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# Introduction

THIS BOOK CONCERNS the roles of fengshui in law during the Qing (1644–1912), the last of China’s imperial dynasties. Literally wind (*feng*) and water (*shui*), fengshui refers to the practice of analyzing landscapes to determine the most auspicious sites and orientations for houses, graves, temples, and other kinds of structures, based on principles of harmony between humans and their environments. Fengshui has long been misunderstood in the West. Early Western observers dismissed it as superstition, while New Age practitioners enthusiastically adopted it for interior design and home decoration. Scholarly publications have shed much light on fengshui’s theories yet have tended to focus on its applications in city planning, architecture, and aesthetics. From today’s standpoint, the law court probably would be the last place to go looking for fengshui. Yet for the Qing period, the legal system was one of fengshui’s most recognizable arenas of play.

During the Qing dynasty, people across China submitted lawsuits about harm done to fengshui. Not all disputes involved such claims, but many did—especially those involving houses, graves, natural resources, and public spaces. In response, courts inspected fengshui, mapped sites where fengshui was at issue, weighed the effects of harming fengshui, scolded people for being too obsessed with fengshui, and applauded others for taking good care of ancestral sites and common areas. Many case files and trial transcripts from the dynasty have survived, offering a rare window into how people in China analyzed, understood, and recorded land in relation to fengshui prior to the twentieth century.

Drawing on five hundred legal cases and a host of technical manuals, *Laws of the Land* argues that fengshui was interwoven with Qing governance, especially its legal system. The imperial state incorporated fengshui into its administration of gravesites, forests, mining, and the examinations used to recruit scholars into office. Qing officials invoked and even practiced fengshui to resolve local disputes, secure community harmony, and govern rural society. The result was a practical blurring of the line between law and fengshui, with

people constantly invoking fengshui in law, as law. In managing intractable conflicts over the land's interpretation, Qing officials clarified when and where fengshui was disturbed and when and where it was not. The legal system's answers to those conflicts produced continuous evidence for fengshui's reality and relevance.

The interplay between law and fengshui sheds light on a host of fundamental issues relating to and transcending the imperial legal system, including land use strategies in an era of dwindling resources, the methods Chinese people mobilized to confront Western imperialism in the nineteenth century, and the history of knowledge production. What follows is a historical portrait of life and death along a Qing landscape—with fengshui in focus.<sup>1</sup>

### Divergent Paths in the Study of Chinese Law and Religion

The Westerners present in the final decades of the Qing dynasty encountered fengshui during disputes over churches, concessions, telegraphs, and railways. Their views of it were not complimentary. Anglo-American diplomats and missionaries described fengshui as “a ridiculous caricature of science,” “an abyss of insane vagaries,” and “a perverse application of physical and meteorological knowledge.”<sup>2</sup> Such statements are reflections of Orientalism, that is, Eurocentric attitudes to non-Western peoples of the “Orient” informed by colonialist biases.<sup>3</sup> Although prejudiced, these perceptions cast a wide net and a long shadow. No less a social scientist than Max Weber (1864–1920) presented fengshui objections to railway construction as evidence of the supposed irrationality of the Chinese legal system.<sup>4</sup> Late Qing Western observers concluded two things from their encounters with fengshui: first, that it was a “superstition” devoid of logic, and second, that China lacked a proper legal system rooted in the rule of law.<sup>5</sup>

Historians and anthropologists later challenged these views, albeit independently of each other. Anthropologists such as Maurice Freedman, Emily Ahern, Stephan Feuchtwang, Ole Bruun, and Robert Weller picked up the study of fengshui through painstaking fieldwork across Greater China.<sup>6</sup> Collectively, their works demystified the practice by documenting its significance to kinship practices and popular religion. Anthropologists in China and Japan, including Chen Jinguo and Segawa Masahisa, addressed fengshui through a blend of ethnography and careful analyses of family genealogies, including those from the Ming (1368–1644) and Qing dynasties.<sup>7</sup> Each time Chinese rural society drew attention, fengshui came into view. Yet, with a few exceptions, scholarship on fengshui, rooted in fieldwork conducted in the twentieth century, did not address the place of fengshui in imperial law.<sup>8</sup>

For their part, historians mounted a major revision to blinkered Orientalist impressions of Qing law and governance.<sup>9</sup> Access to local and national archives in China and Taiwan enabled historians to dismantle earlier critiques that China lacked a judicial system that protected property or conformed to the rule of law.<sup>10</sup> Contrary to earlier views of the Chinese legal system as primarily designed to administer punishments, historians have demonstrated that routine conflicts over land and property constituted a significant part of legal practice.<sup>11</sup> For resolving these disputes, judges weighed the 436 statutes (*lü*) and the more than a thousand substates (*tiaoli*) of the *Great Qing Code* (*Da Qing lüli*), as well as model cases, established principles, and community reception.<sup>12</sup> Across the board, the legal system offered, in the words of Philip Huang, “consistent guides for the resolution of real problems and disputes,” and thus was far more reasoned and pragmatic than earlier Western observers perceived.<sup>13</sup>

Concomitant with the revised scholarly perception of Chinese law, there has prevailed an assumption that the Chinese legal system was “fundamentally secular,” with little influence from religion.<sup>14</sup> Pioneers in the study of Chinese law, such as Derk Bodde and Clarence Morris, supported this argument with the observation that China lacked a divine lawgiver or any divine origin tale for law.<sup>15</sup> The secular reading of Chinese law became widely held among historians and legal scholars, both in the West and China.<sup>16</sup> Until recently, it was scarcely challenged.

