

The Deeds of the Dead in the Courts of the Living: Graves in Qing Law

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I. Introduction

In late imperial China, graves, in addition to serving as the resting places of the dead, served as a powerful mechanism for claiming land, securing and hiding wealth, and expressing social status. They were particularly effective because of several compounding factors. Ming Taizu's ban on cremation in 1370 essentially mandated the creation of graves, while the spread of the lineage institution across China in the subsequent centuries disseminated burial practices associated with Neo-Confucian ritual.¹ The imperial state recognized the power of graves and the dead buried in them through its law code and its administration. The legal code prescribed harsh punishments for those who violated gravesites.² For those who had failed to receive a proper burial or had passed away unpropitiously, the

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1. For an overview on the history of cremation in China, see Ebrey, *Women and the Family in Chinese History*, 247. Ebrey notes that "archaeological evidence suggests that cremation declined very rapidly in the Early Ming." *Women and the Family in Chinese History*, 162.

2. The *Great Qing Code* 276.01, 276.02, 276.06, and 263.01.



state held triannual *litan* rituals in counties across the empire to appease their unrequited spirits.³

Graves were a central avenue for engaging the law and accessing the courts in late imperial China. Drawing on the work of Yonglin Jiang, who has discussed the religious frameworks of late imperial law codes, this article makes use of Paul Katz's concept of the "judicial continuum," which he defines as "the belief that the judicial mechanisms of this world can interact and even overlap with those of the underworld."⁴ For the administration and maintenance of gravesites in late imperial China, this "judicial continuum" was not just a cultural framework, but was also put into practice through a variety of Daoist rituals and geomantic practices.⁵ While these did not have a formal place in the late imperial Chinese law code, this study demonstrates that the Qing legal system readily endorsed judicial rituals of the underworld and geomantic interpretations of land to resolve county-level disputes. Qing courts recognized the dead as having distinct interests and the capacity to aid and harm their living relations. This recognition in turn had social effects. Just as the imperial state delegated responsibility for administering the commercial property regime to rural agents such as contractual middlemen, the state also recognized ritual intermediaries, such as geomancers, as necessary agents in administering the property regime of the dead.⁶

County archives in Sichuan suggest that sepulchral litigation was both common and complex during the Qing. Officials in the province observed that local residents were sometimes "deluded" (*huo*) by *fengshui* and commented on the high rate of grave lawsuits over the nineteenth century.⁷ Wei Shunguang has disaggregated 1,000 territorial property

3. Goossaert, "Managing Chinese Religious Pluralism in the Nineteenth-Century City Gods Temples." *Litan* rituals were offered to the City God three times a year, on Qingming, on 7/15, and on 10/1 at the *litan* altar, which was constructed outside of the walled city in each administrative seat.

4. Yonglin Jiang, *The Mandate of Heaven and the Great Ming Code*; Katz, *Divine Justice*.

5. Stephen Feuchtwang's *An Anthropological Analysis of Chinese Geomancy* provides an excellent introduction to the theory and practice of Chinese geomancy.

6. Duara, *Culture, Power, and the State*, 217–44. Daniel Asen has recently shown the state's reliance on professional geomancers for local administration continued well into the twentieth century in Beijing, where *yinyang* masters were responsible for much death certification work through the late 1930s. Asen, *Death in Beijing*, 39–41.

7. Sichuansheng dang'anguan and Sichuan daxue lishixi, eds., *Qingdai Qian-Jia-Dao Baxian dang'an xuanbian*, xia, 350.



disputes in Sichuan's Ba county between 1821 and 1838 and discovered that over 26 percent of all lawsuits concerning land rights involved graves and *fengshui*.⁸ Nanbu county's archive contains a similar proportion of grave disputes for that period, and a number of lawsuits analyzed below from the span of a few months in 1890 reveal their frequent appearance in court. In Nanbu, yamen runners frequently composed maps of contested auspicious sites during grave litigation, and such maps occupy at least 70 percent of the entire surviving cartographic collection from the county's legal archive.⁹

Fengshui lawsuits proliferated during and after the Ming Dynasty (1368–1644), even as the practice of Chinese geomancy dates back to antiquity. A transformation appears to have occurred during the Ming—one perhaps linked to the imperial ban on cremation and the resultant need to create graves—which elevated the importance of *fengshui* in Chinese law.¹⁰ By the nineteenth century, people across the empire made *fengshui*-related claims—from Manchuria down to the borders of Southeast Asia.¹¹ It is challenging to determine the exact degree to which the frequency of such cases increased over the Qing, as Nanbu's archive has a larger number of lawsuits from the second half of the dynasty than the first. Nonetheless, the well-known population increase in Sichuan over the period, with the accompanying rise in land reclamation, suggests that grave litigation increased in frequency, at least in terms of the absolute number of cases, as Weiting Guo has shown to have been the case in Taiwan during the nineteenth century.¹² Across the empire, from Taiwan's Xinzhu county to Sichuan's Nanbu county, grave lawsuits were

8. Wei Shunguang, "Qingdai zhongqi de 'jifen zisong' xianxiang yanjiu" (Research on the phenomenon of 'grave litigation' in the Mid-Qing period), 159.

9. For a complete list of the cases in the Nanbu County Archive that contain litigation maps, see Brown, "The Veins of the Earth," 195.

10. Specifically, the genre of geomantic lawsuit concerning "earth veins" appears to have been distinctive to the Ming-Qing era, even as disputes over auspicious land may date back further. This shift was likely in response to the popularization of grave rituals in relation to state policy. For more on this transformation, see Miller, "Roots and Branches."

11. For just one example of a memorial recommending the moving of horse stables of the Bordered White Banner Mongols because of *fengshui* concerns, see Academia Sinica Archives of the Grand Secretariat: 22.6161.001.

12. Weiting Guo, "Social Practice and Judicial Politics in 'Grave Destruction' Cases in Qing Taiwan, 1683–1895."



one of the few genres of non-homicide “local” cases that could be heard year-round under Qing law, outside of the harvest-dictated seasonal calendar for local trials.¹³

This article draws on the rich collection of the Nanbu County Archive while also considering two handwritten ritual manuscripts from Qing (1644–1912) and Republican (1912–49) Sichuan. The first section introduces the courts of the dead through documents for legal rituals concerning sepulchral lawsuits (*zhongsong*), wherein a deceased person would present a lawsuit against a person’s ancestor in a court of the underworld, as well as (“Earth God”) tomb contracts (*maidiquan*), wherein a deed was composed to an Earth God for the use of his land prior to burial.¹⁴ These documents establish the judicial frameworks for dealing with the deceased’s *po*-soul and help contextualize the remaining sections, which concern the courts of the living.¹⁵ The following sections address, first, the territoriality of graves and the resolutions magistrates crafted in judging sepulchral disputes; second, the functions of graves, particularly “ancient” and “fake” graves, in expressing and manipulating social status; and, third, the multifaceted roles of ritual intermediaries such as geomancers in cases found throughout the Nanbu archive. Magistrates consistently looked to the rituals directed towards the courts of the underworld in crafting their own legal judgments. This shows

13. Even though the yamen was supposed to hear cases during the non-harvesting seasons each year, grave lands were cited in the *Imperially Authorized Collected Statutes of the Qing Dynasty with Case Precedents* as a leading genre of case heard throughout the year: “If local officials, during the time when they cease the processing of lawsuits for the harvest season, encounter [cases concerning] grave mountains and land, since these cases are matters of great importance, and if the witnesses and advocates are not engaged in agriculture, [the magistrates] should continue to investigate and judge [these matters].” *Qinding da Qing huidian shili* (Imperially authorized Collected Statutes of the Qing Dynasty with Case Precedents), Section of the Board of Punishments, Criminal Statutes, Lawsuits, 817.

14. *Maidiquan* are often rendered as “tomb contracts,” which is a good translation. I have opted to term them “Earth God” contracts explicitly to clearly distinguish them from contracts drawn up between human actors for the purchase of grave land. Readers should be aware that Earth God contracts invoked many deities as witnesses beyond just Earth Gods.

15. In Chinese religion, a person has two souls: a *yang hun*, which leaves the body after death, and a *yin po*, which stays in the corpse of the deceased. Each of these “soul” components had to be placated: the *po*, so that it would not turn into a harmful “ghost” or “demon” (*gui*), and the *hun*, so that it would become a helpful “god” or “spirit” (*shen*). Myron Cohen has pointed out that this binary of souls is a simplification and that in fact many souls were identified in local society. Cohen, “Souls and Salvation.”



that graves acted as powerful forces in late imperial Chinese law and that litigants could appeal to not just one, but two, recognized bureaucracies. Finally, we may note that, notwithstanding the profound changes in national policies in China's modern era, at least in rural regions of the country's interior, the ritual and legal practices commonly associated with the imperial period remained prominent through the mid-twentieth century.¹⁶

II. The Dead in the Courts of the Underworld: Sepulchral Lawsuits and Earth God Contracts

Stephen Bokenkamp has postulated a transformation in the way the living conceived of the dead in early medieval China (third to sixth century CE), with the new notion of vindictive ancestors and “ancestral anxiety.”¹⁷ In identifying a related transformation for the Song period (960–1279), Valerie Hansen has suggested that the burgeoning use of contracts in commercial transactions galvanized a parallel change in the conception of transactions with the gods of the celestial bureaucracy.¹⁸ The anxiety that Bokenkamp refers to and the transactions that Hansen observes originated with the rise of a new legal order in the Qin-Han (221 BCE–220 CE) period, which corresponded to a new religious conception as well, with a growing celestial bureaucracy and the appearance of new types of legal-ritual media, such as sepulchral lawsuits and Earth God contracts. In the following centuries, rituals for communication with the underworld spread widely and were popularized across the empire.

A lack of source material from the Ming-Qing period has hindered thorough understandings of sepulchral lawsuits and Earth God contracts and has led medieval texts to appear at first glance to be more abundant than late imperial texts.¹⁹ One reason for this distribution of sources will soon be evident: ritual specialists in medieval China sealed petitions

16. Goossaert and Palmer, *The Religious Question in Modern China*.

17. Bokenkamp, *Ancestors and Anxiety*.

18. Hansen, *Negotiating Daily Life in Traditional China*.

19. Studies by Peter Nickerson have provided thorough contextualization of the rise of otherworldly litigation through texts such as “The Great Petition for Sepulchral Plaints” (*Da zhongsong zhang*), which was composed prior to the sixth century CE. Nickerson, “The Great Petition for Sepulchral Plaints” and *Taoism, Bureaucracy, and Popular Religion in Early Medieval China*. Likewise, Earth God contracts examined by Valerie Hansen, Ina Asim, and Mihwa Choi largely were written in the Song Dynasty (960–1279) and earlier. Asim,



combatting sepulchral complaints and Earth God contracts in tombs or chiseled them into stone. Related texts were incorporated into the Daoist canon. Legal ritual media in Ming-Qing records did not cease to be produced, but rather disappeared from the official record because political and market demands popularized them amongst the wider population. Daoist priests and geomancers wrapped and burned petitions against sepulchral lawsuits and Earth God contracts following a ritual offering. As the popularization of these practices corresponded with the increasing tendency for ritual specialists to be hauled into court, the burning of these documents may have incidentally served as a mechanism to dispose of evidence that could be used to appraise a specialist's skills in court. One legal case below suggests that they did, though we should not assume that this was necessarily the primary motivation for ritually burning documents. Significantly, Earth God contracts and related media from the late imperial period that exist today have survived only by luck or accident.

Handwritten manuscripts provide an especially valuable window into popular rituals at the local level. They also help us to identify consistencies in ritual practices across counties within a single province. The two manuscripts that I will discuss below were both dated and signed by their authors—a rare occurrence. The first manuscript, the *Northern Sichuan Collection of Petitions and Declarations to the Gate of the Dao*, composed by a lay Celestial Master in or near Nanbu county during the Tongzhi reign (1861–75), contains numerous petitions for the settling of sepulchral complaints presented by the aggrieved dead to the courts of the underworld. Resolving such complaints is one of the primary concerns of the petitions in the collection. One example of a generic template for a petition reads as follows, with numbers provided for the relevant manuscript lines.

