses incurred by them from the Russian revolution and from the decrees of the Soviet government. Getting on faith and with full internal satisfaction, the interested circles intensively cultivate the idea that “this is what international law requires”. But since there is at least a shadow of sincere “conviction” and even a reference to “international law”, and the position of infallible censors of good international morals, a dispute is not only possible, but obligatory. “Decorum and an outward form often play a crucial role in the mutual relations of states. It is one thing for the Russian delegation to find itself in Genoa in the position of a gross violator of the most sacred norms of international law. And it is a completely different matter if it turns out that proud judges of Russia, who have sentenced it in advance, can themselves be held accountable for deliberately perverting the meaning and letter of international law. That is why, on the eve of the Genoa Conference, I wanted to reconsider the issue of “revolutionary reparations” and recall how – in reality – it has been raised so far in the international legal theory and international practice [20, p. 3].

As for the theory, Yu.V. Klyuchnikov, referring to F.F. Martens, stated, “It seems impossible to me to assert that foreigners can claim greater protection of their personality and their property in the event of a civil war or revolution than local population of the country”. “The principle of compensation and diplomatic intervention in favor of foreigners in case of damages suffered by them during civil wars has not been established by any people of Europe or America. Concrete international law is also by no means as cruel to states that have been economically weakened in the struggle for a better statehood as modern rulers of international destinies”.

He referred to the doctrine of Argentine Foreign Minister Drago, who “categorically is against ... depriving the state, even if it recognizes its debt, of the opportunity to choose the method and time of payment at its discretion”. The trend to protect weak states from strong ones was also manifested in the Hague Convention (II) of 1907 Respecting the Limitation of

the Employment of Force for the Recovery of Contract Debts [20, p. 3].

Yu.V. Klyuchnikov also referred to a series of international agreements that established the principle of non-liability of governments for damage to foreigners during revolutions. He also pointed out cases of this principle being enshrined in domestic legislation, citing as an example Article 15 of the Venezuelan Constitution and its 1903 Aliens Act.

“The above references”, Yu.V. Klyuchnikov concluded, “do not resolve the issue of Russian debts at the Genoa Conference, but I hope they give reason to contemplate. And the more the partners of the Russian delegation in Genoa would think about such certificates, the easier it would be for them to successfully solve their main task: to rebuild economic and political life of the modern world” [24, p. 3].

The pro-Soviet position of Yu.V. Klyuchnikov was noticed in Moscow. “The Day Before” of April 4, 1922, reported, “Professor Yu.V. Klyuchnikov has accepted G.V. Chicherin’s offer to be an expert lawyer for the delegation at the Genoa Conference, and together with the delegation he leaves for Genoa” (no. 1 of March 26, no. 8 of April 4, 1922).

At the conference the discussion was continued. Yu.V. Klyuchnikov, referring to the amount of 62 billion francs in gold, which “Europe, i.e. the 28 noblest nations represented in Genoa, would like to receive from Russia”, wrote the following, “... does this whole amount have to be shouldered by Russia? After all, over 25 million people separated from it, forming now independent Poland, Latvia, Lithuania and Estonia. And wasn’t it considered the main unshakeable norm of modern international law that when a part of the territory is separated or when it is transferred to another state, part of the debt of the metropolis is transferred to the separated part? ... But they will tell us, “Russia itself, in the agreements concluded with Poland, Latvia, etc., voluntarily refused all “redemption” payments from those who were separated. We will answer this: this refusal concerns Russia, but not those who gave money and it is optional for them. This, again, corresponds to the norms of current international law” (“The Day Before” of April 19, 1922, no. 19).

International law issues were reflected in the monthly journal “Bulletin of Manchuria”, journals “Bulletin of Asia”, “Bulletin of Chinese Law”,

“Bibliographic Bulletin of the Central Library of the Russian Railways”, “Issues of School Life”, “Boundary”, “Russian Review” (Beijing – Harbin); collections of the “Union of Teachers”, “Bulletin of the Manchurian Pedagogical Society” and “Day of Russian Culture”, newspapers “Light”, “Our Day”, “Tatiana’s Day”, “Lawyer’s Day”, “Russian Voice”, “Dawn”, a one-day newspaper published by the Bureau for Russian Emigrants, “Harbin Time”, “February 19th”, “Herald of Harbin”, “Morning” (Tianjin), “Russian Word” (Harbin, 1926–1934), “Bulletin of Manchuria” (Harbin), “Military Thought” (Harbin), “Forward” (Harbin), “Smoke of the Fatherland” (Harbin), “New Shanghai Life” (1924–1926), “News of Life” (Harbin), “Russian Echo” (Shanghai), “Siberian Life” (Harbin), “Shanghai Life” (1919–1922), “Shanghai Dawn”, “Manchuria” (Harbin – Manchuria), “Monday” (Harbin), etc. [35]. Since the end of 1922, a weekly “Student Newspaper” was published in Harbin on Sundays under the editorship of A.M. Dmitriev.