The notion of legal secularism persisted because it allowed historians to argue that Chinese law was “substantively rational,” even if authoritarian.<sup>17</sup> Key issues posed by Orientalism were conveniently solved as legal historians focused their attention on the “secular matters” of the law code, such as “taxes, corvée labor, regulations for officials, monetary obligations, military regulations, forgeries.”<sup>18</sup> In revising earlier impressions of the imperial government, legal historians kept the code and model cases while ceding religion to anthropologists, thus producing a great twentieth-century divergence between the study of Chinese law and fengshui.

## Rediscovering Religion in Chinese Law

Recent years have witnessed a changing tide in understandings of the ideological foundations of Chinese law. In Taiwan, researchers have become increasingly aware of an unmistakable and pervasive feature of Chinese religion: it is full of law. Temple murals, vernacular tales, and ritual handbooks depict busy law courts of the underworld and lawsuits brought by the unhappy dead against the living or their deceased kin (*zhongsong*).<sup>19</sup> A wide spectrum of rituals performed for judicial deities offers parties an opportunity to first attempt

dispute resolution at temples before heading to the state's courts. These examples form part of what Paul Katz calls the “judicial continuum” between Chinese religious and legal practice.<sup>20</sup>

Another finding emerged from a surprising source—the late imperial law codes—which initial impressions held as merely containing a secular blend of Confucian ethics and stern legalism. In his revisionist history of the *Great Ming Code*, Yonglin Jiang makes a robust case that the ruling elite of the late imperial era “viewed law as a concrete embodiment of the cosmic order.”<sup>21</sup> The law expressed cosmological unity between heaven and earth, with its statutes intended to bring the institutions governing human action into line with the cosmic order.

Thus, at present, Katz finds law across religious practice, and Jiang finds religion in the official code.<sup>22</sup> But if law pervaded religion on the ground, it seems likely that religion influenced not only the law code but also pervaded law as practiced daily in the courts.

It did. *Laws of the Land* picks up where Katz and Jiang left off and revises prevailing understandings about Chinese law and its underlining sources of legitimacy. This book demonstrates that a sophisticated cosmology was assumed in law, permeating down the bureaucracy to the circuit, prefecture, and county levels.<sup>23</sup> When applied to land, this cosmology manifested as fengshui. Because the imperial state recognized that harming fengshui was a crime, people thought of fengshui-related problems as potential legal problems and sought official intervention when conflicts arose. Through invoking fengshui as laws of the land, litigants appealed to officials in ways that did not undermine the government's authority, but affirmed it.

The key to resolving the fracture between nineteenth-century impressions of Chinese superstition and twentieth-century visions of Chinese secularism lies in disrupting the dichotomy of law as rational and fengshui as irrational. Consider the purported secular rationality of Western legal systems. Western law and religion do not just embrace resonant doctrines—penance and penalty, covenant and contract, sin and crime—but law and religion in the West also are performed in similar fashions.<sup>24</sup> Affirmations with holy scriptures remain a standard procedure for individuals testifying in courts. Oaths for newly inducted judges include phrases such as “so help me God.” While adjudicating cases, judges don flowing black robes and, in some regions, powdered wigs (perukes). After assuming the bench, many of them work in courthouses displaying grand murals or monuments of the Ten Commandments. In the United States specifically, the overt use of religious references in judicial decision-making remains “not rare” through the present time.<sup>25</sup> These theologically derived rituals, symbols, and features all bear witness to the notions that “we have never been modern” and that Western law is not completely disenchanting.<sup>26</sup>

Consider in turn the logics of fengshui in Qing China. The imperial state issued technical texts about geomantic positioning and time selection, and various official and private specialists mastered fengshui's intricacies. Rules and regulations dictated when and where fengshui could be invoked in legal settings. Qing authorities ordered lands to be precisely mapped to appraise the merits of claims presented in a fengshui-related lawsuit. With these maps, officials could identify and dismiss specious geomantic claims while accepting and enforcing claims they understood as compelling.

This arrangement is not so difficult to understand. The chapters that follow reveal communities drawing on fengshui to regulate building heights, cacophonous activities, and flammable industries. These deployments bear some resemblance to zoning laws, which in the twentieth century came to represent smart development—not backwardness.<sup>27</sup> Further resonances are found today in instances where jurists are tasked with weighing unpredictable future consequences, like climate change. Some US-based legal experts have proposed invoking the constitutional protection of religious freedom to compel courts to recognize indigenous claims over territories through which crude oil pipelines are planned and constructed.<sup>28</sup> In the Qing, people would have pursued a similar strategy through fengshui.

The Western Orientalists of the nineteenth century were wrong not because they identified fengshui as important to Qing society, law, and governance. They were wrong because they condemned fengshui as irrational and the antithesis of proper law. That distinction offered a false choice then, and it remains one now. By taking law and fengshui together not as an oxymoron but as a shared nexus of principles that supported imperial governance and administration, this book fundamentally revises understandings of both.

## Practicing Fengshui in Qing China

People did three things with fengshui during the Qing dynasty. First, they studied it. Scholars voraciously collected, read, and cited manuals about fengshui, approaching it as a rigorous academic subject. Literate commoners also acquired information about it from technical tracts, almanacs, and popular encyclopedias. Even illiterate farmers had access to useful geomantic information provided verbally by ritual masters in towns and villages.<sup>29</sup> Second, people practiced fengshui, often for a price. Geomancers sold their knowledge to people needing to construct a house, grave, temple, shop, school, or bridge, offering insurance to investors and merchants who sought to limit the risk of litigation. They also instructed people how to present compelling lawsuits in court. Finally, people narrated fengshui. People mobilized it to explain phenomena in the material world, creating tales of

success and loss that formed the scaffolding of social status, family histories, and property claims.