“Status Symbol and Insurance Policy”; Mihwa Choi, *Death Rituals and Politics in Northern Song China*. Lu Xiqi has observed that the majority of Earth God contracts studied in his comprehensive analysis spanning two millennia were created prior to the Ming-Qing period. Lu Xiqi, *Zhongguo gudai maidiquan yanjiu*, 578–634.



§20.1 (Right page of Manuscript)

2. The Declaration for the Subjugation of Demons. Presented and Offered Before the Palace of the Cavernous Abyss...
- 5.. ...I request you promulgate
6. an Imperial Directive ordering the Three Departments (of Heaven, Earth, and Water) to act on behalf of person's [Name Inserted]. Please expel the curses and enemies for both him and three generations of his ancestors;
7. as for all [their] transgressions, I hope that they are pardoned and that all [persons]
8. participate in self-renewal. When coming to learn of infectious disease or curses, I rely on the grace of Heaven to eternally dissolve them.²⁰ As for the summons of sepulchral lawsuits (*zhongsong*),

§20.2 (Left Page of Manuscript)

9. I call and gaze on the munificent splendor and thereby they are resolved. I hope that you can render the inauspicious, auspicious and render humans and ghosts separated.



Fig. 1. Manuscript page of cited petition.

20. Infectious disease here refers to *fulian*, a term that appears frequently in medieval texts. The entire manuscript has been made available to readers at <https://tenthousandrooms.yale.edu/project/chuanbei-daomen-biaociji-chuan-bei-dao-men-biao-ci-ji-northern-sichuan-collection-0>



Fig. 2. Manuscript page containing place and date of the text's creation.

"In the [Insert year] of the Emperor of the Qing, Tongzhi [1861–1875]... [Offered in] the Great Qing Empire, Sichuan province, the Northern Sichuan circuit, Baoning prefecture, [Insert county]...."

The above petition was composed for a judicial ritual. Legal personhood did not end with death and the deceased retained the same capabilities in commencing litigation as the living. The seeking out of Daoist priests for the remediation of lawsuits presented by the interred dead continued in China from the early medieval period through the late Qing Dynasty. Even the literary structure of the nineteenth-century Daoist petition from Nanbu county bears similarities to the early medieval "Great Petition for Sepulchral Plaints," most notably the uncertainty over the source of the misfortune. In the medieval "Great Petition for Sepulchral Plaints," the priest lists the possible sources of the sepulchral plaint, indicating that there is no way to precisely ascertain which ancestor or ghost submitted it to the court of the underworld. In the nineteenth century petition from Sichuan, the priest is likewise uncertain as to whether the misfortune was caused by a sepulchral lawsuit or *fulian* ("infectious disease"), and thus asks for the resolution of both.

In other words, in a tradition directly inherited from medieval China, the nineteenth-century Daoist petition readily acknowledges the marked limitations of the living for knowing the workings of the underworld, which in turn necessitates a broad petition to the gods for an intervention to counteract the sepulchral lawsuit.

Similarly, an Earth God contract was presented in a judicial ritual prior to the creation of a gravesite. Like petitions submitted to the gods for the resolution of sepulchral lawsuits, these contracts were often written on paper and burned or buried with the body by the late imperial period. These Earth God contracts helped to establish that the grave was neither the product of an illicit burial (*daozang*, “a stolen burial”) nor a fake grave lacking an actual human body. The second manuscript to be discussed here references these contracts extensively.

A Primer on the Summoning of Mountains of Ba County, composed in Ba county, Chongqing prefecture, in 1938, details the rituals required at the creation of a grave, including the composition of a contract to the Earth God for the use of his land. With the Daoist priest or geomancer present before the grave alongside the deceased’s kin, the ritual banquet commenced. The ritual specialist took the contract written to the Earth God that requested permission to use the land under his domain and invited him to the ritual banquet. The Earth God, also known as the Lord of the Earth Bureau, was one of the five gods who needed to be present at the presentation of the tomb contract. These gods corresponded to the Five Phases (*wuxing*) often referenced in Chinese geomancy and Daoism, with the Earth God naturally taking the element of Earth. The specialist summoned the other guardians of the four directions—Vermilion Sparrow (*zhubue*, South; Fire), Black Tortoise (*xuanwu*, North; Water), Azure Dragon (*qinglong*, East; Wood), White Tiger (*baihu*, West; Metal)—as celestial witnesses for the performance of the ritual. The presence of these guardians remained on the landscape as geomantic orientations after the ritual, with the Earth God holding both the central place of the grave (*zhongyang*) and marking the Earth-element in the Five Phases. The ritual specialist installed the gods at and around the grave with the lowering of the body into the ground with the following summons:



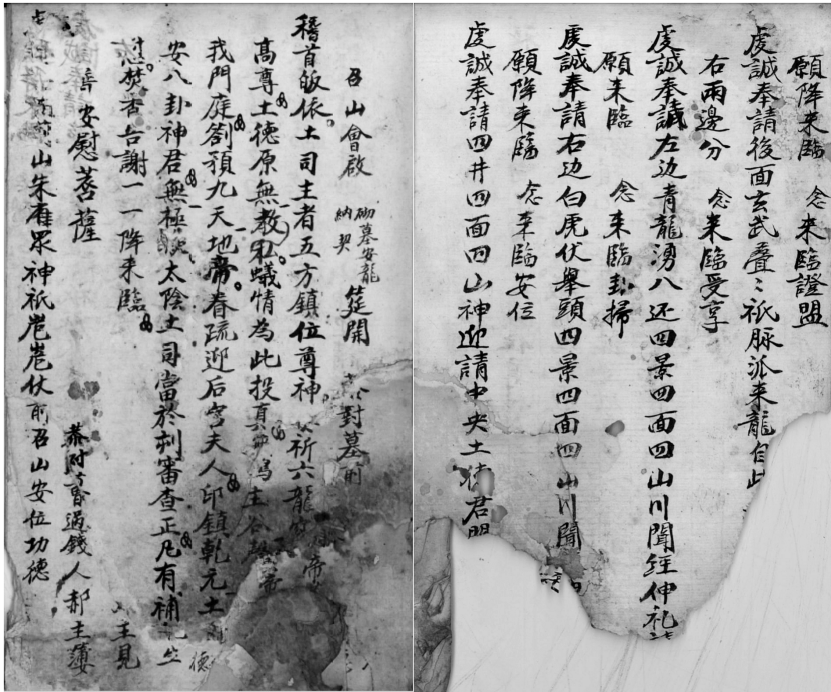


Fig. 3. *A Primer on the Summoning of Mountains of Ba County*: Ritual for Earth God Contracts. (Dated 1938, Ba county, Sichuan province)

§2.1 (Right Page of the Manuscript)

1. Entreating the descent and arrival [of the gods], (chant): “Come down and arrive for the witnessing of the confederation (of gods)!”
2. Sincerely invite Xuanwu from behind [the grave]; he wraps around, the Spirit Vein flows and with the Dragon Vein arrives here... [followed by an invocation to the other directional guardians] ...
8. ...Sincerely invite the gods of the four seasons, the four directions, and the four mountains to welcome the Central Earth Deity.

As the passage above relates, ritual specialists summoned these gods, who corresponded to geomantic directions, upon the grave’s creation for the presentation of the Earth God contract. This text from Republican-period Sichuan reveals that these contracts, the earliest of which date from the Sui-Tang period (581–907), continued to be composed in Sichuan through 1949, if not later.

The contents of the few extant examples of paper Earth God contracts from the late imperial period correlate quite precisely with the detailed procedure of the grave ritual above, with the contracts laying out the dimensions of the property acquired from the Earth God in geomantic terms. *Fengshui*, as it developed in China, envisions a close connection between landforms, location, timing, and direction for the proper selection of important sites, particularly for graves and houses.²¹ Geomancers calculated the positioning of a grave and the timing of its creation on the basis of the unique “eight characters” (*bazi*) of the buried individual. The following example of a model contract from Sichuan—printed by a county’s *Yinyang* Bureau at nearly the same time as the writing of the ritual manuscript described above (c. 1930)—was intended for popular use:²²

The *Yinyang* Bureau (*Yinyangyuan*) issues a contract. This bureau now, in accordance with the place named [Place name] in Jiangjin County of Sichuan province, asks the mountain to accept this contract and dispense fortune. The believer [Name] has put forth preparations of gold and silk and prized objects in the amount of 99,990 *wen* for the purchase of one cavern of auspicious land on Dragon Ridge. Its position has taken the [Geomantic Value] mountain and the [Geomantic Value] direction for a great profit of the corresponding year. The plot extends east until the *jiayi* Azure Dragon, south until the *bingding* Vermilion Sparrow, west until the *gengxin* White Tiger, and north until the *rengui* Black Tortoise. It reaches up to the canopy of the Azure Heavens, and down to the Honored Earth Prefecture of the Underworld.... No one dares to add [more] dead bodies here and no one dares to take this place as an “ancient grave.” If any demons or ritual specialists invade this place, it is permissible for the deceased who has received the land to take this contract and go to [the court of] the Azure Heaven and ask for a legal penalty to be enacted through a sepulchral lawsuit. For these reasons, we establish a contract of one

21. Feuchtwang, *An Anthropological Analysis of Chinese Geomancy*.

22. *Yinyang* Bureaus were established in counties across the empire to promote the “Study of *Yinyang*” (*Yinyangxue*) and hire licensed geomancers. In Nanbu, wealthier families appeared to have preferred inviting a geomancer licensed by the state to perform the death rituals of their kin.



page, which is given to the deceased person who has received this land. The seller of the land: The Lord of the Ages. The Heavenly Witness: [the deity] Zhang Jiangu (“affirmer of certainties”). The Witness of the Underworld: [the deity] Li Dingdu (“certifier of standards”).²³ The Broker: The Queen Mother of the West. The Guarantor: [the deity] Shi Gongcao. The Person who Handed over the Money: Hao Zhubu (“Register Mr. Hao”). The Person Who Inspected the Plot’s Dimensions: The White Crane Immortal. The Person Who Composed this Contract: The Fire Officer.²⁴

The contents of this Earth God contract from early twentieth-century Sichuan bear numerous similarities with the 1938 manuscript for burial, *A Primer on the Summoning of Mountains of Ba County*, which suggests the ritual practice’s popular appeal and the relative consistency of its implementation across the province.²⁵ The contract affirms the territoriality of the grave as established in the grave ritual through the summoning of the Azure Dragon, Vermilion Sparrow, White Tiger, and Black Tortoise, which laid out precise geomantic directions. The deities listed at the conclusion of the contract were almost identical to those named in contracts from the Song studied by Mihwa Choi, with one slight difference being the appearance of a “Register Mr. Hao” here in place of a “Register Mr. Jin” found in the Song contracts.²⁶

By the late imperial period, Earth God contracts like the example above not only bore similarities to commercial contracts, but they were in some respects indistinguishable from commercial contracts for the acquisition and relinquishing of grave land, which constituted a significant portion of all contracts in the highly active land market in

23. Huang Jingchun, “Dixia shenxian Zhang Jiangu, Li Dingdu kaoshu.” For a discussion of Li Dingdu and Zhang Jiangu, who were identified in Song graves as protector deities, see Bin Bai, “Daoism in Graves,” 576.

24. Lu Xiqi, *Zhongguo gudai maidiquan yanjiu*, 628–29.

25. Lu Xiqi has examined a number of Earth God contracts from the Qing, which bear great similarities to the one cited at length here. While not seeking to overlook national-level changes from the Qing to the Republic, I have chosen to cite this contract from the 1930s because it is a well-preserved specimen from Sichuan and thus complements the local documents from that province examined throughout this article. Lu Xiqi, *Zhongguo gudai maidiquan yanjiu*, 623–34.

