

## Shanghai Studies: An Analysis of Principal Trends in the Field <sup>♦</sup>

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### 1. Introduction

Since its establishment as a treaty-port in 1842 and roughly until the Japanese invasion of China proper in 1937, Shanghai had gradually acquired a reputation as Asia's most spell-binding, entrepreneurial and free-wheeling cities. Interest in the city's pre-war legacy has increased in recent years as a result of the PRC's breakneck economic reform, and the opening up of its archives to foreign scholars. Western academics have begun engaging with these newly-declassified materials in ways that often reshape our understanding of Chinese modern history. Yet the development path that made Shanghai so vital to what may be loosely defined as 'Chinese modernity' has scarcely been agreed on.

One of many testaments to Shanghai's enduring appeal, at any rate, is the 2006 CBC television documentary *Legendary Cities of Sin*, in which it is portrayed as a megalopolis that was on par with Paris and Berlin between the two world wars. Shanghai's mystique is an even more potent drawcard in the realm of cinema with scores of Hollywood and Chinese productions set in the pre-Communist era -- Ang Lee's most recent feature film *Lust, Caution* (2007) being just one, fairly obvious example.

In the realm of Western scholarship, Shanghai's significance to understanding early-modern China is borne out by an explosion of historic surveys and research guide publications, of which Jeffrey Wasserstrom's *Global Shanghai* (2009) and Ulrich Menzel's online *Sytematische*

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*Bibliographie* (2006) are perhaps the most useful (Wasserstrom, 2009; Menzel, 2006). Other important resources on the city's past include the illuminating *Tales of Old China*, a website managed by the Chinese Economic Review Publishing Company with contributions from a number of Western Shanghai scholars; *Virtual Shanghai*, a blog edited by Professor Christian Henriot featuring original documents, old maps and photos of the city; and the AHRC-funded Chinese Maritime Customs Project, run by Bristol University in conjunction with the Second Historical Archive in Nanjing (Chinese Economic Review Publishing Company, 24 Nov. 2008; Henriot, 24 Nov. 2008; Bristol University, 24 Nov. 2008).

The academic interest in the West is quite naturally outweighed by Chinese scholar's output. Scores of new history theses, articles and monographs in Chinese draw on material from the Shanghai Municipal Archives. A fair few even venture a somewhat more 'benign' picture of the city's capitalistic legacy than was the case until the 1990s, as if to thereby vindicate its contemporary association with foreign investment (Wu and Ma, 2003). But party-state tutelage of social-science and modern history research institutes hems in the latitude of explicitly novel approaches. This result is a body of work that, while often laden with previously unavailable primary-source data, is not necessarily bound by consistent analytical focus (e.g. Du, 2002).

This is not to say that Chinese and foreign Shanghai historians do not engage ecumenically. Today, in fact, there are already a number of platforms where ideas, theoretical concepts and research outcomes flow in both directions, even if cross-pollination is harder to discern in published work. Translated articles on Shanghai by Chinese historians appear regularly in journals like *Chinese Studies in History* or the new Routledge outfit, *Journal of Modern Chinese History*. Similarly, surveys of Western scholarship on Chinese urban history appear on occasion in PRC volumes (Lu, 1998; Xiong and Zhou, 2004).

As noted above, for Western and Chinese scholars alike, an important milestone was access granted to the Shanghai Municipal Archive pre-war repository as of the 1990s. The sheer volume and diversity of historic material available there has already led to revisionist narratives of, for example, the vitality of Chinese financiers in Shanghai in the face of what was -- and for the most part is still -- conventionally seen as KMT's autocracy and extortion of Chinese business

elite (Cheng, 2003).<sup>1</sup> In PRC publications, readers do come across more hard evidence and a little less lip service to Marxism-Leninism than was found in standard compilations like Tang Zhenchang's until not long ago (Tang, 1989).<sup>2</sup>

Here, we expound on a number of Western studies of pre-war Shanghai mainly because of their influential theoretical framework and robust primary-source evidence, and in recognition of the fact that an excellent survey of pertinent PRC studies has already been offered by Liu and Stapleton (Liu & Stapleton, 2006, 392-397). The following passages will attempt to extract the pertinent literature into discursive threads that may help better explain what made pre-war Shanghai 'tick'. They will explore whether the city's phenomenal growth after 1842 was essentially due to endogenous or exogenous factors; whether its foreign-introduced legal system substantively contributed to Chinese enterprise or the emergence of a Chinese 'public sphere'; whether KMT-administered Shanghai out- or under-performed the city's foreign concessions; how integrated has Shanghai been with the rest of China or other Asian financial hubs; and how enmeshed were the city's sub-ethnicities within themselves. Finally, we shall try to underscore the relevance of the pre-war era to 21<sup>st</sup>-century Shanghai.

## 2. 'Chinese' or 'Foreign' Development Formula?

Arguably, the most intellectually stimulating new trend in Shanghai Studies in the West has been that which challenges the overriding significance of Western colonial stimuli to Shanghai's development pattern. Contrary to Fairbank's famous 'foreign impact – Chinese reaction' paradigm, scholars like Lu and Johnson search the root cause for Shanghai's dynamism in a late-Imperial social and economic transformation of the Lower Yangzi Delta (Jiangnan) that had begun well before British gunboats opened up the region for trade (Fairbank, 1969; Lu, 1999; Johnson, 1995).

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<sup>1</sup> For the more widely accepted view of Shanghai financiers as submitting to KMT corporatism during the Nanjing decade (1927-1937), see in particular, Bergère, 1986; Bergère, 2002; Coble, 1980; Fewsmith, 1985; Ji, 2002.