Although there was no universal system of fengshui across China, specific works provided a measure of state-sponsored guidance. Such texts included the *Imperially Endorsed Treatise on Harmonizing Times and Distinguishing Directions* (*Qinding xieji bianfang shu*) and the *Imperially Endorsed Almanac for Time Selection* (*Qinding xuanze lishu*), the former of which was printed at the imperial palace's Hall of Martial Valor (*Wuying dian*) for official distribution. Another source, *Correct Doctrines of Fengshui* (*Qintianjian fengshui zhenglun*), cited in the epigraph to this book, was composed by the Astronomical Bureau in Beijing under the auspices of the Erudite Scholar (*boshi*) Gao Dabin in 1740. Not printed for general circulation, *Correct Doctrines of Fengshui* was reserved for use by central government authorities. The text carefully lays out the government's position on fengshui by inveighing against the prevalence of inadequate knowledge and listing "false" fengshui texts alongside those deemed reliable.<sup>30</sup>

Like all other geomantic works in China, *Correct Doctrines of Fengshui* draws on cosmological concepts dating from pre-imperial antiquity (before 221 BCE) that found expression in many realms and activities, including astrology, music, and medicine.<sup>31</sup> Canonized Confucian texts, most notably the hallowed *Yijing* (*Classic of Changes*) and its commentaries, validated these notions.<sup>32</sup> In brief, the foundational generative forces of *yin* (female, moon, passive, etc.) and *yang* (male, sun, active, etc.) constantly interacted in the material world to produce the so-called five agents. These five agents possessed the qualities of fire (heat), water (coolness), metal (sharpness), wood (flourishing), and earth (stability).<sup>33</sup> These agents became manifest as the constituent elements of *qi*, translated as ether, energy, pneuma, vital essence, or material force. All things, visible and invisible, were composed of *qi*.<sup>34</sup>

When properly understood, the operations of *yin* and *yang*, the five agents, and other cosmic forces were harnessed for analyzing gravesites, termed houses of *yin* (*yinzhai*), and residences, called houses of *yang* (*yangzhai*).<sup>35</sup> *Correct Doctrines of Fengshui* covered principles for both structures. Reflecting the gendered dimensions of fengshui's cosmology, houses of *yin* energy were the most anxiety-inducing relative to other dwellings since these "passive" sites required active upkeep to avoid misfortune.<sup>36</sup> The importance of the "house of *yin*" in Qing society is hard to overstate. Acquiring a house or a field did not render someone a recognized member of most village communities. An ancestor's grave did.<sup>37</sup>

There were several schools of fengshui in Qing times, but two were dominant. The Compass School (*liqipai*, lit. "principles and energy" school) paid close attention to the orientations of graves and houses as directed by a

geomantic compass (see figure 2.7 for an example). This device, typically about four to eight inches in diameter with a magnetic needle pointing south, displayed a series of concentric circles representing the abovementioned cosmic variables, with compass points identified in large part by an ordering system known as the ten heavenly stems and twelve earthly branches.<sup>38</sup> For instance, a gravesite identified as *mao shan you xiang* meant that it was situated on an eastern (*mao*) mountain facing west (*you*).

The Form School (*xingshipai*, “forms and configurations” school) emphasized the balance of *qi* in landforms naturally shaped by mountains and water. Although scholarly and popular literature has often discussed these schools, the distinction between the two was rare in legal cases. *Correct Doctrines of Fengshui* elevated the Form School above the Compass School but minimized their differences by drawing on both techniques.<sup>39</sup> And, in practice, exponents of fengshui, whether professionals or amateurs, drew upon both schools by orienting graves with the compass and identifying relevant landforms.

Knowledge of fengshui was diffused across the general population through handbooks and almanacs, but there were specialists. Many families preferred to hire geomancers to take on the responsibility of site selection and, if necessary, to assume the blame if results were poor. Practitioners of fengshui could be called by several titles, with geomancers (*dilijia*) or geomancy specialists (*kanyujia*) two of the more common titles.<sup>40</sup> Geomancers and diviners were usually male, but female fortune tellers were not unknown.<sup>41</sup> The imperial state, for its part, established official positions for the study of *yin* and *yang* throughout China and hired individuals who demonstrated knowledge of officially sanctioned astronomical and geomantic texts. These functionaries were known as officers of Yin-yang schools (*yinyangxue guan*), with “schools” referring to local institutions responsible for propagating correct applications of Yin-yang cosmology. Their institutional roles were important, but because there was only one such officer at any given time in a jurisdiction, the market for private geomantic and astrological consulting remained vast and largely unregulated over the dynasty.