26. Mihwa Choi, *Death Rituals and Politics in Northern Song China*, 191.



late nineteenth-century Sichuan. Commercial contracts incorporated the same geomantic and religious territorialities into their terms, and by the nineteenth century in Sichuan even regularly included conditions for the return of grave land to its original owner if a site was found not to be auspicious:

If the land is auspicious, then [it is permissible to] move the grave for reburial; if the land is not auspicious, then [it is permissible to] relinquish the grave. [In this case], the traces [of the site] will return to the Lai lineage for cultivation. Above the grave, it is not permissible to “ride the Dragon” (add another grave). Below the grave, it is not permissible to cut the cavern.²⁷

That is, while Earth God and commercial contracts were always two distinct categories of property deeds, by the late imperial period, commercial contracts monetized the cosmological values found in Earth God contracts—a trend indicative of the growing economic influence of *fengshui* within property markets during the Ming and Qing periods. Of course, influence went both ways: from their first known appearance in 68 BCE onward, Earth God contracts were heavily influenced by commercial contracts, just as civil court proceedings influenced perceptions of the courts of the netherworld.²⁸ The major differences between Earth God contracts and commercial contracts for the sale of grave land in nineteenth-century Sichuan were threefold. First, Earth God contracts provided symbolic prices while commercial contracts indicated market values. Second, Earth God contracts cited deities as witnesses while commercial contracts cited human witnesses. Third, civil magistrates presided over the litigation of commercial contracts, while the Earth God presided over the enactment of the ritual contracts.

The aforementioned Earth God contract’s contents reveal the close links between this judicial ritual and the summoning of sepulchral litigation, as well as the state’s links to the specialists responsible for performing these rituals. We specifically see the phrase: “If any demons

27. Hu Kaiquan and Su Donglai, eds., *Chengdu longquanyi bainian qiye wenshu* (One hundred years of contracts and documents from Chengdu’s Longquanyi), 248.

28. Davis, *Entombed Epigraphy and Commemorative Culture in Early Medieval China*, 127–32.



or ritual specialists invade this place, it is permissible for the deceased who has received the land to take this contract and go to [the court of] the Azure Heaven and ask for a legal penalty to be enacted through a sepulchral lawsuit.” Addressing this point precisely, Valerie Hansen has observed that “the certainty of the dead that they would end up in court, and their confidence that those courts would accept the same type of documents as used in the world of the living, prompted the burial of contracts in tombs.”²⁹ The Earth God contract specifically details the conditions for the interred dead to seek legal recourse in the courts of the underworld. This is not to imply that all sepulchral lawsuits originated from the disturbance of a tomb: as Peter Nickerson has shown, sepulchral lawsuits could be presented by aggrieved spirits for a variety of reasons beyond grave infringement.³⁰ But the creation of an Earth God contract was intended, like other Chinese contracts, to decrease the possibility of disputes or litigation between signatories, which in this case meant litigation resulting from the courts of the underworld. Through these two ritual manuscripts from late imperial Sichuan and the Earth God contract, we may observe that the performance of the grave ritual (Fig. 3) and the presentation of the Earth God contract were intended to prevent the summoning of sepulchral litigation, which would in turn necessitate the performance of the Daoist ritual (Figs 1-2) to counteract the lawsuit.

Although local ritual specialists created the contract and manuscripts above for popular use, it does not follow that they were unconnected to the administration of the imperial state. As the Earth God contract relates, this model form was issued by the county’s *Yinyang* Bureau, where professional geomancers hired by the state attended to astrological portents and mourning rituals—a practice which continued in parts of Sichuan through the 1940s.³¹ Official geomancers, called *yinyang* masters (*yinyangsheng*) or *yinyang* “officials” (*yinyangguan*) during the imperial period, were hired by the Nanbu yamen annually over the course of the Qing.³² This practice was not limited to Nanbu county: Yonghua Liu has established that ritual masters such as *lisheng* were essential actors in local governance in Fujian during the imperial period.³³ The ritual manuscripts

29. Hansen, “Why Bury Contracts in Tombs?,” 66.

30. Nickerson, “The Great Petition for Sepulchral Plaints,” 230–74.

31. Bruun, *Fengshui in China*, 126.

32. Brown, “The Veins of the Earth,” 42–53.

33. Yonghua Liu, *Confucian Rituals and Chinese Villagers*.



detailed above were not produced by the Qing state, but they were used by ritual specialists whose positions could be endorsed by the state, and who in turn appealed to the state for promotion and recognition.

Ritual specialists burned the Earth God contracts and petitions for the resolution of sepulchral lawsuits during their respective ritual performances. Did this mean that such documents did not have real-world social functions beyond their place in religious practice? Their contents signal their real-world importance. Because of cost and practical considerations, tensions between families and neighbors were likely fought first by appeals to the courts of the underworld through mediated ritual banquets and temple visits well before litigation was commenced at a county yamen. Judicial rituals were public events, with entire lineages or communities present, and the reality that only a minority of people could afford to erect prominent tombstones over a grave with the chiseled names of the interred dead underscores their importance. Earth God contracts and the threat of sepulchral litigation created geographies of landed power that locals likely knew well. Relevant geomantic directions—some formulaic, others specifically divined for the individual person on the basis of his or her birth time (*bazi*)—were announced to the community and written into these documents. Such directions established the proper ordering of a cemetery, expressed the power of certain lineage branches, and relieved the “ancestral anxiety” for the living that galvanized much grave litigation in the Qing.

Though data for the historical use of underworld courts is hard to obtain and in spite of the fact that China was and remains a highly litigious society, the extensive use of the underworld courts may suggest that people in the late imperial period actively sought out alternatives to the state’s courts.³⁴ Ritual litigation at the very least was more cost-efficient than its civil counterpart, which required a long journey to the county seat, the payment of plaint and numerous other fees, as well as the cost of food and lodging at an inn during the prolonged ordeal. Legal rituals performed at local temples or abbeys on the other hand were offered at the market rate for a religious service and the cost of paper that was burned at an altar. This is not to suggest that the courts of the underworld produced rulings that were binding in the courts of

34. For scholarship that discusses the “litigiousness” of Chinese society, see Bernhardt and Huang, *Civil Law in Qing and Republican China*.



the living, only that the proliferation of underworld court rituals likely corresponded to a market demand for ways to avoid civil litigation. State decline and population growth during the nineteenth century may have led to increased popular reliance on underworld court rituals for conflict mediation and “cheap” justice in sustaining broader elements of an overburdened legal system.³⁵

In short, judicial rituals established the dead as legal persons with recognized interests in the law courts of the underworld. Documentation associated with these rituals applied legal terminology to satisfy the conditions for a secure life and a peaceful death. Most importantly, these rituals produced information about the dead and property that, as the next section will suggest, filtered into the courts of the living during the final centuries of imperial China.

III. The Dead in the Courts of the Living: Grave Litigation and Court Judgments

Issues concerning graves regularly found their way into the magistrate’s court as a result of the great care taken for the peaceful departure of the deceased’s soul. The *Great Qing Code* contains extensive protections for graves and strict punishments for the violations of graves and their environments. A person who dug up a burial mound and thus revealed the coffin was to be exiled 3,000 *li* after receiving 100 strokes of the heavy bamboo (276.01). Opening a coffin of a senior or elder was to be met with beheading (276.02). A person who leveled a grave for a field was to receive 100 strokes of the heavy bamboo (276.06). Stealing a tree from a person’s gravesite was to be met with eighty strokes of the heavy bamboo (263.01).

Cases sent to the capital for review produced judgments that reflect the unique characteristics and nuanced implications of grave-related

35. Noga Ganany has recently reached related conclusions in her study of the literary portrayals of Judge Bao in the late imperial period:

The expansion of Baogong’s role as King Yama in literature, drama, and religious worship in recent centuries indicates a growing pessimism among many Chinese regarding the judicial system in the world of the living, an attitude that in some sense may provide more opportunities for people to delegate their hoped-for justice to the courts of the netherworld.

Noga Ganany, “Baogong as King Yama in the Literature and Religious Worship of Late-Imperial China,” 41.



litigation. One example from Sichuan was preserved in *A Continuation to a Conspectus of Judicial Cases (Xing'an huilan xubian)*, published in 1871. In 1845, the Board of Punishments received notice from a Sichuan official detailing a grave infringement between the Wang, Gou, and Qiao lineages. During the early Daoguang reign (1821–50), the ancestor of Wang Daliang purchased a parcel of land from the Gou lineage to use for burying his mother. A contract was drawn up stating that only one person could be buried in the plot and no additional graves could be added. The Gou lineage later sold the land surrounding the grave to the Qiao lineage. Then, in 1845, Wang Daliang broke the terms of the contract he had made with the Gous by adding another grave next to the grave of his ancestor, infringing on the Qiaos' farmland. When the Qiaos learned of the infringement on their land, they dug up the newly created grave, citing the grave as a violation of the terms of the contract originally made between the Wangs and the Gous. Wang, in turn, protested that his ancestor's grave had been overturned. The official who heard the case agreed with Wang, recommending to the Board of Punishments that the Qiao kinsman be given the *Code*-prescribed punishment for digging up a grave, though lessened one degree in severity because it was on his land. The Board agreed with the official and did not punish Wang Daliang for breaking the terms of his contract.³⁶

In brief, the imperial state did not want people roaming the countryside digging up bodies and disturbing the peace. Yet this seemingly prosaic concern reveals a remarkable degree of power accorded by the state to graves and the bonds they represented between the living and the land. The official's recommended judgment above did not condone the breaking of written contractual obligations, but implicitly recognized that the creation of a new grave initiated a new kind of bond. We might speculate that this bond had been performed through the presentation of a contract to the Earth God by the Wang family; now that the grave had been destroyed, ritual specialists needed to be deployed to counteract sepulchral lawsuits that had likely been brought by the dead as well as generally inauspicious phenomena that followed the grave's destruction. This model case, coupled with the local cases discussed

36. Wu Chao and He Xiyun, eds., *Xing'an huilan xubian* (A continuation to A Conspectus of Judicial Cases), 518–519. Also discussed in Morita, *Shindai tochi shoyūkenhō kenkyū* (Research on landed property law of the Qing Dynasty), 257.



below, suggest that the Qing legal bureaucracy implicitly, and sometimes explicitly, recognized the power of the deceased to affect their living kin through the courts of the underworld. Many capital cases echoed such recognition and show that the unique nature of grave property had to be taken into account in the state's courts. In a case reported to the Board of Punishments in 1833, a certain Pan Aduo was detained for chasing a robber of grave trees to his death by drowning in a river. While provincial officials deemed Pan responsible for the robber's death, the Board of Punishments ultimately determined he was not at fault, because the crime of the theft of his grave trees took precedence over his causing of an accidental death.³⁷ Notably, the law deemed a corpse that had not received a formal burial less significant than one that had been buried following a death ritual. Pan had inadvertently caused a death, but he did not disturb a grave, while the perpetrator of the tree theft intentionally disturbed a grave prior to his untimely death.

The *Great Qing Code* had less of a hold on magistrates at the county level of the Qing bureaucracy than it did on capital officials in issuing judgments. At the same time, however, magistrates consistently maintained the aforementioned principle of protecting the deceased in their adjudication of cases. In his examination of unorthodox marriage customs produced in the context of rural poverty, Matthew Sommer has shown that local officials at times sanctioned these practices in contradiction of the written law code.³⁸ Scholars who have worked on the Nanbu Archive have likewise noted a difference in the nature of punishments that reached the upper levels of the Qing bureaucracy and those that stayed on the county level, with those higher up the bureaucratic chain of command more regularly invoking the written law code. Li Zan has shown that few Nanbu cases invoked the *Great Qing Code* at all.³⁹

In grave litigation from the Nanbu Archive, magistrates frequently endorsed the judicial rituals directed to the courts of the underworld. They did so in a number of ways. The *Great Qing Code* formally banned the performance of operas during funeral rites; these understandings were

37. This case is cited in full and discussed in Li Zhe, *Zhongguo chuantong shehui fenshan de falü kaocha* (An investigation into the grave laws of traditional Chinese society), 149–52.