<sup>2</sup> See also, for example, Liu, 1985; and Xiong, 1999. Recent valuable PRC compilations include Tang, Z.J., 1989; Zhou and Tang, 1999; *Gong bu ju dong shi hui hui yi lu*, 2001; *Shanghai gong gong zu jie gong bu ju nian bao*, 2001, as well as material surveyed in periodicals like *Dang'an yu shixue* [Archives and Historical Studies] and *Shanghai dang'an* [Shanghai Archives].

There is an approach somewhat reminiscent of Paul Cohen's call for more emphasis on Chinese agency in Western historiography, and perhaps suggestive of Chakrabarti's later preoccupation with provincialising the European historic experience (Cohen, 1984; Chakrabarty, 2000). Lu in particular argues that Shanghai's Chinese petty urbanites (*xiao shimin*), who made the bulk of the city's population, had clung to traditional rather than imported lifestyles. They bought fresh groceries daily from ubiquitous peddlers; they observed Chinese festivities with gusto but kept aloof when foreigners marked Christmas and New year's Eve in the city; they had their nightsoil unceremoniously collected just like their peasant relatives in the hinterland; they invariably preferred rustic cuisine to 'fancy' Western dishes (*da can*); and they lived in distinct atomized neighbourhoods (*lilong*), whose hybrid architecture featured novel imported *motifs* like arched stone masonry or balconies but owed every bit as much to traditional Chinese imagery (Lu, 1999).

For Lu, the most important factor in the growth and subsequent economic take-off of Shanghai was not Western-designed institutions but endogenous dynamics. He explains that the concession area which the British had carved up few kilometres north of the old walled city remained a desultory, segregated backwater between 1842 and 1853. Then the Small Sword (*xiao dao*) uprising against the provincial Qing authorities (1853), and later the mayhem unleashed by the Taiping rebellion in Jiangnan (1860-62), drove thousands of wealthy Chinese to take refuge in the small British settlement. Under pressure from British landowners raring for a windfall, the British consul in Shanghai allowed these refugees to rent hastily-built housing, paving the way for Sino-foreign cohabitation with the half-hearted acquiescence of the local imperial superintendent (*daotai* or Taotai as this position was known to Westerners).

Ultimately, one might therefore assume, it was the booming realty market amid revolts and declining imperial powers – *not* Western semi-colonial tutelage – that secured the settlement's prosperity for decades to come. All things being equal, this is a cogent proposition that has to be examined in conjunction with the line of argumentation advanced by Linda Johnson.

Published four years prior to Lu's, Johnson's book set out to refute the colonialist myth that Shanghai was had been insignificant fishing village before the British settled there in 1842.

Drawing mainly on imperial district gazetteers, she shows that the city had been a major commercial port as early as the 13<sup>th</sup> century; and that by the early nineteenth century, it was among the twenty largest cities in China. Though not entirely unknown to specialists, these are in and of themselves very important facts in the storyline that do complement Lu's account. Indeed, as Kerrie MacPherson reminds us, unlike Japan's two great ports of Yokohama and Kobe, which rose to prominence only after the opening of Japan to foreign trade in the 1850s, Shanghai's walled city had already been an important regional port in the 17<sup>th</sup> century (MacPherson, 1996).

Both Lu and Johnson offer a carefully-constructed bottom-up narrative that is closely attuned to demographic flows and to the underlying regional traditions of Jiangnan, but is somewhat dismissive of the exponential growth in trade volumes and financial-sector services, and of the permeation of Western-style municipal services, missionary-run hospitals, mass media and entertainment after 1842.<sup>3</sup> Leo Ou-Fan Lee and Lynn Pan, by comparison, present a nuanced portrayal in their respective studies of Shanghai's "new" urban culture in the inter-war period and during 1930s, stressing that while it was mostly wealthy Chinese and intellectuals who patronized Shanghai's many coffeehouses -- Western-style theatres, dancing halls, horse racing, and department stores attracted large plebeian Chinese crowds (Lee, 2001, 23-42, 82-119; Pan, 2008).

Notably, there is one point where Lu and Johnson's accounts clearly differ. Drawing out his sketch of *lilong* life, Lu observes that these pre-war urban communities had lacked anything like the civic spirit embodied in, for example, coeval Tokyo through neighbourhood committees (*chōkai*) (Lu, 1999, 21). Johnson, on the other hand, is convinced that the seeds of an early-modern Chinese "public space" had already been manifest in in Jiangnan charitable gentry mobilisation well before 1842 (Johnson, 1995).<sup>4</sup>

This point of difference echoes a much larger debate that unfolded in the 1990s, particularly among American scholars, on the absence or emergence of a Habermasian 'public sphere' and

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<sup>3</sup> Some of Lu's earlier work (e.g. 1992) seems more attuned to the limits of city development before the arrival of the British. For a discussion of how Western-style municipal services, medicine and hygienic consciousness filtered via Shanghai to other treaty-ports and China beyond, see MacPherson, 1987 and Rogaski, 2004.

<sup>4</sup> For critique of Johnson's position, see Bickers, 1997.