A core concept in *Correct Doctrines of Fengshui* was earth veins (*dimai*), which referred to invisible subterranean channels thought to direct *qi* through the land.<sup>42</sup> These veins animated the earth, and their flow across bends in the terrain revealed the land’s living body.<sup>43</sup> That body was deemed healthy by the presence of lush vegetation and flowing—not still—water, identified as the blood of the land.<sup>44</sup> Topographical features were related to each other through veins, for instance, with the vein of an “ancestor mountain” flowing into the “parent mountain” surrounding a site of development. Upon burial, the fates of living descendants (*mingmai*) became linked to the well-being of earth veins. Such veins were deemed “dragon veins” (*longmai*) when they aligned



with sites of imperial power, major mountain ranges, or large watersheds. All veins could be harmed by cutting down a tree or trees, modifying water flows, or mining a mountain. Protracted legal disputes often focused on the alleged harm done to earth veins by activities of this sort.<sup>45</sup>

The importance ascribed to earth veins draws attention to the fact that most lawsuits invoking fengshui disputed the exploitation of resources, with fengshui almost always cited in law for halting development. As such, fengshui's invocation parallels other cultural practices identified by economic historians as contributing to the limitations on the free disposal or alienability of land during the late imperial era.<sup>46</sup> The chapters that follow share many examples of the ways fengshui shaped economic activity through land sales, agriculture, water control, riverine transportation, mining, construction, timber harvesting, and, in the very late Qing, political decisions about telegraphs, mines, and railroads. It may not be feasible to quantify the economic impact of fengshui, but its impact was real. Those who condemned fengshui as "superstition" after 1900 were frustrated precisely by the ways it interrelated with what they saw as economic development.

Although fengshui's economic relevance is beyond dispute, its environmental applications have been more contentious. Lynn White's 1967 article, "The Historical Roots of Our Ecologic Crisis," which criticized Western religions for legitimizing overexploitation of the land, galvanized general interest in alternative belief systems like fengshui.<sup>47</sup> Not long thereafter, some Westerners started taking fengshui as a form of "Eastern wisdom" designed to harmonize the actions of humans with the forces of nature. Pushing against these notions, Ole Bruun argues that they amount to the invention of tradition by considering fengshui outside its historical and cultural contexts.<sup>48</sup> Bruun is correct that fengshui was historically neither a self-conscious doctrine to protect the environment nor a social practice that maintained pristine nature.<sup>49</sup>

Like other kinds of indigenous knowledge now drawing scholarly attention, fengshui was the major medium of expression to discuss and analyze environments and their changes.<sup>50</sup> When a place lost all tree cover, people did not talk about deforestation, but a loss of healthy *qi*. When contesting mining, people did not speak about the risks of pollution, but of severed dragon veins. Qing documents of all sorts refer to land as a dynamic, "living" thing, but hardly in a romantic way that might be envisioned in the popular imagination today. The land's features were not limited to harmonious sites of reflection. They could also be terrifying, summoning visions of illness, famine, or death. The fretful drive to secure and maintain fortune in some cases could justify controls on the exploitation of natural resources over surprisingly long periods of time. Chris Coggins, for instance, identifies the legacy of such practices in the rural fengshui forests of south China, where botanists have now documented the

survival of the threatened Chinese Tulip Tree and other rare plants.<sup>51</sup> This research speaks to consequences, not to motives.

Physical environments in China declined, changed, and sometimes recovered, regardless of what people may have believed about the land and what their intentions may have been toward it.<sup>52</sup> People invoked fengshui to put the environment to use for human benefit.<sup>53</sup> And it was this fundamental reality that gave fengshui standing throughout Chinese society and at all levels of the imperial government.<sup>54</sup>

### Mobilizing Fengshui in Law

Fengshui's importance to imperial administration, particularly legal practice, may not be self-evident. The law code did not explicitly invoke the word "fengshui" outside of a couple statutes concerning delayed burials and uncovering graves.<sup>55</sup> To understand why people invoked fengshui in the law, one must consider how local cases were adjudicated within Qing legal culture. As Melissa Macauley defines it, legal culture constitutes "a system of symbols, language, and diffusely shared attitudes that produced a common set of legal assumptions and beliefs."<sup>56</sup> The key word in that sentence is "assumptions," or experiential knowledge that was once so obvious to people that few felt compelled to explain it at length. Because fengshui was part of an "educated person's natural furniture" in the late imperial era, it related to matters involving graves, trees, rivers, fields, and mines in ways that were obvious then, but which may not be apparent or intuitive today.<sup>57</sup>

Although the law code was widely distributed, providing a solid framework for adjudicating serious crimes, officials had a great deal of flexibility in adjudicating "minor matters," especially at the lower levels of imperial administration.<sup>58</sup> County magistrates, the lowest-level officials appointed directly by the emperor, sometimes departed from the written law code in their rulings. For instance, Matthew Sommer, drawing on several of the same archival collections used in this book, has shown that county magistrates tolerated the widespread but illegal practice of wife-selling during local adjudication.<sup>59</sup> Magistrates weighed competing factors, especially economic needs, when issuing verdicts.

This administrative flexibility extended to matters of land. The Qing state did not get involved with most private transactions in property. In theory, local governments were supposed to register land for taxation, and all contracts for exchanging land needed to be stamped with an official seal. However, the government recorded little land after the 1730s, and from the late 1700s onward, few contracts were stamped with official seals.<sup>60</sup> The result was that the empire's land tax revenue in 1850 was not much different from the yield in the

mid-1700s even though the population had doubled and land yields had significantly increased over that time.<sup>61</sup> As the population boomed, the size of the formal bureaucracy hardly expanded, and around 1,358 county magistrates managed a population of over four hundred million by the end of the dynasty.<sup>62</sup> Nonetheless, even without extensive land records and a limited formal bureaucracy, Qing courts adjudicated property cases until the fall of the dynasty in 1912. They did so in part by directly engaging bodies of knowledge, such as fengshui, which complemented the official legal system.