38. Sommer, *Polyandry and Wife-Selling in Qing Dynasty China*, 374–75.

39. Li Zhi, *Wan Qing zhouxian susong zhong de shenduan wenti* (Questions on litigation in late Qing sub-prefectural and county lawsuits), 90–120.



upheld in commentarial works such as the *Concentration on Doubtful Matters while Perusing the Sub-Statutes* (*Duli cunyi*), even if they were disregarded in local settings.⁴⁰ Magistrates in Nanbu in fact occasionally ordered the performance of operas to quell spirits of the underworld in the wake of a burial or grave dispute.⁴¹ A well-known saying from medieval China used to describe famous officials such as Cui Fujun (c. seventh century CE) reads: “[Magistrates] undertake lawsuits of the living during the day and undertake those of the dead at night” (*zhou li yang, ye li yin*).⁴² Such understandings of official roles appear in popular literature, but in the Nanbu Archive, we may observe magistrates engaging the legalistic dimensions of the underworld “during the day” within the state record.

In one example from 1890, Luo Wengang presented a lawsuit against Du Qiyu for creating a grave for his brother, Du Qihua, who, having suddenly died from leprosy, was buried in a charitable cemetery near a Buddhist estate. The charitable cemetery held the graves of four local lineages who collectively managed it. According to Luo, the creation of the grave in the charitable cemetery broke an earth vein (*dimai*) and obstructed the orientation of the existing tomb’s geomantic configuration.⁴³ Such veins referred to channels of *qi* in the earth that connected the fortune of communities to the health of the land. Earth veins did not feature as prominently in the classics of Chinese geomancy as did the topics of orientation and timing, but they appeared throughout *fengshui* lawsuits of the Ming and Qing periods. In response to the allegation that an earth vein had been broken, Du retorted that

40. Xue Yunsheng, *Duli cunyi dianzhu* (Concentration on doubtful matters while perusing the substatutes).

41. For a discussion of the *Great Qing Code* and grave law, see Liu Bingxue, “Qingdai falü wenxian zhong de xisu guizhi—yi sangzang xisu weili” (Customary rules in Qing legal documents – Taking funerary customs as an example), 114–18. For an example of a magistrate ordering the performance of an opera following a grave dispute, see Nanbu County Qing Archive: 12.44. For more on *jiao* offerings during funerals, which were commonly performed in China alongside operas, see Dean, “Funerals in Fujian.” Ritual opera had long been part of Chinese funerary rites, particularly the work *Mulian*—a drama described by David Johnson as fundamentally “about ghosts: their omnipresence, their power, and their subjugation.” Johnson, “Actions Speak Louder than Words,” 26.

42. Huayan Wang, “Cui Fujun, entre juge des enfers et magistrats locaux” (Cui Fujun, between the Judge of Hell and local magistrates).

43. Nanbu County Qing Archive: 10.658.01.



his brother had unexpectedly passed away that year and he had simply identified an auspicious place within the charitable cemetery, which was managed with the help of the resident monks.

The subtext of Luo's accusations is clear. Since Du's brother had died of leprosy, the Du lineage was reluctant to see the diseased body interred in their own lineage cemetery—a point that Luo emphatically stressed in his initial plaint. For Luo, having Du's corpse interred in the local Buddhist charitable cemetery translated into geomantic harm for the wider community. The Nanbu yamen's Department of Works processed the plaint by drawing up a notice for a runner. The first draft of the notice, written by a clerk, instructed the runner to "go forth and inspect whether Du Qiyu moved his brother Du Qihua's coffin to the common cemetery of Luo Wengang et al. and by burying it there, broke the earth vein; in accordance with the facts, reply with a report."⁴⁴ Before dispatching the runner, the magistrate revised the notice by amending the sentence above so as to command the runner to determine who precisely owned the charitable cemetery. Even with this revision, the allegation of a geomantic disturbance—accompanied by no other physical evidence such as a contract—was enough to galvanize the court to action. Following a trial with the plaintiff, defendant, and resident monks, the magistrate issued a verdict:

The court rules: Luo Wengang et al. testify that Monk Yuan Shu at an earlier time established a charitable cemetery, which today is jointly owned by the four surnames. The addition of a grave [in the particular spot in contention] does not conform to reason. When Du Qiyu's brother contracted the disease of leprosy and died, Qiyu should have buried him on his own land; why did [Du Qiyu] secretly move the [coffin] to the charitable land and cause all this trouble in that place? It is not correct. However, since [the body] has been buried for some time, there is no need to move it. I order that Du Qiyu et al. return home and [that] on behalf of all the orphaned spirits in the charitable

44. Nanbu County Qing Archive: 10.658.02. While this request for a yamen runner to inspect *fengshui* may at first glance appear peculiar, the Nanbu collection reveals that runners were often responsible for appraising and mapping geomantic landscapes. In one case, Nanbu's court had a runner illustrate a courtyard house to determine whether the addition of a kitchen had disturbed *fengshui*. For an extensive discussion of this particular case, see Brown, "The Veins of the Earth," 200–205.



cemetery [they] recite the scriptures and burn paper offerings to inform the underworld of these matters. All is finished and the case is completed. This is the ruling.⁴⁵

The magistrate's ruling made clear that while Du's creation of the grave in the Buddhist charitable cemetery was inappropriate, it was not feasible to move it. As in the previous example from *A Continuation to the Conspectus of Legal Cases*, the official state response was to discourage the moving or destruction of an already-created grave, even if it was created in illicit or unlawful circumstances. The magistrate's claim that the addition of the grave did not "conform to reason" was his comment on Luo Wengang's contention that an earth vein had been broken. In issuing his ruling, the magistrate made clear that he wished to appease the "orphaned spirits" who populated the charitable cemetery. "Orphaned spirits" referred to individuals who had been barred from entering or failed to enter the ancestral cult following their death. Death in battle, without leaving kin, from suicide, or following certain illnesses produced "orphaned spirits" (*gubun*), which the state had to appease through the performance of *litan* rituals. The trial documents make clear that Du buried his brother in the charitable cemetery precisely to exclude him, because of his disease, from the Du lineage cemetery. The magistrate's condemnation of the illicit burial reveals that a proper, public ritual, which would have involved the creation of a contract for the Earth God, had likely not been offered upon the grave's creation. The burning of paper offerings, including a petition for resolving potential sepulchral lawsuits, would "alert" the underworld to these arrangements and prevent unfortunate events from befalling the community. It would also serve to publicly legitimize the existence of the newly created grave. The fact that the magistrate ordered Du Qiyu reprimanded but not punished for creating the grave further suggests that the well-being of the dead outweighed the actual crime of creating an illicit grave.

Fengshui operated as a central discourse through which locals presented legal cases for resolution by the state. Of course, there is no way to gauge how magistrates as individuals felt about these claims. As non-criminal cases, most would have been categorized as "trivial matters" (*xishi*) in Qing law—local cases that did not need to be processed up the

45. Nanbu County Qing Archive: 10.658.06.



imperial bureaucracy. Because of their sheer number, not all *fengshui* cases seemed legitimate and some officials in the province complained that residents were “deluded” by *fengshui*. Yet, preventing the exhumation of interred bodies, even if they were buried illegally, while assuaging the feelings of plaintiffs, enabled officials to keep the peace. Even if officials were guided by expedient means during litigation, they often invoked and stressed the protection of *fengshui*. Late imperial society accepted geomantic discourse as “real” enough that magistrates never automatically dismissed *fengshui* cases, and the existence of some “false accusations” implied that there were also sincere accusations. Many if not most of these cases in Nanbu required at least a basic investigation of a site’s *fengshui*, if not a formal mapping of the grave or house. Questions of individual belief aside, *fengshui* had remarkable efficacy within the late imperial legal system.

Resolutions like the one provided in the case above appear frequently in the nineteenth-century case record from Nanbu. Following a trial over a broken earth vein, one magistrate ruled that “the rite of the *jiao* sacrificial penitence cannot be dispensed with” in order to “pacify the spirits of the earth and to settle the souls of the underworld” in the wake of disturbed *fengshui*. Another case concerning a destroyed gravestone saw the magistrate rule: “I order that Zhou Yisan return home and purchase a pair of small candles and a string of firecrackers to perform, with Zhou Renkun, the *jiao* ritual at the grave.”⁴⁶ As an index of the frequency of such resolutions in Nanbu county, the three cases mentioned above all occurred over a span of several months in 1890. In short, mandated performance of sacrificial and judicial rituals before a grave following a sepulchral dispute had by the nineteenth century become one of the most common official resolutions for cases concerning grave infringements in Nanbu county. Officials engaged broadly with the “judicial continuum” especially in cases that looked to graves for the strategic manipulation of social status.

46. Nanbu County Qing Archive: 10.671.07.



IV. Social Status and the Dead: Tombstones, Ancient Graves, and Fake Graves

The lawsuits of the previous section involved contestations over the proper placement of graves. Yet because society ascribed agency to the dead in the late imperial period, graves could be broadly mobilized to project social status and power in rural society. Well aware of this, the imperial Chinese state attempted to regulate the dimensions of tombstones. Adjusting for the evolving values of *chi* (“feet”) over the centuries, imperial restrictions on tombstone sizes resulted in the diminishment of permissible heights over time, as the population grew and as grave rituals became more prevalent throughout the country. Officials of the first rank in the Song (960–1279) were permitted tombstones of eighteen *chi* (565.2 cm, 18.5 ft.), while the same officials in the Qing were only permitted tombstones of sixteen *chi* (512 cm, 16.8 ft.).⁴⁷ Commoners in the Song could erect gravestones of up to six *chi* (188.4 cm, 6.18 ft.), while commoners in the Qing could only erect tombstones of up to four *chi* (128 cm, 4.2 ft.). The degree to which these regulations were enforced needs more study, but it is safe to say that, beyond the erection of a large tombstone, a variety of methods existed, such as the construction of memorial archways, to project elite status. Gentry in Nanbu accused wealthy commoners of presumptuously constructing graves that were too large for their standing, often invoking the negative effects these structures had on the *fengshui* of the county at large. One case from 1890 saw a commoner’s tombstone for his ancestor measured by a runner at 10 *chi* (320 cm, 10.5 ft.) in height, which during the Qing would have been a height reserved for officials of at least the fourth rank.⁴⁸ In this case, Nanbu’s court ruled that the tombstone had indeed violated official regulations, but that the *fengshui* of the county had not been jeopardized.

But for commoners who could not erect chiseled tombstones, other sepulchral strategies helped to project social influence and august ancestry. As Jeffrey Synder-Reinke has recently stressed, the notion of graves as fixed sites was an abstract ideal in the nineteenth century, and interred corpses were regularly relocated, manipulated, or even

47. Li Zhe, *Zhongguo chuantong shehui fenshan de falü kaocha*, 35.

48. Nanbu County Qing Archive: 10.657.01.



consumed.⁴⁹ The malleability of tombs is evident in local society in Nanbu, and two particular types of strategies related to the manipulation of gravesites are prominent in the Nanbu Archive. The first involved the strategic identification of “ancient” graves and the second involved the appearance of “fake” graves. In late imperial Chinese law, an “ancient” grave did not refer to an old grave as defined by age but rather as a grave that possessed an unknown ancestral pedigree. Such graves could be strategically adopted by local families or lineages, who claimed that the grave contained the tomb of their ancestor, thus giving agnates access to the land and its resources. A related phenomenon in Nanbu county was the common appearance of “fake” graves, where locals buried animal bones to create the appearance of a real grave for the purposes of claiming land or resources. While buried bones naturally could not be detected without exhumation, if animal bones were exhumed, they had the effect of allowing the creator of the “fake” grave to allege that a serious legal infringement had occurred. More research is needed to gauge the ability of Qing forensic specialists to identify animal bones during trials. Nevertheless, based on the large number of such cases in the Nanbu Archive, these strategies appear to have occurred with some frequency. Qing officials sought to determine the pedigree and legitimacy of graves and thus commonly looked to judicial rituals to help solve this range of disputes.