‘civil society’ in early-modern Chinese cities, that is, the onset of venues for discussion of current affairs and autonomous public mobilization beyond imperially-prescribed mouthpieces or bureaucratic sanction.<sup>5</sup> In his rebuttal of the utility of the concept of ‘public sphere’ within the broad sweep of Chinese urban history, Frederic Wakeman made a clear distinction between Shanghai and other treaty-ports along the China coast, and between Shanghai and miasmatic Beijing where the foreign presence was much smaller: no other Chinese city but semi-colonial Shanghai could develop anything tantamount to a ‘public sphere’, because only in Shanghai was free press allowed to operate (Wakeman, 1993).<sup>6</sup>

Wakeman’s argument about Shanghai’s exceptionalism is implicitly supported by Rudolf Wagner, who posits that the vitality of the city in the pre-war era cannot be understood without paying attention to Chinese-language publications like the ubiquitous *Shenbao*. This newspaper was a popular outlet for market data, bulky consumer advertising as well as polemics on current affairs in the city and China beyond; it had actually been set up in 1872 by an English entrepreneur, Ernest Major, who astutely recognized the absence of such medium as a daily newspaper in China. Major’s brainchild was sold off to Chinese investors in 1908, but *Shenbao* continued to report on controversial issues and its circulation rapidly grew thereafter (Wagner, 1995).

Pointing to the subtle means by which a foreign-introduced medium like *Shenbao* could stimulate the mindset of Shanghai urbanites and reach across to other Chinese treaty-port audiences, Wagner later levelled criticism -- in an online review -- at Christopher Reed’s award-winning study of Shanghai ‘print capitalism’.<sup>7</sup> This was precisely because Wagner thought Reed had not sufficiently explored the foreign roots of the industry and their implications; *Shenbao*

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<sup>5</sup> American scholarly work informed by the notion of a burgeoning ‘public sphere’ along Habermasian lines in pre-war China include Rowe, 1984; Rankin, 1986; and Strand, 1989. For recent Chinese scholars’ perspectives on this issue, see, for example, Hong, 2007 and Wang, 2007.

<sup>6</sup> For a fairly similar argument focusing on Republican-era corporatism, see: Bergère, 1997. For a middle-ground, primary-source based assessment of whether a European-style ‘civil society’, ‘public sphere’ or transparent democratic processes existed in Chinese Shanghai circa 1918, see Goodman’s excellent recent study (Goodman, 2000a). Notably, Goodman finds a ‘language of elections’, ‘gesture(s) toward democratization’ yet ‘lax voting procedures’ (55-56, 58) by elites governing native-place guilds rather than actual elections for office. The guilds did eventually embrace some Western forms of representative political engagement but these were ‘far from transparent’ (85).

<sup>7</sup> For Wager’s critique of Reed (2004), see: <http://mclc.osu.edu/rc/pubs/reviews/wagner.htm>

was comparatively staid in its editorial tone but it catalysed the establishment of other Chinese-language publications that openly challenged imperial orthodoxy and lampooned court corruption, as Ye Xiaoqing and Wang Juan's recent studies both show (Ye, 2004; Wang, 2007).<sup>8</sup>

Wagner's lifelong interest in the Chinese-language press opened up an important intellectual vista, inspiring an immense body of work that explores complex themes ranging from the tenor of tabloid satire to the semiotics of the Sino-Foreign encounter. But the unabated proliferation of studies on print media in the city also begs the question whether they might not ultimately belabour the argument, considering that authoritative studies by Nicholas Clifford and Robert Bickers clearly show that foreign-administered Shanghai often repressed free speech; that it was racially regimented if not explicitly racist, and effectively devoid of representative government (Clifford, 1991; Bickers, 1999).<sup>9</sup>

Most specialist readers would be aware, for example, that there were virtually no Chinese in executive positions either at the International or French municipal councils which ran the foreign concession areas despite the fact that Chinese contributed the bulk of their revenue; Chinese were excluded from upmarket social venues through much of the pre-war era; marriage between Europeans and "Asiatics" was formally discouraged. And Chinese firms could *not* incorporate locally without appointing foreign nationals to chair their boards.

In that sense, there might be a risk that non-specialist readers could erroneously associate the academic preoccupation in the West with the 'free press' underpinnings of pre-war Shanghai with sentiments that white residents of the city ('Shanghailanders') had themselves entertained. Shanghailanders believed theirs was an enlightened 'model settlement' where free speech thrived. It was seen as neither part of Asia nor answerable to Westminster (MacPherson, 1996, 499). On the other hand, there must have been something qualitatively different about foreign-run

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<sup>8</sup> On the staidness of *Shenbao* 申報 compared to other Chinese-language newspapers, see, for example, Goodman, 1995, 142-143) (in relation to *Huibao* 匯報 invectives during the famous Yang Yuelou 楊月樓 marriage scandal); Judge, 1996, 40 (in relation to the reformist *Shibao* 時報); Wagner, 1999, 117. Notably, *Shenbao* and *Huibao* 滬報 – though both initially British-owned – did not enjoy British extra-territorial immunity. See, for example, Wagner, 1999; Goodman, 2000b; Mittler, 2004; and Meng, 2006.

<sup>9</sup> See also Wood, 1998; Bickers & Wasserstrom, 1995; Xu, 2001, 175-177.

Shanghai that eventually made it rise to prominence well above all the other four treaty-ports opened to British trade in 1842. After all, Guangzhou (Canton) had been established as a Sino-Foreign maritime entrepot long before; Xiamen (Amoy) was an important outlet of tea exports; Fuzhou had an elaborate moneyshop system; Ningbo was centrally located and offered convenient deep-water access.<sup>10</sup>

Either way, the famous *Subao* case of 1903 clearly shows the limit of free speech in the city's foreign concession areas. Established in 1896 and registered in the Japanese consulate, *Subao* was the first among many Shanghai newspapers that criticized Qing officialdom. In 1902, under the editorship of Zou Rong, *Subao* called for the violent overthrow of the Qing. Aghast, the Viceroy of Zhejiang and Jiangsu, Wei Guangtao, dispatched envoys to persuade the predominantly British-run Shanghai Municipal Council (SMC) to have the newspaper muzzled. Consequently, the British-run Shanghai Municipal Police (SMP) arrested six editorial staff members including Zou, who was sentenced to three-year imprisonment (Zhou, 2004).