How did fengshui become so entangled with the legal system? Officials recognized fengshui as a rising source of legal disputes in the Song dynasty (960–1279).<sup>63</sup> Around the same time, scholars within the ascendant Neo-Confucian movement voiced opposition to cremation in favor of bodily burials.<sup>64</sup> Graves became big business, and by the middle of the Ming dynasty (1368–1644), lawsuits over harmed earth veins began appearing in litigators' manuals.<sup>65</sup> By Qing times, not only was there abundant precedent for invoking fengshui in legal disputes, but hundreds of popular geomantic manuals were also in circulation alongside official ones to aid in doing so.<sup>66</sup> A plethora of official handbooks and judicial collections also appeared. Not a few of these texts touched on fengshui, including some that detailed government uses of prognostication in the law.<sup>67</sup>

These facts suggest that the influence of fengshui flowed in two directions. Litigants drew on situated geomantic knowledge recognized in their local communities while making legal petitions.<sup>68</sup> In turn, officials gauged legal claims against their more formal and theoretical understandings of law and fengshui, not infrequently offering the “correct” interpretation in verdicts. We can identify some widely recognized principles through local cases, handbooks, and edicts. Disturbing a grave never helped fengshui; it only hurt it. Opening a distillery, oil-press shop, or slaughterhouse next to a school or government office never helped fengshui; it only hurt it. Mining coal never helped an area's fengshui; it only hurt it. Cutting down a tree, with some exceptions for houses, never helped fengshui; it only hurt it. By contrast, damming a river, dredging an irrigation channel, erecting a pagoda, building a bridge, adding a wall, or moving a school could help or hurt fengshui, depending on the size and location of the project, as well as the immediate reception and aftermath. Elites and commoners all understood the rules of the game, which is why fengshui could be invoked in court—not as a custom that the Qing legal system tolerated, but as part of a larger framework through which law operated.

Considering fengshui's roles in legal practice, one must ask what the officials responsible for issuing verdicts believed about it. There is no simple answer to that question. Qing officials adjudicated claims about fengshui with different motives: some brought a professed commitment to fengshui's

principles, and others brought tidbits of practical knowledge concerning house and grave layouts, irrigation, or mining. Some brought ample doses of skepticism, and others brought an eye for expedient solutions to complex conflicts.<sup>69</sup> These diverse motives often overlapped in court in fascinating ways, mirroring the complex inner lives of individuals tasked to uphold proper ritual and enforce the law.

Qing officials did not need to fully believe in fengshui to engage, analyze, and fairly adjudicate questions about it.<sup>70</sup> In fact, they had reasons to be confident at trial. County magistrates were usually the only person in a courtroom who had passed several levels of the civil examinations—the quintessential signifier of favorable family fengshui in late imperial times.<sup>71</sup> If anyone knew geomantic secrets to success in a county, it was likely to be the sitting magistrate. Aware of the great responsibility that came with this authority, many officials provided genuine advice to commoners from the bench. There are limits to this generalization, of course, as commoners resentful of county-level rulings sometimes appealed to higher courts, insisting that a magistrate's interpretation had been wrong.

Holding considerable power over matters of land and law, officials critiquing fengshui typically did not condemn it categorically but distinguished their refined understandings of it from those of commoners. The eminent statesman Zeng Guofan (1811–72) could cite his grandfather's disbelief in doctors and geomancers as an edifying model yet not condemn recourse to medicine or fengshui. Rather, he directed criticism toward plebian practitioners who profited from their purported expertise in those fields.<sup>72</sup> Zeng even ascribed his grandfather's recovery from an illness and his career promotion to the careful positioning of his grandmother's grave.<sup>73</sup> No person reading Zeng's letters in Qing times would have perceived a contradiction.

Elite criticisms of popular practices could also indirectly acknowledge uncomfortable realities of local administration. As a rule, officials bemoaned litigation of all types even though they adjudicated legal cases throughout the dynasty. To the imperial state, litigation represented worrying cracks in the moral order. Consider also non-degree-holding “runners” employed to do the dirty work of local governance. As revealed by Bradley Reed, these functionaries were rhetorically scorned for their subordinate position to examination-passing officials even as they were essential for many administrative functions, ranging from criminal fact-finding to tax collection.<sup>74</sup> Official rhetoric did not always align with governing realities.

Qing officials took fengshui seriously and typically knew something about it. They also expressed concern that commoners might misinterpret fengshui or be deceived by unscrupulous professionals. The widespread anxiety about reliable knowledge and skill—the pervasive fear of being cheated, framed, or

harm—drove the Qing state to issue the *Imperially Endorsed Treatise on Harmonizing Times and Distinguishing Directions*, to annually distribute the imperial calendar (*Shixian li*, or Timely Modeling Calendar; renamed *Shixian shu*, or Timely Modeling Book, in 1735), to appoint and employ Yin-yang officers with learned expertise, and to engage fengshui directly through the courts.<sup>75</sup> Occasional words of concern and critique mattered, but government actions spoke the loudest.

## Sichuan Province and Historical Change

Sichuan Province is home to two of the most extensive county-level government archives from the Qing dynasty: the collections of Ba County, available from the 1980s, and those of Nanbu County, which have risen to prominence since the beginning of this century. Sichuan's geographical isolation spared it from much of the destruction caused by the Taiping Civil War (1850–64) and other definitive conflicts of the past two centuries, allowing government records lost elsewhere to be preserved intact in the province. As geographical and temporal context helps in understanding legal disputes, this section introduces the history of Nanbu County and Sichuan province.