The journal of Russian emigration in China was the “Bulletin of Manchuria”, published in Harbin from 1923 to 1934. Almost all teachers of the Law Faculty published their publications in it. Issues of international law were discussed by M.Ya. Pergament, V.V. Engelfeld, M.N. Ershov and others.

M.Ya. Pergament presented a legal analysis of the “Minutes of the meetings of the Diplomatic corps” in Beijing in the period from October 26, 1900 to May 21, 1920 in his well-thought article “On the Legal Nature of the So-Called Diplomatic Quarter in Beijing”. The work was published in two issues of the journal “Bulletin of Manchuria” in 1926 (no. 6, pp. 4–18; no. 7, pp. 3–14). This extremely informative article, richly accompanied by footnotes and quotations, was widely known in scientific circles of Russian emigrants in China. G.K. Gins, V.V. Engelfeld and other authors constantly referred to this article in their discussions on international law.

The content of the article fully corresponded to its title. “This essay is dedicated specifically to the Beijing Diplomatic Quarter... There is no monographic literature about the quarter at all. Courses and textbooks on international law are more than scanty on its account, either not touching it at all, or touching it only very, very briefly” [22, p. 5].

The scientist gave his definition of the diplomatic quarter, “The diplomatic quarter in Bei-

jing is a precisely delimited area of land provided by China to the states that signed the 1901 Final Protocol, as public law destinators of this area, for its exclusive use and with the right to: a) autonomous management within it for this purpose, as well as; b) bringing it into a state of defense and; c) the maintenance by each of the aforementioned powers of a permanent guard in the interests of protecting diplomatic missions, which missions are located within the same area, each on its own piece of land belonging to it by right of ownership” [22, p. 5].

“So, for the use or special use of missions – that’s what the diplomatic quarter is designed for”, concluded M.Ya. Pergament, “and therefore, as a lawyer, I do not hesitate to recognize as legitimate any claim of the missions to create the most convenient or favorable conditions for it. But I do not go ahead and even believe it unacceptable to go ahead if one does not want, without sufficient reason, to belittle the rights of the counterparty, i.e. in the present case, China, whose intentions were not to include a wider range of rights as exceptions to the general rule of law” [23, p. 7].

In the article “On the Legal Nature of the So-Called Diplomatic Quarter in Beijing”, M.Ya. Pergament also touched upon some issues of private international law. So, having given his definition of the diplomatic quarter in Beijing, M.Ya. Pergament pointed out that this piece of land did not have the qualities of supreme power, sovereignty and state territory. “Hence there appears a legal position of private international law, such as *logusregitactum*, i.e. a form of the transaction is determined by the place of its commission, fully applicable to the diplomatic quarter”. Having mentioned Article 11 of the 1896 German Civil Code and Article 9 of the 1865 Italian Civil Code and referring to Article 7 of the 1923 Civil Procedural Code of the RSFSR, the author argued that it would be only about Chinese legislation.

“Let the legal deal be made in the diplomatic quarter, in essence, let the deal be German. Where is, according to German law, the form for this transaction? Is the form dictated by laws of the diplomatic quarter in Beijing? Obviously not – we repeat, there is no such form. And obviously, we can and will only talk about the form prescribed by Chinese laws... The definition, construction, understanding, doctrine, which were cited and, possibly, used by members

of the diplomatic corps in Beijing ... are nothing more than subjective illusions and arbitrary postulates of legally insufficiently informed diplomats-politicians", concluded M.Ya. Pergament [23, p. 11].

The journal "Bulletin of Manchuria" repeatedly addressed issues of international law. Thus, unequal contracts and foreign shipping companies in China were highlighted by M.N. Ershov in the article "Foreign Shipping in the Waters of China" published in the fifth issue of the journal in 1931. The study was not original, since it presented key provisions of the article of the same name prepared by the anonymous Chinese author F.F.A. and published in the March issue of the English-language "Chinese Economic Journal" in 1931.

V.V. Golitsyn, a graduate of the Law Faculty in 1928, was an aspiring international lawyer. He published an article "The Beginning of a New Era in China's International Relations" [24] reviewed by G.K. Gins (News of the Law Faculty, 1931, vol. 9, p. 296). According to the reviewer, V.V. Golitsyn's work "suffers from ... a lack of theoretical data on the nature of unequal contracts and invites readers to consider" Page 86 of his work "Law and Force".