Notably, the SMP declined the request for Zou's extradition by the Qing government because it feared such a measure would compromise extra-territoriality. In that sense, the adjudication of the *Subao* case and the fate of the defendants was much better than the fate of many other dissidents residing elsewhere in China. More significantly, numerous reports concerning the trial appeared at the time in the local press, thereby advancing perhaps the understanding of Western legal precepts by the city's Chinese elite.

But the persecution of journalists and labour activists intensified during the 1920s. This time of course the target was not anti-Manchu but "Bolshevized" literature (Xu, 2001, 181-183). Indeed, it would be hard to understand the vehemence with which Chinese -- petty urbanites, students, intellectuals, labour activists and even KMT rightists -- attacked the foreign grip on Shanghai from its very inception without reference to the plutocratic nature of the city's municipal governance.

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<sup>10</sup> For a discussion on how Shanghai took over the other treaty-ports, see Horesh, 2009.

### 3. The Legal Framework

The degree to which relative press freedom in Shanghai qualitatively transformed Chinese political consciousness cannot be effectively examined without consideration of the complex legal system that evolved in the city at large. During the pre-war era, Shanghai was divided into three administrative zones: the international concession area or ‘Anglo-American’ settlement (run by the highly autonomous SMC); the French Concession area (popularly known as ‘Frenchtown’) which was much more amenable to Paris; the walled city and its environs (known interchangeably as the ‘Native City’, the ‘Chinese City’, ‘Nantao’ or more formally as Nanshi) which were administered by the imperial *daotai*, and after 1912, by warlord and KMT functionaries.

While Chinese legal precepts obtained in Nanshi, the Qing reluctantly recognized the foreign settlements as “extra-territorial”. This meant in practise that Westerners residing in the city were immune to prosecution by Chinese officials: they could only be tried by magistrates at their respective consulates. Cases where both foreign and Chinese residents were implicated were brought before the ‘Mixed Court’ (*huishen gongxie*), where Chinese magistrates sat right from inception, but where Western Assessors eventually wrested control of the proceedings.

Debin Ma has recently suggested that Western jurisprudence -- of which press freedom was presumably a derivative but with corporate law and individual property rights at heart -- might explain more than any other factor Shanghai’s economic vibrancy (Ma, 2004). Ma’s pioneering quantitative work otherwise points to a critically under-studied aspect of pre-war Shanghai: while we already have excellent macro-level studies of consumer culture, labour activism, native-place bonds and organized crime -- the institutional underpinnings of the foreign settlements and their projection on to quotidian transactions are not yet entirely clear (Ma, 2008).<sup>11</sup> Perhaps now that the Shanghai Municipal Archives have been electronically catalogued is a time to re-examine with hard documentary evidence how ‘extra-territoriality’ played out on

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<sup>11</sup> On pre-war Shanghai’s consumer culture, see Cochran, 1999; Laing, 2004; Yeh, 2007. On the labor movement, see Chesneaux, 1962; Rigby, 1980; Honig, 1986; Roux, 1993; and Perry, 1993. On organized crime, see Wakeman, 1995 and Martin, 1996.

the ground; how it was used or perhaps abused; how Mixed Court proceedings were interpreted and acted on by Chinese economic agents and by the Chinese-language media at large.

There has recently been to my knowledge only one comprehensive English-language study of Shanghai's legal system that is informed by extensive archival fieldwork; regrettably unpublished, Tahirih Lee's 1990 PhD thesis draws impressively on a vast array of Mixed Court records preserved in the UK National Archives and, to a much less extent, on Chinese-language material. She argues that the Mixed Court 'became a means for directing the development of Shanghai according to a European model of urban growth'; that its judgements 'secured ownership of wealth and land'; that 'thousands of Chinese landlords, merchants and bankers, even the Shanghai district magistrate, used the court to settle their disputes'; and that 'confidential correspondence show that local Chinese merchants and lawyers pressed for Chinese control of the court, *but* they wished to retain its western-style procedure and its freedom to enforce local laws and customs' (Lee, 1990).<sup>12</sup>

The subtext of Lee's case study is whether the Mixed Court was simply an imperialistic construct designed to deepen the foreign domination of the city or whether it, in fact, ended up transmitting values that set Shanghai distinctly apart from the hinterland both materially and culturally. Much of the evidence adduced in the thesis might, however, leave readers in doubt. We are told, for example, that Mixed Court procedures and verdicts 'always tended to be pro-plaintiff'; the plaintiffs themselves were almost invariably foreign individuals, municipal utilities, and the SMP, while those being sued were almost invariably Chinese debtors or Chinese political activists (Lee, 1990, 9, 13, 125).

In the very few cases presented where Chinese were litigants and foreigners implicated in defence, the verdicts were exceedingly ambiguous. For example, in 1912 when Buddhist monks sued the Chinese lessee of a lot adjoining the international settlement and owned by their monastery for transferring land rights to the SMC without their knowledge so that the latter could build a road across -- the Assessor delivered a 'long and confused' verdict that recognized

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<sup>12</sup> For a similar argument, see Stephens, 1992. For a recent Chinese study of the Mixed Court, see Yang, 2006.

the priests' claim but affirmed the SMC's right to expropriate land for roadwork with a level of compensation entirely at the latter's discretion (Lee, 1990, 34-44).