Sichuan was transformed from a frontier province in the early Qing to a breadbasket of the empire by the 1800s. After the province's devastation in the 1600s, the newly established Qing dynasty encouraged migration into the province with the promise of cheap land and low taxation.<sup>76</sup> Migrants arriving from Hubei Province and elsewhere faced several decades of tiger attacks, indicative of Sichuan's resurgent forests during the population decline of the Ming-Qing interregnum.<sup>77</sup> Over the 1700s, the tigers retreated as the forests were cut down, their timber sold for construction or charcoal, and much of the land transformed for intensive agriculture.<sup>78</sup> The population boomed. Land, once plentiful, became scarcer. By the end of the dynasty, Sichuan had more than forty-eight million residents, making it the most populous in the empire. For its part, Nanbu County's population grew from seventy thousand in the early 1700s to over six-hundred thousand by 1912—a nearly tenfold increase compared to a fivefold increase nationally over the same period.

Nanbu shared some features with Ba, though the two counties' fortunes diverged with time. Both were geographically large and had roughly commensurate populations before the rapid commercial expansion of Ba's urban core at Chongqing in the second half of the 1800s. Illegal underground organizations ("secret societies") proliferated in the patchwork of rural migrant communities in both counties and across Sichuan, especially in the 1800s.<sup>79</sup> While both counties lay along the Jialing River, Ba rested at its intersection with the Yangzi, connecting the county to the wealthiest regions of the empire and

allowing trade to flourish. Ba's farms yielded more than twice as much land tax as Nanbu's and saw higher rates of landlordism by the 1800s.<sup>80</sup> By contrast, officials described Nanbu with phrases like "mountains are many, and fields are few; the soil is infertile, and the people are poor."<sup>81</sup> Early twentieth-century surveys found that over 75 percent of Nanbu agriculturalists owned some of the land they tilled.<sup>82</sup> Regions with low tenancy had fewer protections for tenants, and officials serving in them devoted considerable attention to the survival and sustainability of family units.<sup>83</sup>

No inauspicious events were recorded in the county prior to 1778, after which floods, droughts, and famines became increasingly commonplace.<sup>84</sup> A conflict often considered the turning point in the dynasty's fortunes, the White Lotus Rebellion (1796–1804), engulfed Northern Sichuan, resulting in the killing of a Nanbu magistrate by the rebels.<sup>85</sup> To pacify the rebellion, the Qing relied on militia groups and the mobilization of the rural elite, who thereafter accumulated considerable power in local society. Through this elite, the government obtained basic information about the county's vast territory, which extended for over 2,200 square kilometers. Plenty of information remained concealed to authorities however, and entire swaths of the region's landscapes were not formally charted until provincial surveyors arrived in the 1930s.

The desire of a newly arrived population to claim land in the face of an increasing scarcity of resources for construction, burial, irrigation, and mining contributed to fierce competition over fengshui. Claimants in court had incentives to insist that their land had cosmic significance, not least because doing so increased the gravity of legal claims. For their part, magistrates governed the county and adjudicated disputes within the confines of available information. Remember that magistrates were almost always outsiders in the counties where they served because the so-called rule of avoidance prohibited them from holding office in their home provinces. In the absence of personally acquired local knowledge, magistrates had to rely inordinately on information provided by yamen underlings, on data contained in any available documents, and on oral testimonies offered by litigants at trial.

This final observation is critical for historicizing the book's argument. People engaged fengshui in law since the beginning of the Qing dynasty and centuries before. However, during the dynasty's second half, fengshui took on heightened salience in legal and political discourse. Officials in Sichuan and beyond expressed concern regarding increased conflicts over land, minerals, and trees. To explain these trends, some highlighted cultural problems, such as the preponderance of greedy diviners said to delude the people; others highlighted material ones, such as population pressures and the diminishing of natural resources.

Regardless of their precise diagnoses, officials found it helpful to invoke, engage, and practice fengshui in court to help resolve disputes and to maintain order during the social, economic, and environmental challenges of the mid-to-late-Qing era. Considering fengshui in contestations over development helped officials maintain stability, which was their most important task in office. This legal and political context must be understood to situate concerns over industrialization late in the dynasty, when a dramatic debate—spanning the nature of law, the governing responsibilities of the Qing state, and the best strategy for responding to Western encroachment into China—unfolded across the bureaucracy. Resonating far beyond the palace walls of Beijing, those debates brought fengshui to the wider world's attention.

### Sources and the Scope of the Argument

The Nanbu Collection is the second largest county archive in China. In 1960, the remarkable collection was discovered tucked away on the dusty shelves of the county's public security bureau. Not long after, the government transferred the collection to Nanchong City, where it survived the Cultural Revolution under the protection of military guard. In the ensuing decades, scholars at Southwest China Normal University in Nanchong spearheaded the drive to use the archive as a means to exhaustively analyze local administration during the Qing dynasty.<sup>86</sup>

Methodologically, the archive has been used to overturn received wisdom about the era based on more conventional sources such as gazetteers, which were locally compiled records of a county, prefecture, province, or temple. Wu Peilin has shown that the average magistrate served in Nanbu for far shorter periods than the commonly cited length of three years for county officials.<sup>87</sup> With turnover high due to illness, death, mourning obligations, or dismissal, provincial authorities often made temporary or acting appointments, which temporary appointments, which outnumbered direct appointments from Beijing throughout the dynasty. As gazetteers did not record all these men, their tenures would be unknown without the archive. Even with the existing range of gazetteers, handbooks, and edicts, understanding what was happening in the Qing remains a challenge without access to raw and unedited records, which government staff assumed might never be reread.