In one case from 1890, Pu Mingliang testified that during the heavy rains of the seventh month, the stone inscription of an ancient grave had become dislodged from its foundation and fallen down a hill onto his property. Mingliang indicated that he had called upon members of his lineage to use the inscribed stone marker of the ancient grave for building materials. Unexpectedly, another man, named Pu Guosheng, claimed that the grave belonged to his ancestor, and demanded compensation from the clan for destroying it. The magistrate dispatched a runner to investigate any epigraphic or genealogical records that would establish the pedigree of the grave in question. Following an inconclusive report and a trial, which Guosheng did not attend, the magistrate issued a ruling:

The court rules: Pu Guosheng et al. presented a lawsuit claiming that Pu Yujun altered an [irrigation] trench and destroyed his ancestral

49. Snyder-Reinke, “Afterlives of the Dead.”



grave. We observed that [the grave] on this property is an ancient grave, which, because of the rain, collapsed. It is not an ancestral grave. Pu Guosheng himself knows that his claim was false, and he fled before the trial commenced. Since he knows enough to fear punishment, I will not investigate this case more. Although the grave on Pu Yujun's property is an ancient grave, it should be protected, how could it be willfully destroyed? I order that Pu Yujun return home and restore the dilapidated ancient grave located on his property in order to inform the [deceased's] spirit in the underworld. All is finished and the case is completed. This is the ruling.⁵⁰

Notably, the magistrate's ruling had no bearing on the interests of any party in the court of the living. Despite the false allegation that the grave was an ancestral tomb, his primary concern was for the grave's lasting protection and link with the underworld.⁵¹ The magistrate, not the litigants, specifically injected concern for the disturbed dead into the proceedings. This resolution points to the trend seen earlier in grave cases broadly: magistrates regularly ordered the performance of judicial rituals addressed to the courts of the underworld to resolve disputes or preemptively address the conditions of a potential future dispute while appeasing the spirits of the deceased. Of course, the magistrate had little choice but to protect the ancient grave, lest people in the county get the impression that such properties were fair game.

Just as magistrates expressed concern for the orphaned souls of ancient graves for which no known descendants could be identified, they also expressed concern for the *fengshui* of ancient graves, knowing that the environmental conditions of local graves could influence the property relations of people living in an area. While presiding over grave litigation, magistrates often sanctioned the transformation of *gufen* ("ancient graves") into *zufen* ("ancestral graves") in order to facilitate the adoption of an ancient grave's *fengshui* by a new family. Consider the following case. On XT3.6.6 (1911), a certain Xu Longfu presented a complaint against

50. Nanbu County Qing Archive: 10.665.06.

51. Graves were frequently cited in "false accusations" in Qing law, precisely because first, graves, unlike agricultural land, required so little physical evidence to bring a claim to court and second, grave litigation was, as previously established, heard year-round by courts. For more on false accusations in Qing law see Javers, "The Logic of Lies."



Xu Yingcheng for creating a grave on his land; Xu Yingcheng quickly responded with a plaint against Xu Longfu.⁵² The contentious battle over territory boiled down to the following details. Xu Longfu was a landowner of the lineage who owned several wet fields. Three grave mounds that had no tombstones stood near one of his wet fields; they had existed near Longfu's land for as long as he could remember, and he and his immediate agnates referred to them as ancient graves. Family members never swept these graves during the Qingming Festival, and Longfu estimated that they predated the arrival of the Xus to Nanbu county. Longfu's distant agnate, Xu Yingcheng, was a poorer member of the lineage with no land of his own, who worked on the lineage's communal ritual fields.⁵³ The Xu lineage cemetery, filled with graves and *fengshui* trees, had by the late nineteenth century become full. In the fifth month of that year, Xu Yingcheng's mother passed away. With limited funds to hire his own geomancer or purchase auspicious land on the private market, Xu Yingcheng set his sights on the three unmarked graves near Longfu's fields. There, he created the grave of his mother.

At court, Yingcheng contended that the three unmarked graves constituted the graves of his ancestors. Both sides looked to contracts owned by the lineage as proof for their claims. Longfu presented his Daoguang-era (1821–50) contract for the exclusive purchase of the wet field in question. The runner examined this contract and wrote “the characters of the contract do not clearly specify the limits of [this land],” which rendered the contract an “ancient” contract (*guqi*) in Qing legal terms—a contract for which the original written terms could not be validated for present conditions.⁵⁴ Yingcheng, exclusively owning nothing of his own, cited the lineage's household division register that dated from the Qianlong reign (1736–95). This register confirmed that the lineage gravesite and *fengshui* of the Xu family cemetery would be common to all agnates. The implication here is that Yingcheng had been exiled from the common ancestral cemetery or had at least been told there were no spots left for him. Like many grave cases in Nanbu, a runner illustrated the environment around the grave for the magistrate's perusal.

52. Nanbu County Qing Archive: 22.204.01; 22.204.02.

53. For a discussion of “ritual fields,” see Qitao Guo, *Ritual Opera and Mercantile Lineage*, 29–30.

54. Nanbu County Qing Archive: 22.204.06. Sometimes contracts were directly presented to courts; other times they were simply read by yamen runners and summarized in their reports.



In this case, the map (Fig. 4) alerted the magistrate to the fact that the ancient graves in question were not in the sort of ritual formation that would imply continuous inhabitation by a single lineage, but rather in a separate location outside of the common lineage gravesite. In light of the indeterminable pedigree of the grave, the magistrate forged a compromise:

The court rules: A grave for Xu Yingcheng's mother has been created on what is clearly Xu Longfu's purchased land. Originally there were three ancient graves that no one came and ritually swept; their ownership cannot be ascertained. Then, this year, Xu Yingcheng suddenly placed a grave here—this is truly a case of “stealing a burial,” and [the offender should be] flogged as penalty.⁵⁵ However, considering that [Xu's mother] has already been buried and [her grave] would be hard to move, [I order] Xu Yingcheng to pay 100 *chuan* to purchase these old graves clearly; then it will be entirely up to Xu to use the lands. The borders of the land to be purchased shall follow the vermilion lines illustrated [by the yamen runner]; Xu has a half month time limit to hand over the funds to secure this land. This is the ruling.⁵⁶

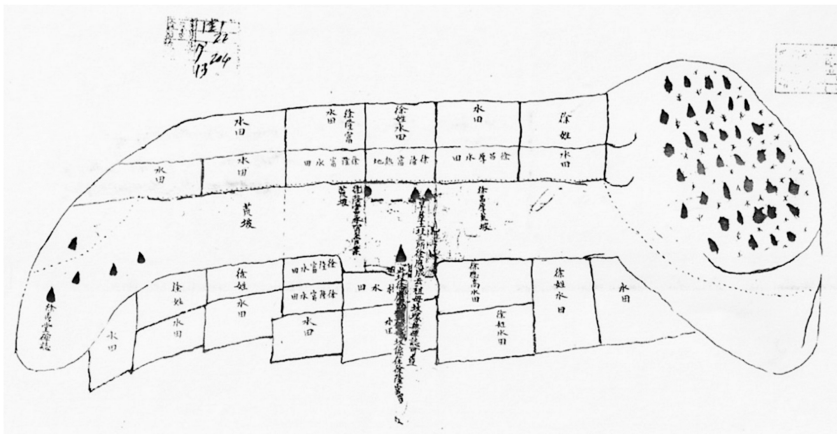


Fig. 4. Yamen runner's illustration of Xu lineage cemetery (far right), Xu lineage lands, and Xu Longfu's private lands (1911)⁵⁷

55. In Qing law, “stealing a burial” referred to burying a dead person on another person's land.

56. Nanbu County Qing Archive: 22.204.06.

57. Nanbu County Qing Archive: 22.204.04.

This ruling by the county magistrate permitted Xu Yingcheng to retain his illicitly created grave because his deceased mother had already been interred in it. Yet this ruling is interesting for another reason: the magistrate not only required Yingcheng to purchase the land around the grave he created for his mother, but he also ordered him to purchase the three ancient graves. That is, while the magistrate's order for Yingcheng to pay compensation could be interpreted as a punishment, the magistrate also allowed for Yingcheng to legitimize his claim to the land by adopting the three unmarked graves as the graves of his alleged ancestors, rendering the three ancient graves (*gufen*) his ancestral graves (*zufen*), even though the magistrate emphasized that he remained neutral on the question of their origin. That is, the magistrate recognized that the impecunious Yingcheng acted filially in finding a spot with good *fengshui* for his mother's burial. The magistrate thus compelled Yingcheng to purchase the area's *fengshui* and legitimize his status claim to the site.

Later, the Xus returned to the court, arguing that Yingcheng could not pay the 100 *chuan* price to lawfully purchase the land and that the transaction should thus be halted. At the conclusion of a second trial, the magistrate, citing Yingcheng's poverty, lowered the price needed to secure the land of the graves to a mere forty *chuan*.⁵⁸ The magistrate unambiguously emphasized his concern for Yingcheng's mother's grave and Yingcheng's challenging circumstances.

Cases concerning "fake" graves also necessitated significant official engagement with popular religion. As in the previous case of the Xu lineage, the Nanbu yamen regularly mapped gravesites that were claimed to be fake in order to gauge the environmental characteristics of the graves in question. The mapping of rural landscapes allowed magistrates to analyze the location of an alleged grave to discern whether the site conformed to culturally embedded understandings of where a real grave should be located and pragmatically address the massive gaps in the state's knowledge of property ownership. In a case that saw a member of the Zhang lineage claim that a neighboring Chen created a fake grave on his land, the magistrate analyzed the site and, observing a lack of grave trees, provided a resolution:

58. Nanbu County Qing Archive: 22.204.14.



Zhang Wengui should not have buried animal bones and invaded [Chen Huilong's] land by creating a fake grave; Zhang Wenxi should also not, alongside Zhang Guoqi, have served as the witnesses in a false accusation. They should be severely punished. But we will handle this leniently, having both Zhang Wengui and Zhang Wenxi beaten. I order that all of you return home and keep to your proper place, and after today to never engage in a false accusation. This is the ruling.⁵⁹

Magistrates were often able to discern that alleged graves were fake through the lack of grave trees, which were seen as necessary for grave protection, or through contractual evidence that revealed a plot of land had historically not had a grave. Oral testimony provided in court, indicating, for example, whether sacrifices had been offered at an alleged grave, provided essential evidence establishing a grave's authenticity. In one case involving an allegedly fake grave, a magistrate, upon analyzing a runner's map, was able to conclude that the allegedly fake grave, created near a common ancestral cemetery, was intended for a future burial by an elderly local. The magistrate thereupon ruled that the grave foundation should be moved away from the older graves in the cemetery to avoid "disturbing the earth vein or blocking the graves' orientations."⁶⁰ As we have seen throughout this study, magistrates in Nanbu, facing the wider public during trials at the yamen court, consistently insisted that *fengshui* should be protected.

V. Brokers of the Dead: Geomancers as Middlemen, Witnesses, and Litigants

Official engagement with judicial rituals lent state support to the practitioners of these rituals, such as Daoist priests and geomancers. In the late imperial property system, geomancers played a role in rural society similar to contractual middlemen. Moreover, just as magistrates endorsed judicial rituals for grave infringements during legal trials, they

59. Nanbu Qing County Archive: 7.336.09.

60. Nanbu Qing County Archive: 9.675.06. As related by Bin Bai, from the Song Dynasty onward, a phenomenon called "graves for the living" appeared across China. These graves were constructed on auspicious plots and were thought to extend the lifespan of the future grave occupant. The "fake grave" in this case was likely one of these "graves for the living." Bin Bai, "Daoism in Graves."



also regularly mandated the hiring of talented local geomancers for maintaining gravesites and for providing relevant information about a grave to the court.