One would tend to associate any notion of entrenched property rights in the city with a well-developed mechanism for Sino-foreign commercial-dispute arbitration or, more generally, a local body of civil law. However, 'a blurry line' separated civil and criminal cases at the court (Lee, 1990, 183). The statistics presented by Lee suggest that between 1918 and 1926 civil disputes brought before the Mixed Court never exceeded 5% of the caseload with the bulk involving Sikhs suing Chinese for petty debts (124-126). On the rare occasion when Chinese pressed charges against another Chinese party -- the Mixed Court appears to have been reluctant to intervene, or to have fallen back on 'local custom' and traditional guild punitive action. Twenty two lawsuits by Chinese policyholders against their Chinese insurance firms are recorded, for example, but most of these were 'discontinued' (58-59, 143, 306-309).<sup>13</sup>

Uneven law enforcement appears as a matter of course. In 1925, for example, Edward Ezra -- a successful businessman and one of the pillars of the city's 2,000-strong, elitist and Anglicised Baghdadi-Jewish community -- had the SMP arrest a Chinese resident for re-selling a stash of opium, which Ezra claimed was his and not yet paid for. Ezra himself was able to dodge prosecution during the trial, although opium dealership was illegal and although evidence surfaced that he had engaged in extortion (Lee, 1990, 184-185).

In a later contribution to a special issue of the *Journal of Asian Studies*, Lee has portrayed the city's legal system as porous:

On the one hand, the foreign laws promised a reasonably objective and impartial standard for managing private affairs, while on the other, the existence of different [municipal] jurisdictions...meant that individuals and businesses could skirt the law when it did not favour them by shifting from one [concession area] to another. In Shanghai, then, one could either appeal to the law when it served one's purpose or frequently could avoid the restrictions and penalties of the law by moving back and forth among the International Settlement, the French Concession, and the Chinese administered section of the city (Lee, 1995, 5).

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<sup>13</sup> For recent Chinese studies of the city's pre-war Jewish community as a whole, see Xu, 2007; and Wang, 2008.

If anything, the issue of justice and law enforcement is one of relativity for Chinese disputants could probably expect much less in the way of formal legal remedy in the 'Native City'. Though much less is known about legal proceedings there, W.A. Thomas's important study tells us of a 1897 case where Chinese majority shareholders in a British-registered firm sought the *daotai*'s assistance in repelling demands by the firm's British executives for additional capital contribution. This was after the Mixed Court had refused to hear their case, and after the executives' stand had received British consular endorsement. To add insult to injury, the *daotai*'s categorical response was that Sino-foreign joint ventures were not provided for under the Qing legal code, and therefore the Chinese investors were not deserving of any protection (Thomas, 2001, 88-89).<sup>14</sup>

As indicated above, native-place bonds and local custom were very important among Chinese residents of what ultimately was a city of migrants and expatriates. Bryna Goodman ably set these factors vis-a-vis the foreign presence, and its impact on the city and China beyond. Hers, in a sense, is a book that deftly charts the middle ground between China-centeredness and overstatement of foreign agency. By foregrounding a spate of confrontations between the foreign municipal authorities and a Ningbo migrant guild over the operation of a local cemetery, beginning as early as 1874, she shows how Western-style hygiene in the "model settlement" could serve as pretext for a naked land-grab, and the degree of Chinese resistance and embitterment that it aroused. Notably, Goodman also shows that, in a similar confrontation, the Mixed Court could be specifically targeted by Chinese rioters precisely because it was seen as arbitrary and impervious, as was the case in 1905 (Goodman, 1995, 158-175, 187-195).

#### **4. Shanghai as 'Missed Opportunity'?**

Any attempt to summarise in a few sentences the academic discourse on pre-war Shanghai prior to the opening of the Municipal Archives is at risk of banalising what is an immensely erudite

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<sup>14</sup> The *daotai* does, however, seem to have adjudicated purely Chinese shareholder disputes after the promulgation of imperial company law in 1904. In 1907, the newly formed Chinese Shanghai General Chamber of Commerce (*Shanghai zong shanghui*) called for more comprehensive legal reform, citing a case where the British Privy Council ruled in favour of Chinese clients of the British-run Chartered Bank who were owed money by the bank's comprador (Faure, 2006, 63-64).

body of work which remains, for the most part, uncontroverted. That said, given that the title of this review article commands a focus on more recent trends -- it might be fair to say that conventional wisdom until the late 1980s had cast the city as kind of 'Missed Opportunity': a bridgehead of Western civilization in the heart of autocratic China that did not accomplish its reformative mission either because it was drowned out by the sheer scale of underdevelopment in the hinterland, as Rhoads Murphey suggested; or because the Western-inspired 'gentry democracy' in Nanshi was nipped in the bud in 1914, as Mark Elvin argued in his groundbreaking PhD dissertation; or because the 'golden age' of bourgeoisie activism was cut short by the KMT rise to power in the late 1920s, as Marie-Claire Bergère showed in her now-classic study.<sup>15</sup>

To some extent, the 'missed opportunity' metonym is tempered by more recent quantitative work -- like that aforementioned by Cheng, Ma and Lee. This work paints a success story of local entrepreneurial dynamism that, because it was subsumed under extra-territoriality, could feed the city's prosperity despite the political instability in China at large. That metonym has, however, transmuted elsewhere into a debate about the legacy of the Nanjing decade (1927-1936) in Shanghai or, more strictly speaking, about the performance of the municipal government instated by the KMT after its occupation of the city in 1927.