The sixteen months I spent in Nanbu, Nanchong, and Chengdu, in addition to the publication of the archive's index (2010) and the subsequent publication of the collection itself (2016), permit a preliminary analysis of the frequency of fengshui-related litigation during the Qing.<sup>88</sup> A total of 11,071 litigation files are preserved in Nanbu's archive dating from the Yongzheng reign (1722–35) to the end of the dynasty. Because a single file may contain more than one legal

case, the aggregate number of all cases remains to be determined. Nonetheless, within the collection at least 1,192 legal cases concern graves, trees, burials, temple properties, and house and ancestral hall layouts (Appendix A).<sup>89</sup> For some of these cases, fengshui was cited in a lawsuit's opening lines, while for others it was implicitly invoked (e.g., "forbidden trees," "illicit burial," "[geomantic] obstruction," etc.). Since the archival preservation rate is higher for the nineteenth century than the eighteenth, it is challenging to estimate change over time. However, inferences are possible.

Clerks belonging to one of seven county yamen departments processed submitted legal petitions: war, personnel, works, punishments, revenue, rites, and salt. Two departments, rites and works, handled most cases involving disputes over land claims arising from tensions over field boundaries, irrigation, inheritance, temples, lineage estates, houses, burials, and graves.<sup>90</sup> For relatively well-preserved files of the Guangxu era (1875–1909), these two departments processed on average twenty-seven cases over graves, trees, and burials per year. Those cases represented a significant percentage of all disputes involving landed property. The sixty-nine surviving grave-related cases from the Daoguang era (1821–51; Appendix A) constitute at least a third of all land disputes surviving from that era.

This rough estimate can be compared to data from the Ba Archive. Wei Shunguang's research on that collection indicates that 26 percent of land disputes in Ba County from 1821 to 1838 concerned graves, burial, and trees, which at face value is resonant with Nanbu's files for roughly the same period.<sup>91</sup> There are reasons for caution, however. The Ba Archive is roughly six times larger than Nanbu's and contains many lawsuits related to commercial activities in Chongqing.<sup>92</sup> A greater percentage of Nanbu's files may well concern routine disputes over land and graves. In any case, comparing data drawn from two archival indexes with differing labeling systems is fraught with potential problems. These caveats aside, graves were legally overrepresented in both counties relative to the space they occupied on land, underscoring their importance for claiming land and contesting territory throughout the dynasty.

Nanbu's percentage of case files directly or indirectly related to fengshui was not high compared to other areas of China. In some regions, fengshui was cited as the subject of most legal disputes. A native of Huizhou (a region today split between Anhui and Jiangxi provinces) and an early Qing official, Zhao Jishi (1628–1706), observed that "people in Huizhou ascribe great importance to the theories of fengshui and among routine disputes that become lawsuits, almost half concern it."<sup>93</sup> Echoing similar sentiments, the judicial administrator of Hunan Province, Zhou Renji (1696–1763), lamented in a public notice that every time local courts opened for lawsuit submissions, people contesting fengshui presented half of the complaints.<sup>94</sup> In Jiangxi Province, the 1782 gazetteer



for Ganzhou, a prefecture bordering Fujian and Guangdong provinces, claimed that over half of all local litigation concerned fengshui.<sup>95</sup> Taiwan's Dan-Xin Archive, which echoes practices found along the southeastern coast of China proper, contains "thirteen cases alleged about the fengshui of graves, many more than lawsuits over land boundaries."<sup>96</sup> Thirteen is too small a sample to say much, but the trend is clear.

Some provinces with notably high rates of fengshui litigation belonged to the broader Jiangnan (lit., "South of the [Yangzi] River") region, which had distinct socioeconomic and cultural characteristics. Jiangnan was the wealthiest area of the country. For this reason, its lineages composed detailed genealogies, which often included expansive geomantic maps of ancestral properties and gravesites. With more resources available to prepare, Jiangnan's scholars passed the civil examinations, which were the primary route to office-holding in late imperial times, at rates and absolute numbers higher than anywhere else. There was an assumed link between success in the exams and favorable fengshui. In parts of Jiangnan and Guangdong, reburial, which involved exhuming the bones of the deceased and moving them to a more advantageous spot, was enthusiastically pursued.<sup>97</sup> Reburial made the dead mobile and unsurprisingly produced higher rates of geomantic litigation.<sup>98</sup> Reburial was especially common in places where fengshui allegedly drove around 50 percent of legal caseloads.

While Sichuan's rates of fengshui litigation did not reach those of southeast China, there are reasons to consider it a useful lens into Qing governance. Jiangnan is blessed with many written sources, including gazetteers and genealogies, yet surprisingly lacks extensive county court records. This lacuna has meant that historians have not viewed courts considering geomantic questions in real-time. The archival wealth of Nanbu, a place not known for having especially favorable fengshui, fills that gap. Its archive also reveals what officials needed to maintain the rural order, including things that elites perhaps took for granted in the southeast: healthy family units, hopeful scholars, ample timber, peaceful mining, community consensus, and basic geographic information about the counties they governed. As commoners, scholars, and officials faced off in court, fengshui was often on the negotiating table.