Contractual brokers in late imperial Chinese society were tasked with drawing up the terms of a contract and securing witnesses to ensure that a contract was not a “fake” or forged document. They typically received payment for these services. As a kind of contractual middleman, a geomancer identified potentially auspicious grave plots, negotiated a fair price for a plot, drew up the terms of a contract for acquiring grave land, and provided witness testimony in the context of litigation over a grave. Remuneration for geomancers could be quite generous. Geomancers in Nanbu came from a local elite which included purchased degree-holding gentry, doctors, and tax heads. As Richard Smith has observed, the geomancer’s work required some degree of literacy; they often composed detailed contracts and divination records of their activities in a highly competitive private market for auspicious land and efficacious religious services.⁶¹ The following biography of a geomancer from nineteenth-century Sichuan precisely captures the dual roles (ritual specialists and middlemen) of geomancers:

Liu Tianwen (“Astrology Liu”) was from Yingdu. His style-name was Quanzhen. He was talented at geomancy, and he would seek [auspicious] lands for people; if the price exceeded fifty *jin*, he would not [recommend they] buy it [seeing it as swindling]. After burial, he would disregard appreciative gifts. His family was extremely poor, but he did not seek power and profit, and he would not use exaggerated language to shock people. Moreover, [regarding Liu’s ability to identify auspicious] places for burial, in the end there was no one who questioned the efficacy of his techniques.⁶²

Liu’s biography above attests to a few of the roles played by geomancers in nineteenth-century Sichuan. The account refers to his “talent in geomancy,” which differentiated Liu from the practicing geomancers in the area who were deemed unskilled. The biography, recorded in a local gazetteer, also stresses Liu’s “disregard” for expensive gifts, which

61. Smith, *Fortune-tellers and Philosophers*.

62. Yuan Shushan, *Zhongguo lidai buren zhuan*, 19:24.



conveys that he charged a fair price for his services while indicating that other geomancers likely expected hefty sums for their work. The above biography testifies well to the fact that the major distinction Qing elites made between “legitimate” geomancers—for example, those who worked in the *Yinyang* Bureaus of yamens for salaries—and those who misled people was simply greed and self-interest.

Ritual specialists were responsible for creating Earth God contracts burned prior to burial, and these ritual contracts had many similarities with commercial contracts for grave lands. A likely reason for these similarities was that the person responsible for creating the Earth God contract often also served as a witness for or composer of the commercial grave contracts. In officiating cases, magistrates had to interpret the precise terms of these grave contracts while arriving at a resolution, just as they did for contracts broadly. Consider the following contract concerning an arrangement for grave land from the Nanbu Archive, written in the presence of a geomancer in 1905:

We establish a contract to forever maintain peace and avoid [future] discord. Now, Wei Ziyu has buried his father on new grave land. The land is technically on Wei’s property, but its earth vein is in fact connected to the Dragon Vein of the Dus. With the two lineages as witnesses, we now state clearly, that from today hereafter, the base land of Du Zhongyao et al.’s *yangzhai* (house) is the upper boundary. The Wei lineage is not allowed to add a grave to the left of [this house] and break the stability of the Du lineage’s rear earth vein, but the Wei lineage can create one grave on the left border [of the property]. It is permissible for the Wei lineage to establish an inscription and offer sacrifices at the graves, but they are not permitted to add a grave [on the right bank] and break the earth vein.⁶³

In this contract, composed with a geomancer serving as a middleman and scribe, the veins of the two neighboring lineages were precisely analyzed and described in order to avoid further conflicts. As the contract relates, a plot of land privately owned by one lineage could still be understood as connected to the *fengshui* of another. During mediation over a conflict

63. Sichuan University’s China Southwest Bibliography Research Center, Digitized Archives, Nanbu Collection: 466.77.6.



related to this deed, the geomancer was summoned to testify to the contract's terms, which had been contested through the addition of a new grave. Other contracts for the acquisition of grave lands composed by or in the presence of geomancers went further by including phrases such as, "the land for this grave extends up to the Heavens and reaches down to the Earth God's domain" or terms that included the geomantic positions agreed upon for a grave, such as "[The Zengs] will take their mother and bury her on the *shen* mountain facing the *yin* direction."⁶⁴ By the nineteenth century, the market for grave land had become so active and lucrative that geomancers were frequently playing roles as brokers and middlemen within that market. Furthermore, as the exchange of grave land became so frequent, the content of contracts for the acquisition of grave land closely resembled the contents of ritual Earth God contracts.

In addition to these roles as contractual middlemen, geomancers were drawn into the legal process as both litigants and witnesses. In one case from 1879, Jing Shenyi brought a plaint against a geomancer named Zhang Xichou for burying his father at the inauspicious *yin* time on the *yichou* mountain in the *guiding* direction. The geomancer had been hired for this service, and had recorded the divined time and direction during Jing's acquisition of the grave land. However, the geomancer's selection of this time for Jing's father allegedly produced the "General-Archer" (*jiangjunjian*) condition for geomantic death (*sha*), which resulted in the demise of Jing Shenyi's son in the following year. The "General-Archer" formation in the "eight characters," when invoked at the *yin* time, was thought to lead to the death of a son. Upon the yamen's investigation of the site and its scrutiny of the relevant documentation, the presiding magistrate agreed that this divinatory schema had been inappropriate for Jing's father, conceded that his son's death was likely tied to the inauspicious placement, and forbade Zhang from serving as a geomancer in the future:

Now the court has investigated this matter and we observe that Zhang Xichou's skill at geomantic site selection is not good, since Jing Shenyi's father has not been buried for three years and already there

64. Hu Kaiquan and Su Donglai, eds., *Chengdu Longquanyi bainian qiye wenshu*, 222. For a discussion of the technical terms for geomantic timing, placement, and direction, see Feuchtwang, *An Anthropological Analysis of Chinese Geomancy*.



has been the pain of the loss of a son. Furthermore, on the grave, not an inch of grass will grow; within the divined cavern, there are now termites. Therefore, Zhang Xichou's [lack of skill in] *dili* (geomancy) can be known.⁶⁵

The magistrate's observation that "on the grave, not an inch of grass will grow; within the divined cavern, there are now termites" should not be overlooked. Nineteenth-century handwritten geomantic manuals from northern Sichuan recorded these precise symptoms as environmental markers of improper gravesite selection.⁶⁶ Accordingly, we may note that the magistrate confidently possessed the ability to judge the geomancer's proposed divinatory arrangement for the grave. Even as the reputation of individual geomancers could be undermined or condemned, as in the case above, the imperial state upheld as valid the accuracy and relevance of the geomantic classics as well as a shared body of related cultural knowledge.

Many families and lineages desired explicitly that a non-relation handle the affair of site-selection for burial, thus securing an important role for geomancers in Qing society. If a burial occurred and the geomancer was a relative of the lineage involved, a party unsatisfied with the burial process typically made note of the fact in order to undermine the credibility of the geomancer. Many such cases exist. One example from 1928 underscores the continuity of imperial practices into the twentieth century. The case file concerns a geomancer who was hired "on the cheap" from within the lineage. Earlier that year, Li Guofu set out to bury his father in the ancestral cemetery. Traditionally, the Lis had sought out a well-respected licensed *yinyang* master of Nanbu, Xie Pingzhang, but to the lineage's horror, an untrained relation, Li Yusan, was tasked with the job. The plaint detailed the effects of the burial:

Because of "magician" (*shushi*) Li Yusan's burial, the mountain was harmed and the geomantic *sha* was felt, so that Li Zaihua suddenly fell critically ill. Spirit mediums and doctors were of no use; thus, we invited a geomancer (*kanyu*) to inspect the situation. Not only was the ancestral grave injured, the burial time was not advantageous

65. Nanbu County Qing Archive: 7.844.05.

66. See for example the *Preface to the Origins of Earthly Principles (Dili yuanxu)*. For a discussion of the manuscript in detail, see Brown, "The Veins of the Earth," 30–38.



to our lineage and thus it is hard to protect our family. We had no choice but to take up this matter with the gentry of our community. That Li Guofu violated us with geomantic *sha* is true and caused our entire lineage to be not at peace. Calamities have been piling up in our community: not only have we suffered from disease, and the disaster of bandits, but also the inexplicable harming of life.⁶⁷

Notably, the lineage's plaint discreetly described the unskilled relation as a "magician" (*shushi*) and the skilled geomancer as a *kanyu*, a formal term used locally for a trained *fengshui* specialist. The lineage's explicit distinction in these labels highlights the anxiety people had over specialists' skill levels. In line with imperial-era practice, the magistrate ordered the site mapped and analyzed by a runner (see Fig. 5). In denouncing the disadvantageous site selected by the "magician," the magistrate ordered a ritual to be performed for the surrounding graves to appease potentially disturbed spirits. Also, in line with imperial practice, the magistrate ordered the grave not to be moved.

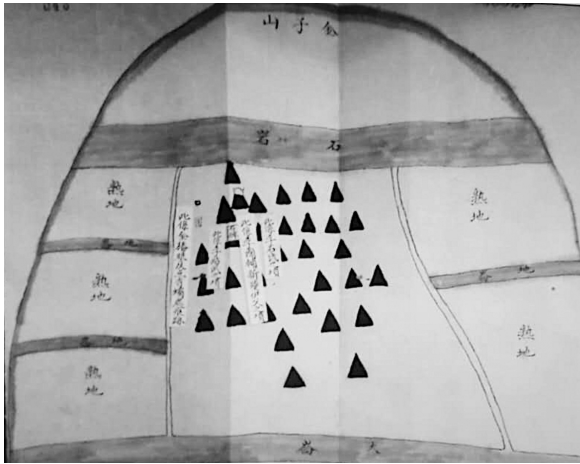


Fig. 5. Yamen runner's illustration of Li lineage cemetery with newly added grave (1928)⁶⁸

67. Sichuan University's China Southwest Bibliography Research Center, Digitized Archives, Nanbu Collection: 466.3079a.

68. Sichuan University's China Southwest Bibliography Research Center, Digitized Archives, Nanbu Collection: 466.3079a.51.

Plaintiffs sometimes presented records produced by geomancers, whether in the form of contracts or divination records, as evidence to establish the legitimacy of a gravesite, precisely because determining a grave's authenticity, particularly in light of the common absence of a chiseled tombstone, was a complicated matter in rural Nanbu. Families and lineages often retained a copy of the divinatory schema for a grave recorded onto an Earth God contract for inclusion in a genealogy. In 1887, plaintiffs submitted a handwritten divinatory schema (Fig. 6) for a grave to the magistrate's court, along with a tax assessment, in the wake of a prolonged property dispute over a grave created near a rural courier relay station. The creators of the grave, fearing that their Qianlong-era (1736–95) stamped contract would be deemed an “ancient contract” in court, needed more evidence to fight the accusation that the grave in question was “fake.” The record reads as follows.