In *Policing Shanghai*, the late Frederic Wakeman examined the KMT record in reducing crime in Nanshi, as a litmus test for the efficiency and reach of Republican nation-building. On 7 July 1927, General Huang Fu was installed with much fanfare as the first KMT mayor amid hopes that he would undermine the rationale for extra-territoriality by making the 'Native City' even more spectacular than its neighboring foreign concessions (Wakeman, 1995, 44-45). Wakeman then shows how the mayoralty quickly changed hands from one uniformed functionary to another, as KMT practical priorities shifted from urban reconstruction to rooting out Communist cells; these changing priorities meant that the KMT did not confront Japanese expansionism

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<sup>15</sup> Elvin's 1967 dissertation was ground-breaking by virtue of its meticulous analysis of British diplomatic archival material and, not least, due to the fact that it presaged the academic debate on the existence of a Habermasian 'civil society' in Shanghai well before the very same concept was popularised in the field of Chinese Studies. See also Murphey, 1974; Bergère, 1986. For a more recent and somewhat more qualified iteration of Bergère's approach, see Xu, 2001, 105-106.

head-on and, to the astonishment of most petty urbanites, closely collaborated with the SMP in cracking down on leftist radicals.

By 1932, the threat of radicalism had abated and General Wu Tiecheng, who was seen as less tolerant of Japan, was appointed mayor. The beginning of Wu's tenure coincided with the notorious Japanese bombing of the Zhabei district in retaliation for a popular boycott of Japanese goods. Despite the growing hostilities, Wu held on until 1937. He spoke English fluently and was on friendly terms with foreign and local financiers. With their support, he embarked on a number of infrastructure projects with a view to shifting the city's centre of gravity north of the foreign concession areas, as Sun Yat-sen himself had once envisioned. But, according to Wakeman, Wu's record on balance was one of failure. Despite lofty rhetoric his administration was not able to so much as clear peddlers off the streets, restore traffic controls, end currency speculation or significantly reduce armed robberies in Nanshi (Wakeman, 1995, 291).

Christian Henriot's comprehensive study of the Republican administration of Shanghai should be read in parallel to Wakeman's. Henriot skillfully unearths the gap between KMT rhetoric and praxis. For example, he points to the fact that the KMT apparatus in Shanghai had pleaded with the government in Nanjing to prohibit party members from taking up residence in the foreign concessions during the mayoral tenure of Zhang Dingfan (August 1927 - March 1929). This was farcical as Zhang himself, who succeeded Huang Fu in the job, resided in the French concession along with countless other KMT dignitaries (Henriot, 1993, 43, 75-76, 109-110).

Henriot also finds that native-place loyalties permeated the KMT in Shanghai, and that new mayoral appointments were followed by a tidal wave of new staff across all levels of the municipal administration reflecting, in essence, the province from which the mayor hailed. The Wu Tiecheng era was, for Henriot, one of symbolism despite genuine attempts to implement the Sun Yat-sen inspired Greater Shanghai Plan (*Da Shanghai jihua*). In October 1933, a new town hall was inaugurated in the Jiangwan district in the northern outskirts of Shanghai, and some municipal offices relocated there. By 1937, Jiangwan was also home to the Chinese city's library, museum and athletic stadium. However, the commercial center of gravity remained in the foreign-run south, not least because Wu was not able to see through the construction of port

facilities in Wusong that were meant -- according to the Plan -- to supplant the foreign-run ones further down south along the Bund (Henriot, 1993, 181-183).

On the upside, Henriot recounts Wu's success in establishing a water treatment plant in Pudong with funding from Chinese merchants; in rationalizing power supply in Nanshi by consolidating eight small power plants into two and tightening quality control of private utilities. But whether these are sufficient grounds from which to overturn, at least provisionally, Lloyd Eastman's powerful portrayal of the Republican era as one of "disintegration" is moot (Henriot, 1993, 173-175, 234-235; Eastman, 1975).

### **5. Shanghai as a 'Babel' of Finance?**

Henriot's exposition of native-place bonds within Shanghai's municipal administration ties in with phenomena that underlay the social fabric of pre-war Shanghai: ethnic networking, sub-ethnicity and their interplay with semi-colonialism. While Goodman's aforementioned study did much to illuminate the Chinese side of the equation, scholars have not yet fully mapped out the numerous foreign micro-communities and their share of economic and other activity. The ethnic matrix in Shanghai was convoluted because British subjects included, for example, a sizable Indian community, including Sikhs, Parsis, Ismailis and Baghdadi ('Babylonian') Jews who arrived via Mumbai; French subjects included a sizable Indochinese community; American subjects could imply Filipinos or Armenian-born émigrés; and among Japanese subjects one could find a few locally-naturalized Chinese businessmen or wealthy overseas Chinese from Southeast Asia.<sup>16</sup>

Just as Chinese nationality was often beset by regional loyalties, so too were foreign nationalities. The idiom of ethnicity and nationality could drum up or divert business from rivals. Nationality could also embody 'big business' in and of itself: many consulates charged hefty fees from wealthy Chinese residents in return for naturalizing them or registering their firms as foreign.

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<sup>16</sup> For recent studies of the Japanese community in pre-war Shanghai, see Fogel, 2000; Chen, 2007; and Takatsuna, 2009.

In view of the myriad languages and dialects spoken in pre-war Shanghai, as well as of its connotation of lewd adventurism, ‘Babel’ is therefore not an entirely inappropriate trope with which to re-visit how business was carried through in the city. For not only does it evoke the little-studied yet prominent role of Baghdadi Jews in the city’s realty market but it also brings to mind the mystique with which the city was once associated: a number of Western novelists had likened Shanghai to ‘Sodom’, ‘Nineveh’ and, of course, ‘Babylon’ (Miller, 1994, 239-345).<sup>17</sup>

The macro-level picture is, by comparison, fairly straightforward. We know, for example, that Chinese ratepayers, licensing fees and duties imposed on Chinese petty urbanites made up over half of SMC revenue by the 1920s. While Chinese residents accounted for over 90% of the population in the foreign concessions, it was not until 1927 that they won executive representation on the SMC board (Thomas, 2001, 60). However, scholars still do not know if corporate ownership and management was similarly fragmented along ethnic lines and, if so, in what ratios. Fewer still are quantitative data on proprietary small businesses. There otherwise may perhaps be a danger that future research will overstate the ‘Chineseness’ of native-place bonds to the neglect of European ‘particularisms’, and the way in which they beset or negotiated impersonal trust in pre-war Shanghai.