V.V. Golitsyn should be excused. At the beginning of his research, he noted, "In this article, we do not set out to analyze this system (China's treaties with other states – the author's note) and its assessments from one point of view or another... However, we should preface presentation of our topic with a brief indication of general foundations of the system of unequal contracts, and give a brief overview of its characteristic features... In ordinary trade treaties... the basis for agreements is the principle of equality and reciprocity... This is the logical principle of communication between peoples, as the father of international law Hugo Grotius pointed out ... Completely different grounds are contained in unequal treaties of China. Complete inequality is their characteristic feature. All benefits under these agreements are received only by China's counterparties, along with the fact that it receives nothing, except that it has committed itself to obey and endure the heavy and unfair regime of capitulation" [24, p. 275].

The author focusing on "giving an analysis of China's early treaties with foreign powers concluded on the basis of equality and reciprocity, studied provisions of China's international treat-

ties with Chile of February 18, 1915, Bolivia of 1919, Persia of 1920, Germany of May 20, 1921, and Austria of October 19, 1925.

V.V. Golitsyn came to the following conclusion, "these treaties have not yet created a system of new contractual bases in its international legal practice. These agreements only marked the beginning of those milestones, which are now a practical incentive for the already existing new system, built on the principles of equality and reciprocity, agreements of the Republic with foreign states" [24, p. 288].

In his work, V.V. Golitsyn widely used works of the Soviet scientist B.D. Rosenblum "Essays on the Contract Law of China" (Kharkov, 1928) and "Bibliographic Review of Literature on China's International Relations" by V.V. Engelfeld [25].

In the review, V.V. Engelfeld wrote, "In this essay, we mean to use only those works of Chinese writers and scientists that are written in European languages". The author divided essays on China's international relations into 3 groups. "The second group", he noted, "are legal treatises that describe certain institutions of international law as applied to China and generally treat the subject from the legal side. ... Collections of China's international treaties with foreign countries occupy a special place" [25, p. 4].

Having analyzed a decent number of historical works, V.V. Engelfeld noted, "The past of China's international relations with the West is often highlighted in essays on China and publications dealing with modern international legal problems of the Middle Republic". Among legal authors focusing on historical presentation, V.V. Engelfeld singled out the work of Koo "The Status of Aliens in China" (in English, 1912) and the one of Doo "The Position of Foreigners in China" (Russian translation by Sofoklov) (Harbin, 1918).

V.V. Engelfeld concluded, "These authors, well-known Chinese lawyers educated abroad, give, on the basis of European and partly Chinese materials, a Chinese version of the events that served as the key to the modern international legal situation of China and accompanied the emergence of extraterritoriality and other exclusive rights and privileges of foreigners in China" [25, p. 6].

V.V. Engelfeld also considered international legal literature published in the USSR. In the Soviet Union acts and documents of the Wash-



ington Conference on Arms Limitation were issued [25, p. 10].

Summarizing his research, V.V. Engelfeld wrote, "From the above review, the reader will see that the modern literature on China's international relations is extremely extensive. A big gap, however, is the lack of our own writings covering this topic in their entirety. To do this, one has to turn to foreign sources, which are not always impartial and objective and acquaintance with which presents some difficulties for the average Russian reader and learner" [25, p. 10].

Texts of international treaties were also published in China in Russian, for example, in appendices to the Bulletin of Chinese Law. "In view of the general interest in the content of those historical international documents that should form the basis for discussing occupation of major Chinese cities in Southern Manchuria by the Kwantung Army on September 18 this year (1931 – the author's note), texts of "The Covenant of the League of Nations", "The Nine-Power Treaty" signed on February 6, 1922 and "The Kellogg–Briand Pact" signed on August 27, 1928 are given below" [26].

The Harbin newspaper "Russian Voice" (no. 546, May 3, 1922) published a full text of the treaty of Soviet Russia with Germany in Rapallo 1922 and further reported (no. 646, October 4, 1922) that the Russian-Manchurian Bookselling

Partnership offered for sale "Regulations on the Application of Foreign Laws". Issues 3-4 (1925) of the journal "Bulletin of Manchuria" presented the text of the Convention on the Basic Principles of Relations between the USSR and Japan of January 20, 1925 in the article "The USSR and Japan", as well as notes of the Soviet representative (Ambassador to China Lev M. Karakhan) and the Japanese ambassador to China (pp. 105–108).

#### Conclusion

These are just some of the international legal publications that have found their place in Russian-language publications. A significant layer of international legal culture, developed by Russian emigration, is still closed by time and space. But what has been found, analyzed and highlighted indicates that the Russian foreign science of international law was created through the efforts of emigrant scientists. The scientists themselves actively participated in international law-making, as well as in the activities of interstate arbitration bodies.

The scientific potential accumulated on pages of periodicals is an important component of the cultural heritage of Russian emigration. A modern scientist should not give up this rare, extremely valuable and prone to disappearing baggage of knowledge. Its involvement in scientific circulation will contribute to improving the quality of domestic international legal developments.

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