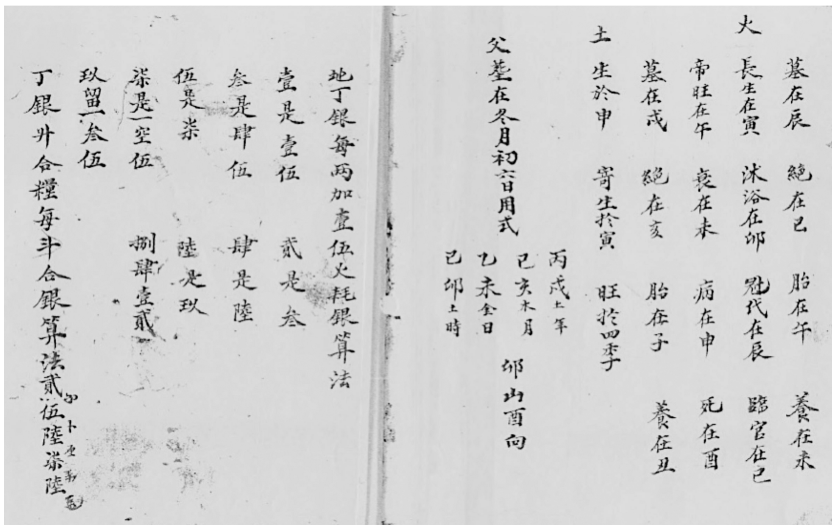


Fig. 6. Divinatory schema (*mao* mountain facing the *you* direction) for a father's grave with land tax estimation for adjacent agricultural fields (c. 1886)

[Discussion of the four preceding phases before the final element of “Earth” omitted.] Earth was born from the *shen* branch, lodged at the *yin* branch, and reached its peak over the four seasons. [Your] father

should be buried on the sixth day of the eleventh lunar month, with the following time frame [in mind]: at the *jimao* time which is the earth phase, on the *yiwei* day, which is the metal phase, in the *jibai* month which is the wood phase, in the *bingxu* year (1886) which is the earth phase. [He will be buried on] the *mao* mountain, facing the *you* direction... Land tax estimation: two (*liang*), five (*jin*), six (*li*), seven (*qian*), and six (*hao*).⁶⁹

The underlining motivation of the litigants is clear: in order to buttress the legal claims of their ancient contract and counter accusations that their newly created gravesite was fake, the litigants produced a document composed by a geomancer to strengthen their legal claim. This final divinatory scheme for the earth phase in the father's eight characters, which was listed following a lengthy analysis of the four preceding phases, was particularly important for the *po*-soul, which would remain in the earthen grave following death.⁷⁰

Though we cannot be sure whether in this specific case it was the geomantic formula or the adjacent tax calculation that held more sway at court, the document above suggests that locals saw geomantic and tax information within a general continuum of information about the land. Just as locals likely knew their annual tax liabilities, they also kept records of the positions and orientations of their parents' or grandparents' graves. While the tax record established the legal ownership over the plot of land, it was the precisely divined geomantic formula that spoke directly to the grave's authenticity on that plot of land. At the very least we may surmise that, in this case, the local geomancer and the tax head were likely the same person, as the same individual signed both the geomantic and tax assessments. Historians of Sichuan have observed the phenomenon of geomancers serving as tax heads.⁷¹

69. Langzhong Municipal Archive: 343.7.04–05.

70. Similar allusions to the development of the elemental phases over the “four seasons” were found in the Ba county grave divination manual, where the gods of the “four seasons” and “four directions” were summoned to greet the Earth God.

71. Ruf, *Cadres and Kin*, 196. We may note that geomancers were also identified in Nanbu county as yamen runners who mapped landscapes in dispute, “litigation masters” (*songsbi*) who aided in the writing of complaints, or legal specialists (*muyou*) who aided in the judging of lawsuits. For one example of a geomancer cited in a lawsuit as both a runner and litigation master, see Nanbu County Qing Archive: 10.689. Indeed, the amalgamation of ritual, tax,



VI. Conclusion

In his landmark study on religion and law in China, Paul Katz outlined what he called the “judicial continuum,” wherein the legal mechanisms of the courts of the imperial state possessed evident resonance with the courts of the dead in the underworld.⁷² Building on Katz’s approach, this article has gone further in suggesting that the late imperial Chinese state on the county level did in fact incorporate rituals performed for the courts of the underworld into local legal proceedings. Understanding these phenomena necessitates avoiding a strict division between the religious and the secular when approaching the large body of extant legal materials from the Qing. The imperial state’s engagement with the courts of the underworld involved the endorsement of rituals to quell the potentially disturbed dead, the recognition of *fengshui* through state cartography, and the recognition of grave contracts and divinatory schema that provided the living with a both claim to a plot of land and a claim to the environmental conditions of that land. County-level legal archives, like Nanbu’s, are particularly useful for observing this engagement because local cases were less bound to the kinds of *Code*-prescribed punishments that capital cases normally required.

In deciding cases arising from efforts on the part of the living to manipulate the dead, magistrates had to balance the legal interests of the deceased alongside the claims of his or her living family members, who used grave sites to advance land claims. In Nanbu magistrates in fact often explicitly differentiated the needs of the deceased from the claims of the living—by, for instance, regularly ordering the performance of sacrifices to an “ancient” grave that no living actor had requested.

The implications of the Qing state’s engagement with these grave practices are many. Because the routine practice of Qing law at the county level implicitly, and sometimes explicitly, legitimized the judicial rituals of the underworld, by the late imperial period, if not earlier, the living

and legal roles amongst the rural elite in the late imperial period likely enhanced the relevance of *fengshui* to both the tax and legal systems. Without insinuating causation, we may note that the imperial state’s increased dependence on legal specialists for adjudication in the final centuries of imperial China appears to correlate with the state’s engagement with *fengshui* in the law over that period. For more on legal specialists (*muyou*), see Li Chen, “Legal Specialists and Judicial Administration in Late Imperial China, 1651–1911.”

72. Katz, *Divine Justice*, 183.



relations of the deceased staked land claims based on the presence of their ancestor's body in the earth. Though the amount of land occupied by tombs represented a relatively small percentage of the total land market, graves could have influence beyond their immediate geographical boundaries because the living could make claims by appealing to the dead. Such strategies became more pronounced during the Qing, as population growth increased the demand for farmland, for graves, and for legal recourse—in both the courts of this world and those of the netherworld.

Just as the earliest surviving contracts from China have been found in tombs, graves and contracts remained the two central technologies of the property system through the end of the imperial period. The close ties between graves and contracts can be seen most explicitly through the striking similarities between two common kinds of sepulchral strategies—the creation of “fake” graves and “ancient” graves—with the production of “fake” (forged) contracts and “ancient” (with unverifiable land boundaries) contracts. Looking to both the works of scholars of medieval Chinese religion as well as the evident legacies of many ancient ritual practices through the late nineteenth century in Sichuan, it becomes clear that the courts of the underworld and judicial rituals played an important role shaping imperial China's property regime over the last two millennia.

Graves also provided an avenue through which socioeconomic class could be projected and manipulated. Michael Szonyi and others have shown this already in wealthy coastal regions such as Fujian and Guangdong, where lineages strategically recorded the histories of their ancestral settlement.⁷³ This was also done in poor regions like Nanbu, where families often buried animal bones to create fake graves. Did magistrates in Nanbu become actively involved in mandating ritual activities for local kinship groups because of the relative weakness and newness of lineages in that county compared with regions such as Fujian or Guangdong? Magistrates in Nanbu played a more active role—through, for instance, ordering the illustration of grave lands—precisely because most local kinship groups lacked the extensive genealogies, with accompanying grave illustrations, that lineages in regions like Huizhou were likely to have had.

73. Szonyi, *Practicing Kinship*. “Fake” graves were almost certainly created in wealthier regions.



We know that in regions like Huizhou, lineages typically submitted their genealogies directly to the court during the litigation of grave lands. Magistrates there directly relied upon the information recorded in such genealogies, in contradiction with the strict evidentiary standards of the written law code, for officiating grave cases.⁷⁴ We may infer that, rather than simply conceding to “local custom,” magistrates in poor rural peripheries like Nanbu actively implemented and promoted procedures that had proven their social efficacy in wealthier regions.

Finally, sepulchral litigation from the Nanbu Archive suggests that certain practices associated with the late imperial period continued well into the twentieth century in parts of Sichuan province. Qing-era religious practices were still evident in a 1938 ritual manuscript and a 1930 Earth God contract. As the practice of law changed in urbanized centers along the coast, rulings in Nanbu remained heavily rooted in imperial-era judicial precedents.⁷⁵ The property regime as detailed in this study may well have operated largely unchanged in Nanbu county and perhaps other localities through at least the 1950s. Indeed, issues of funeral reform and grave relocation remain highly sensitive and pertinent in China to this day.⁷⁶

GLOSSARY

baihu	白虎
bazi	八字
bingding	丙丁

74. Xiaoye Zhang, “Legitimate, but Illegal.”

75. For many more examples of “imperial-style” litigation in Republican Sichuan, see Brown, “The Veins of the Earth,” 303–58.

76. Graves and burial are two of the most sensitive topics in China’s property system today. In 2014 in Anhui province, a group of senior citizens committed suicide in order to be laid to rest before a coffin burial ban was set to be enacted. Henan has seen some of the most radical burial reforms, with 400,000 graves destroyed in Zhoukou city alone in 2012 to make way for urban development. During this year, 2018, Jiangxi province has launched a massive project to destroy coffins intended for burial, with the intent of wiping out coffin burials by 2020. Tom Mullaney’s digital history project *The Chinese Deathscape* uses GIS cartography to track the ten million corpses that have been exhumed and reburied in the last decade alone. Even as government policies towards the dead have shifted greatly from imperial times, the continued need for such state campaigns into this century demonstrates the entrenchment of traditional burial practices in rural areas.



bingxu	丙戌
chi	尺
chuan	串
Cui Fujun	崔府君
daozang	盜葬
dili	地理
dimai	地脈
<i>Duli cunyi</i>	讀例存疑
fulian	伏連
gengxin	庚辛
gufen	古墳
guhun	孤魂
guqi	古契
guiding	癸丁
hao	毫
huo	惑
jiangjunjian	將軍箭
jiao	醮
jiayi	甲乙
jihai	己亥
jimao	己卯
jin	斤
kanyu	堪輿
li	理
li	厘
liang	兩
lisheng	禮生
litan	厲壇
maidiquan	買地券
mao	卯
Nanbu xian	南部縣
po	魄
qian	錢
qinglong	青龍
rengui	壬癸
sha	煞
shen	申
shushi	術士



tianwen	天文
wen	文
wuxing	五行
<i>Xing'an huilan xubian</i>	刑案匯覽續編
xishi	細事
Xuanwu	玄武
yamen	衙門
yangzhai	陽宅
yichou	乙丑
yin	寅
yinyang	陰陽
yinyangguan	陰陽官
yinyangsheng	陰陽生
yinyangyuan	陰陽院
yiwei	乙未
you	酉
zhongsong	塚訟
zhongyang	中央
zhou li yang, ye li yin	晝裡陽, 夜裡陰
zhuque	朱雀
zufen	祖墳

WORKS CITED

Archives

- Academia Sinica Archives of the Grand Secretariat, Taipei, Taiwan.
Langzhong Municipal Archive. Langzhong, Sichuan, People's Republic of China.
Nanbu County Qing and Republican Archive. Nanchong, Sichuan, People's Republic of China.
Sichuan University's China Southwest Bibliography Research Center, Digitized Archives, Nanbu Collection.

Manuscripts

- Chuanbei daomen biaociji* (Northern Sichuan collection of petitions and declarations to the Gate of the Dao). Baoning, c. 1861–75.



- Dili yuanxu* (Preface to the Origins of Earthly Principles). Baoning, c. 1875–1905.
- Zhaoshan huiqi* (A primer on the summoning of mountains). Ba county (Chongqing), 1938.