In his captivating biography of one, Maurice Tinkler, an Englishman in the employ of the SMP, Robert Bickers subtly calls our attention to the truly universal nature of native-place networking as well of racial stereotyping. Tinkler, we are told, often complained to his sister about Scottish favoritism in SMP ranks. In order to lift his station in life in the face of Scottish “free masonry”, he decides to join formal Free Masonry, a society fabled for its reach within Shanghailanders (i.e. white) society (Bickers, 2003, 135-137).<sup>18</sup>

Snubbed by upper-class Englishwomen, Tinkler nevertheless refrains from engaging Chinese prostitutes in order to maintain his “self respect”. But this is presumably only because an influx of poor White Russian migrants had made Caucasian concubinage affordable in the 1920s.

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<sup>17</sup> For a recent Chinese study of the city’s pre-war foreign business community, see Wang, 2007.

<sup>18</sup> On the racial matrix in Shanghai and its interplay with semi-colonialism in Asia, see Bickers and Henriot, 2000.

Tinkler fumes at his sister for dating a Japanese gentleman back in England but, curiously enough, does not appear to resent local Sikh policemen or Jewish shopkeepers (Bickers, 2003).<sup>19</sup>

Sex and racial purity were not, of course, an exclusively white preoccupation. As early as 1874, Ningbo guildsmen lambasted intercourse between Cantonese prostitutes and French client as racially defiling amid a campaign to avert the takeover of a local cemetery by French municipal council (Goodman, 1995, 169-170).<sup>20</sup> But despite the jeopardy of excommunication, a few Sino-foreign couples did defiantly wed and jointly climbed up the slippery social ladder of Shanghai: such were the marriage of the enigmatic Baghdadi-Jewish realty mogul, Silas Hardoon, and a devoutly Buddhist waif;<sup>21</sup> Inspector E.W. Everson, the SMP officer who ordered fire at Chinese strikers, thereby unleashing the May Thirtieth Incident (1925) -- the most serious Sino-Foreign confrontation in the city during the pre-war era -- was ironically one of few Britons married to Chinese.<sup>22</sup>

In the private as well as mercantile realms, there were myriad of ineffable Sino-foreign 'cross-border' liaisons that underlay everyday life beneath the veneer of rigid racial and class distinction, but about which we still know relatively little. At least one Mixed Court record suggests as much: it delineates a love affair between one, Lika, a Sikh, and his married Chinese neighbor Wang Ni. The affair evolves into a court case since Lika is eventually stabbed to death by Wang's cuckolded husband, whom the foreign municipal authorities want for manslaughter but Chinese customary law holds innocent on account of the adultery committed by the deceased (Lee, 1990, 23-29).<sup>23</sup>

The contours of the Sino-Foreign encounter at the 'big end of town' are clearer thanks to pioneering work by Wang Jingyu, Hao Yen-p'ing, Andrea McElderry, Motono Eiichi, , and Nishimura Shizuya (Wang, 1965; Hao, 1970; McElderry, 1976; Motono, 2000; Nishimura, 2005).

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<sup>19</sup> On anti-Semitism in pre-war Shanghai, see also Finnane, 1999 and Ristaino, 2001, 48-49.

<sup>20</sup> On racist stereotyping of Europeans, see also Wasserstrom, 1998.

<sup>21</sup> On Hardoon, see the pioneering studies of Chiara (1997) and Meyer (2003).

<sup>22</sup> On Everson, see Bickers, 1999, 74.

<sup>23</sup> For a discussion of Sino-Foreign 'Border-Crossers' in pre-war Shanghai and their importance, see Wasserstrom, 2008. For brief coverage of the commoditised physical contact between Chinese and expatriates in pre-war Shanghai, see, for example, Henriot's magisterial study (2001, 99-101, 108, 158) and Hershatter's magisterial study (1997, 50-53).

When read together, their work seems to allude that Chinese capital funded much, if not most, of the foreign-run joint-stock company capitalisation in the pre-war era. The British Joint Stock Companies Act laid the foundations of modern company law only in 1856, and it is perhaps not sufficiently recognized that this milestone in world economic history was immediately transplanted by British entrepreneurs based in East Asia. But in applying the principles of joint-stock incorporation there had always been a key difference between Hong Kong and Shanghai that needs to be thoroughly examined. While the Crown Colony government, under pressure from its mercantile community, localized the new company law principles through its 1865 Companies Ordinance -- Whitehall was reluctant to fully apply the mechanics of joint-stock enterprise to Shanghai's semi-colonial setting (Thomas, 2001, 29).<sup>24</sup>

Without comprehensive consular recognition, and even though Chinese company law was virtually non-existent before 1904, foreign and domestic joint-stock company prospectuses appeared in Shanghai as early as the 1870s, and stock trading flourished. It was only in 1907 that firms could register in the British consulate as a cheaper substitute to maintaining an office in Hong Kong. The British Consular Supreme Court in the international concession assumed full responsibility for regulating joint-stock companies only through a 1915 Order-in-Council, which provided that any company applying for registration as British in Shanghai must maintain a majority of British directors, and that its chief manager must be a British subject (Thomas, 2001, 31-32).