Of the legal cases concerning graves, trees, or fengshui in Nanbu's archive, I draw on the contents of 310 case files in the following chapters, including many cases containing judicial maps (Appendix B). Those files are complemented by a hundred cases from the Ba and other archives from Sichuan and Taiwan. An additional ninety cases are drawn from the palace collections of Beijing and Taipei, precedent cases, judicial handbooks, and local gazetteers. These sources, which reveal fengshui's widespread importance as a social and legal phenomenon, have been complemented by intensive research

into genealogies, published writings of officials, and diplomatic and missionary sources.

Perhaps the most unconventional sources of this book, fourteen geomantic manuals are invoked throughout the chapters. The Qing state oversaw the completion of two of these manuals, *Imperially Endorsed Treatise on Harmonizing Times and Distinguishing Directions* and *Correct Doctrines of Fengshui*. An additional two manuals originate from Sichuan Province. A Beijing-based Manchu author compiled another in the late Qing. Finally, commercial presses in southeastern provinces published the remaining nine manuals over the Ming and Qing dynasties. Some concern houses, some are about graves, and several cover temples, pagodas, academies, furnaces, oil-press shops, mill-stones, bridges, mining, and irrigation matters. All contain information that was as relevant to Sichuan's petitions, verdicts, and official orders as it was to the provinces of the southeast, where most of the manuals originated. Even some legal cases from central and northern China, such as Shaanxi, Shandong, and Zhili, invoked principles in these manuals. Despite certain regional variations, many geomantic principles found expression across China during the Qing period.

## Chapter Summaries

Appreciating fengshui's roles in governance requires first establishing its significance to various status groups and sectors of Qing administration on the ground. Accordingly, four chapters are broken down by theme: graves, maps, examinations, and mining. Each chapter pays attention to change over time, which spans from the early 1800s through the 1870s, except for exceptional cases dating from slightly earlier or later. The final fifth chapter tackles a period of crisis in the late Qing—from the 1870s to 1912—which saw sustained political discussions over Western encroachment and industrialization across the empire.

The story begins with a chapter on grave litigation. Qing law strongly protected graves, and everyone knew it. Residents enthusiastically sought out auspicious lands, which resulted in many fengshui disputes over graves, trees, and ancestral properties. Some created fake graves, adopted anonymous graves of uncertain pedigree, and composed contracts filled with geomantic information to claim and manage land. A growing population meant that magistrates needed to resolve the steady stream of trenchant disputes over land, but many had little reliable information with which to work. Knowledge of fengshui enabled well-informed magistrates to express their authority in courts of law while resolving disputes in terms that were relevant and acceptable to rural communities.

The next chapter shifts away from why courts engaged fengshui to how they did so. During the Qing, powerful lineages placed detailed geomantic maps of gravesites into their genealogies to stake ancestral claims to land and hedge their bets in case of a lawsuit. Handbooks for officials, cognizant of the difficulties in adjudicating related cases over land, recommended that properties in dispute because of fengshui be formally mapped for consideration in court. Magistrates ordered such maps drawn up by governmental affiliates and interpreted them in court to resolve ongoing disputes. Some officials referenced geomantic principles in court to prove their interpretations of land were correct. The government's mapping of graves, houses, and temples underscored their importance to the dynasty and broader society. Over the last century of Qing rule, Nanbu's court mapped more landscapes in dispute because of graves and fengshui than any other category of property lawsuit.

Chapter 3 moves from commoners to scholars, exploring deployments of fengshui in gentry petitions concerning the civil examinations. The term "gentry" refers to local elites who held scholarly degrees by passing one or another of the state civil service examinations or by purchase. Although scholars in Northern Sichuan passed exams at fair rates in the early Qing, by the turn of the nineteenth century, the provincial capital at Chengdu had risen to provincial dominance while Nanbu and its surrounding counties produced few successes. With local success hard to find, magistrates actively tried to improve local fengshui by moving educational structures, building pagodas, and protecting culturally sensitive landscapes. Sichuan's scholars recognized the power of leveraging fengshui in court petitions and often did so to exert their influence. Fengshui's ties to the examination system were manifested through many local contentions over public space and even came to involve the area's Muslim community.

The following chapter explores mining in Sichuan. With many mines opening in the 1800s, extraction could be contentious from a legal standpoint. Because Qing law recognized fengshui as a valid reason to ban mining, litigants appealed to it to exert control over mineral extraction in their communities. Miners and quarriers of salt, coal, and stone knew the rules of the game. They sought insurance against litigation, often through employing their knowledge of fengshui or hiring resourceful ritual specialists, particularly Daoists. Anxieties over social unrest, exams, agricultural production, and the arrival of Western business interests became more pronounced during these decades, and officials looked for ways to influence public opinion regarding fengshui—generally to justify leaving minerals in the ground. The chapter's focus is not on whether these mining bans protected environments but on what the government's actions reveal about Qing politics and law at a time of considerable economic and demographic change.

The book concludes with a reevaluation of the infamous debates over industrialization. Ambitious infrastructure projects were not new in China's history, but the late Qing's legal, economic, and geopolitical contexts were. Qing opponents of industrialization were not naïve or technophobic. Instead, they offered coherent arguments based on imperial law and legal precedent. Scholars and officials cited the evidence of natural disasters and social unrest to argue that dynastic and provincial fortunes were seriously declining—and that harmed fengshui was a reason. The evidence was hard even for some proponents of new industrial development to completely dismiss. The context of the previous four chapters helps explain why the stakes of these discussions were so high, not least for establishing legal precedents and expectations across the country, including in Sichuan. After Qing codified law changed to accommodate the infrastructural demands of industrial capitalism in the early twentieth century, reverberations were felt widely—even in the remote county of Nanbu.

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