Other References

- Asen, Daniel. *Death in Beijing: Murder and Forensic Science in Republican China*. Cambridge: Cambridge University Press, 2016.
- Asim, Ina. "Status Symbol and Insurance Policy: Song Land Deeds for the Afterlife." In *Burial in Song China*, edited by Dieter Kuhn, 307–70. Heidelberg: Edition Forum, 1994.
- Bernhardt, Kathryn, and Philip Huang. *Civil Law in Qing and Republican China*. Stanford: Stanford University Press, 1994.
- Bin Bai. "Daoism in Graves." In *Modern Chinese Religion, Volume One*, edited by Pierre Marsone and John Lagerwey, 548–600. Leiden: Brill, 2014.
- Bokenkamp, Stephen R. *Ancestors and Anxiety: Daoism and The Birth of Rebirth in China*. Berkeley: The University of California Press, 2007.
- Brown, Tristan G. "The Veins of the Earth: Property, Environment, and Cosmology in Nanbu County." PhD diss., Columbia University, 2017.
- Bruun, Ole. *Fengshui in China: Geomantic Divination Between State Orthodoxy and Popular Religion*. Honolulu: University of Hawaii Press, 2003.
- Chen, Li. "Legal Specialists and Judicial Administration in Late Imperial China, 1651–1911." *Late Imperial China* 33, no. 1 (2012): 1–54.
- Chen, Li, and Madeleine Zelin, eds. *Chinese Law: Knowledge, Practice and Transformation, 1530s to 1950s*. Leiden: Brill, 2015.
- Choi, Mihwa. *Death Rituals and Politics in Northern Song China*. Oxford: Oxford University Press, 2017.
- Cohen, Myron L. "Souls and Salvation: Conflicting Themes in Chinese Popular Religion." In *Death Ritual in Late Imperial and Modern China*, edited by James Watson and Evelyn Rawski, 180–202. Berkeley: University of California Press, 1988.
- Davis, Timothy M. *Entombed Epigraphy and Commemorative Culture in Early Medieval China: A Brief History of Early Muzhiming*. Leiden: Brill, 2015.



- Dean, Kenneth. "Funerals in Fujian." *Cahiers d'Extrême-Asie*, no. 4 (1988): 19–78.
- Duara, Prasenjit. *Culture, Power, and the State: Rural North China, 1900–1942*. Stanford: Stanford University Press, 1991.
- Ebrey, Patricia. *Women and the Family in Chinese History*. London: Routledge, 2003.
- Feuchtwang, Stephan. *An Anthropological Analysis of Chinese Geomancy*. Bangkok: White Lotus Press, 2002.
- Ganany, Noga. "Baogong as King Yama in the Literature and Religious Worship of Late-Imperial China." *Asia Major*, Third Series, Vol. 28, part 2 (Fall 2015): 39–75.
- Goossaert, Vincent. "Managing Chinese Religious Pluralism in the Nineteenth-century City Gods Temples." In *Globalization and the Making of Religious Modernity in China: Transnational Religions, Local Agents, and the Study of Religion, 1800–Present*, edited by Thomas Jansen, Thoralf Klein, and Christian Meyer, 29–50. Leiden: Brill, 2014.
- Goossaert, Vincent, and David A. Palmer. *The Religious Question in Modern China*. Chicago: University of Chicago Press, 2011.
- Guo, Qitao. *Ritual Opera and Mercantile Lineage: The Confucian Transformation of Popular Culture in Late Imperial Huizhou*. Stanford: Stanford University Press, 2005.
- Guo, Weiting. "Social Practice and Judicial Politics in 'Grave Destruction' Cases in Qing Taiwan, 1683–1895." In *Chinese Law: Knowledge, Practice and Transformation, 1530s to 1950s*, edited by Madeleine Zelin and Chen Li, 84–123. Leiden: Brill, 2015.
- Hansen, Valerie. *Negotiating Daily Life in Traditional China*. New York: Berghahn Books, 1995.
- . "Why Bury Contracts in Tombs?" *Cahiers d'Extrême-Asie* 8, no. 1 (1995): 59–66.
- Hu Kaiquan and Su Donglai, eds. *Chengdu longquanyi bainian qiye wenshu* (One hundred years of contracts and documents from Chengdu's Longquanyi). Chengdu: Bashu shushe, 2012.
- Huang Jingchun. "Dixia shenxian Zhang Jiangu, Li Dingdu kaoshu" (An Investigation and Account of the Spirits of the Underworld, Zhang Jiangu and Li Dingdu). *Shijie zongjiao yanjiu* (1) 2003: 46–54.
- Javers, Quinn. "The Logic of Lies: False Accusation and Legal Culture in Late Qing Sichuan." *Late Imperial China* 35, no. 2 (2014): 27–55.



- Jiang, Yonglin. *The Mandate of Heaven and the Great Ming Code*. Seattle: The University of Washington Press, 2011.
- Johnson, David G. "Actions Speak Louder than Words: The Cultural Significance of Chinese Ritual Opera." In *Ritual Opera, Operatic Ritual: "Mu-lien Rescues His Mother" in Chinese Popular Culture*, edited by David Johnson, 1–45. Berkeley: Chinese Popular Culture Project, 1989.
- Jones, William C., trans. *The Great Qing Code*. New York: Oxford University Press, 1994.
- Katz, Paul R. *Divine Justice: Religion and the Development of Chinese Legal Culture*. London: Routledge, 2008.
- . "Orthopraxy and Heteropraxy: Beyond the State Standardizing Ritual in Chinese Society." *Modern China* 33, no. 1 (2007): 72–90.
- . *Religion in China and Its Modern Fate*. Brandeis: Brandeis University Press, 2014.
- Kun Gang, ed. *Qinding da Qing huidian* (Imperial Commissioned Collected Statutes of the Qing Dynasty) 1899 edition, reprint Taipei: Xinwenfeng, 1976.
- Li Zhe. *Zhongguo chuantong shehui fenshan de falü kaocha—yi qingdai wei zhongxin* (An investigation into the grave laws of traditional Chinese society: A focus on the Qing Dynasty). Beijing: Zhongguo zhengfa daxue chubanshe, 2017.
- Lin, Wei-ping. "Boiling Oil to Purify Houses (*zhuyou jingwu*): A Dialogue between Religious Studies and Anthropology." In *Exorcism in Daoism: A Berlin Symposium*, edited by Florian C. Reiter, 151–69. Wiesbaden: Harrassowitz, 2011.
- Liu Bingxue, "Qingdai falü wenxian zhong de xisu guizhi—yi sangzang xisu weili" (Customary rules in Qing legal documents—Taking funerary customs as an example). *Hebei shifan daxue xuebao* 36, no. 3 (2013): 114–118.
- Liu, Yonghua. *Confucian Rituals and Chinese Villagers: Ritual Change and Social Transformation in a Southeastern Chinese Community, 1368–1949*. Leiden: Brill, 2013.
- . "The World of Rituals: Masters of Ceremonies (*Lisheng*), Ancestral Cults, Community Compacts, and Local Temples in Late Imperial Sibao, Fujian." PhD diss., McGill University, 2003.
- Lu, Xiqi. *Zhongguo gudai maidiquan yanjiu* (Research on ancient Chinese Earth God contracts). Xiamen: Xiamen daxue chubanshe, 2014.



- Meyer-Fong, Tobie. *What Remains: Coming to Terms with Civil War in 19th Century China*. Stanford: Stanford University Press, 2013.
- Miller, Ian M. "Roots and Branches: Woodland Institutions in South China, 800–1600." PhD diss., Harvard University, 2015.
- Morita, Shigemitsu. *Shindai tochi shoyūkenhō kenkyū (Research on landed property law of the Qing Dynasty)*. Tokyo: Keisō Shuppan Sābisu Sentā, 1984.
- Mullaney, Thomas S. *The Chinese Deathscape*. Stanford: Stanford University Press (Digital), 2018.
- Nedostup, Rebecca. *Superstitious Regimes: Religion and the Politics of Chinese Modernity*. Cambridge: Harvard University Asia Center, 2009.
- Peter Nickerson. "The Great Petition for Sepulchral Plaints." In *Early Daoist Scriptures*, edited by Stephen R. Bokenkamp, 230–74. Berkeley: The University of California Press, 1997.
- . *Taoism, Bureaucracy, and Popular Religion in Early Medieval China*. Cambridge: Harvard University Press, 2007.
- Reed, Bradly. *Talons and Teeth: County Clerks and Runners in the Qing Dynasty*. Stanford: Stanford University Press, 2000.
- Ruf, Gregory A. *Cadres and Kin: Making a Socialist Village in West China, 1921–1991*. Stanford: Stanford University Press, 2000.
- Segawa, Masahisa. *Zokubo—Kanan Kan-zoku no sōzoku fūsui ijū (Genealogies: Lineage, fengshui, and the migration of the Han Chinese in South China)*. Tokyo: Fūkyōsha, 1996.
- Sichuansheng dang'anguan and Sichuan daxue lishixi, eds., *Qingdai Qian-Jia-Dao Baxian dang'an xuanbian, xia* (Selections of the Qing archives of Ba county from the Qianlong, Jiaqing, and Daoguang reign periods, part two). Chengdu: Sichuan daxue chubanshe, 1996.
- Smith, Richard Joseph. *Fortune-tellers and Philosophers: Divination in Traditional Chinese Society*. Boulder: Westview Press, 1991.
- . *Mapping China and Managing the World: Culture, Cartography, and Cosmology in Late Imperial Times*. London: Routledge, 2013.
- Snyder-Reinke, Jeffrey. "Afterlives of the Dead: Uncovering Graves and Mishandling Corpses in Nineteenth-Century China." *Frontiers of History in China* 11, no. 1 (2016): 1–20.
- Sommer, Matthew. *Polyandry and Wife-Selling in Qing Dynasty China: Survival Strategies and Judicial Interventions*. Berkeley: University of California Press, 2015.



- . *Sex, Law, and Society in Late Imperial China*. Stanford: Stanford University Press, 2000.
- Szonyi, Michael. *Practicing Kinship: Lineage and Descent in Late Imperial China*. Stanford University Press, 2002.
- Wang, Mingming. "Place, Administration, and Territorial Cults in Late Imperial China: A Case Study from South Fujian." *Late Imperial China* 16, no. 1 (1995): 33–78.
- Wang, Huayan. "Cui Fujun, entre juge des enfers et magistrats locaux: les sociétés locales vues à travers l'évolution d'un culte local en Chine du XI^e au XV^e siècle" (Cui Fujun, between the Judge of Hell and local magistrates: Local societies seen through the evolution of a local cult in China from the 11th to the 15th century). PhD diss., L'École des hautes études en sciences sociales, 2015.
- Watson, James L. "Funeral Specialists in Cantonese Society: Pollution, Performance, and Social Hierarchy." In *Death Ritual in Late Imperial and Modern China*, edited by James Watson and Evelyn Rawski, 109–34. Berkeley: University of California Press, 1988.
- . "Standardizing the Gods: The Promotion of T'ien Hou ('Empress of Heaven') along the South China Coast, 960–1960." In *Popular Culture in Late Imperial China*, edited by David Johnson, Andrew J. Nathan, Evelyn S. Rawski, 292–324. Berkeley: University of California Press, 1985.
- . "The Structure of Chinese Funerary Rites: Elementary Forms, Ritual Sequence, and the Primacy of Performance." In *Death Ritual in Late Imperial and Modern China*, edited by James Watson and Evelyn Rawski, 3–19. Berkeley: University of California Press, 1988.
- Wei Shunguang. "Qingdai zhongqi de 'jifen zisong' xianxiang yanjiu—jiyu baxian dang'an wei zhongxin de kaocha" (Research on the phenomenon of 'grave litigation' in the Mid-Qing period: An investigation based on the archives of Ba county). *Qiusuo* 4 (2014): 159–63.
- . "Qingdai zhongqi fenchan zhengsong wenti yanjiu—jiyu baxian dang'an wei zhongxin de kaocha" (Research on the question of grave litigation in the mid-Qing period: An analysis based on the archives of Ba county). PhD diss., Southwest University of Political Science and Law, 2011.
- Wu Chao and He Xiyan, eds. *Xing'an huilan xubian* (A continuation to A Conspectus of Judicial Cases). Beijing: Falü chubanshe, 2006.



- Yuan Shushan. *Zhongguo lidai buren zhuan* (Biographies of diviners in China by dynastic periods). Shanghai: Rude shuju, 1948.
- Xue Yunsheng. *Duli cunyi dianzhu* (Concentration on doubtful matters while perusing the substatutes). Beijing: Zhongguo renmin gong'an daxue chubanshe, 1994.
- Zhang, Xiaoye. "Legitimate, but Illegal: Case Studies of Civil Justice in the Ming and Qing Dynasties." *Etudes chinoises* 28 (2009): 73–94.



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