What has perhaps not been sufficient explained is how, despite the earlier and more robust foundation of company law in Hong Kong, the foreign-run bourse in Shanghai eventually outshone that of the Crown Colony in the pre-war era. This is an important question not least because the pre-war state of play is starkly different to how the Shanghai bourse has fared vis-a-vis Hong Kong's over the last two decades. Foreign-run company shares were traded in Shanghai as early as 1866 and eagerly taken up by Chinese investors who later shunned Chinese

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<sup>24</sup> On the belated evolution of Chinese company law, see Kirby, 1995.

joint-stock ventures. How, despite its seemingly porous legal system, was foreign-run Shanghai able to prosper and attract so much Chinese capital?<sup>25</sup>

Alongside bank loans and government investment, the volume and tradability of equity was often a critical determinant of industrialization in early-modern economies. Chinese stock and commodity exchanges had organically evolved in Shanghai by the early 1880s, but remained small, diffuse and largely dormant thereafter. What impinged most on equity trade was frequent Court interference in the managerial affairs of listed companies. This interference deterred potential investors and brought China's primary indigenous stock exchange to a virtual standstill by mid-1880s. Subsequent attempts to revive equity markets were made in the 1920s, but these were similarly beset by government inability to reassure investors or enshrine property rights (Hong, 1989; McElderry, 2001).

## 6. By Way of Conclusions: 21<sup>st</sup> Century Shanghai

Over the last three decades Shanghai transformed itself from a city strongly associated in Mao's era (1949-1976) with heavy industry, central planning and ideological zealotry to arguably the PRC's most important finance and R&D hub. This transformation was accomplished through "fiscal federalism" which incentivized municipal authorities to court private investment, and allowed them to retain a higher share of local revenue in return. The transformation was also accomplished through central-government prioritizing of Shanghai over other urban centers. Emphasis on Shanghai-led development peaked during Jiang Zemin's presidency (1993-2003), and is still seen today as his loyalists' (*Shanghai bang*) cause. The late Huang Ju, an erstwhile mayor and Jiang loyalist, once declared: 'Shanghai of the future must be a metropolis equal to New York or London' (Wu, 2007, 115; Wu, 2007, 211).

If scholars are to provide a persuasive account of Shanghai's contribution to China in the *longue durée*, then it is crucial to pinpoint the similarities as well as differences between the pre-war era,

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<sup>25</sup> For a tentative preliminary overview of the Shanghai bourse today and before World War II, see for example, Chen, 2006.

the Mao era and the current reform setting. Rudolf Wagner suggested, for example, that the Special Economic Zones, which inform the current reform thrust, were an attempt to resurrect the treaty-port development path while neutering the democratic potential which it had once spawned (Wagner, 1995, 442-443).<sup>26</sup> Yet the question today, as in the pre-war era, can be amplified: Has Shanghai ever had a truly free-wheeling spirit, or was it simply a case of lawlessness glorified and institutions misconstrued?

Another important question which transcends rigid epochal boundaries is whether Shanghai's economic success has been due to foreign or Chinese agency. Does Shanghai today rise above other cities despite or because of Chinese government intervention? For the debate among economists over the PRC's performance over the last two decades still centers around the question of whether growth is mainly sustained by foreign investment in offshore assembly lines, or by Chinese rural and private-sector vibrancy.<sup>27</sup>

Even the current problematic of Shanghai's stock exchange inevitably invokes the pre-war setting. Though there is no longer a competing foreign-run bourse operating along side the one regulated by the Chinese government, there have re-emerged vexed issues concerning the bureaucratic manipulation of board decisions, poor accounting transparency and private investors' rights. Nonetheless, within the global financial system, Hong Kong's equity market is now -- in contrast to the pre-war state of play -- more vital to foreign and Chinese firms than Shanghai's, and its performance much more closely correlated with PRC economic growth figures (Chen, 2006, 39-40).

The disparity between Shanghai and rural China is every bit as staggering today as it was in the pre-war era, if not worse. It is thrown into relief when compared with other emerging economies: official statistics put Shanghai's per capita GDP in 2003 at US\$ 4,516 -- nearly five times the All-China average. That year, per capita GDP in Mumbai (US\$ 931), while much lower than in Shanghai, was only twice the Indian average. São Paulo's GDP (US\$ 4,023), by comparison, was only 1.38 higher than the Brazilian average (Raiser and Volkmann, 2007, 342).

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<sup>26</sup> For important work that aims to deal with Shanghai in the *longue durée*, see for example, Howe, 1981; Yeung et al., 1996; and Gamble, 2003.

<sup>27</sup> On this debate, see Qian, 2002 and Huang, 2008.

Whether or not the Shanghai-hinterland divide will diminish over time, it seems safe to speculate that the city's cosmopolitan heritage will loom larger as China rapidly re-integrates with the international community to assume a leading role (He, 2007, 179-181).<sup>28</sup> The marketing potency of "memory-lane" is already evidenced in massive housing redevelopment projects and theme shopping centres, such as Xintiandi, in what was once the French concession. Xintiandi ingeniously harps on the plebeian flavour of *shikumen* hustle and bustle but its residents today are much wealthier than the concession's petty urbanites once were. There may be, in that sense, a growing appetite for a certain 'Old Shanghai' chic and mystique on the part of China's new rich. It is, at the same time, the job of historians to de-mystify the very same 'Old Shanghai' with quotidian facts, rudimentary statistics and archival evidence.

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<sup>28</sup> On Shanghai's putative new cosmopolitanism, see also Farrer, 2008.

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