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## Afterlives of the Dead: Uncovering Graves and Mishandling Corpses in Nineteenth-Century China

**Abstract** The late imperial Chinese state made a concerted effort to regulate the bodies of the dead. The statutes and substatutes of the *Qing Code* not only specified how and when corpses were to be buried, but they also criminalized the exposure, manipulation, alteration, and destruction of dead bodies. Through an examination of legal cases related to the crime of “uncovering graves” (*fāzhong*), this article explores the uses and abuses of corpses in early nineteenth century China. It argues that dead bodies presented a unique problem for the state. On the one hand, laws related to uncovering graves were intended to keep corpses in their proper places. Once a corpse was buried, it was supposed to be fixed—ritually, materially, and spatially. Unfortunately, this ideal could never be fully realized, since corpses were always in motion. They decomposed; they shifted in the earth; they were exposed by soil erosion; and they were subjected to degradation over time. Moreover, they were disturbed, moved, manipulated, gathered, divided, circulated, and even consumed medicinally by others. In other words, many corpses had interesting and eventful social lives. This article explores some of these lives in an effort to illuminate how the state attempted to manage and control intractable bodies during the nineteenth century.

**Keywords** Qing law, corpses, grave robbing, grave desecration, *fāzhong*, *Xing’an huilan*

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### Introduction

In 1827, two men, Chen Hongnan and his associate Zhang Dongcai, were walking along a country road in Jiangsu province when they saw something that attracted their attention. Just off the road, in a farm field owned by a man named Xue Shengmao, they spotted what appeared to be a coffin protruding out of the

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ground. It was covered loosely with soil, suggesting perhaps that the body had been recently interred, and one end of the coffin had been damaged by wild animals. Seeking to make the most of a fresh corpse, Chen later persuaded Zhang to help him use the body in an extortion scheme. Under the cover of night, the two men went back to the burial site and with a wooden board dug up the coffin, pulled out the corpse, and took turns hauling the corpse on their backs until they arrived at a field belonging to Chen Yuguang, where the body was finally dumped. Needless to say, this turn of events put the latter in an uneasy predicament, since he now would have to explain to his neighbors—and the authorities—how a corpse managed to find its way into his fields. The two corpse robbers demanded a sum of money and a measure of grain from Chen Yuguang, ostensibly as payment for the corpse’s immediate removal. Probably feeling that he had no other option, Chen Yuguang paid the extortionists off, at which point the two men removed the body from his land, buried it in the local charitable graveyard, and split the proceeds from their body-snatching escapade. Shortly thereafter, they were arrested and sentenced for the crime of “uncovering old and dilapidated graves and exposing the corpse.”<sup>1</sup>

The details of this criminal case—exposed coffins, hungry beasts, roving corpses, and greedy opportunists—highlight the legal challenges the late imperial Chinese state faced in regulating the bodies of the dead. The statutes and substatutes of the *Qing Code* not only specified how and when corpses were to be buried, but they also criminalized the exposure, manipulation, alteration, and destruction of dead bodies. Through an examination of legal cases related to the crime of “uncovering graves” (*fazhong*), this article explores the uses and abuses of corpses during the Qing dynasty. It argues that through its *fazhong* laws the state attempted to impose its own legal definition of what a corpse was and how it should be treated. In particular, the laws attempted to stabilize the corpse either by fixing it or by regulating its movement. In the end, as I will argue, this was a difficult problem for the state to manage for two reasons. First, the desire to fix the corpse did not sufficiently take into account the materiality of the body. Second, legal prescriptions for the proper handling of corpses could not contain the many alternative uses for dead bodies that were available in Qing society. Thus, despite the desire to stabilize the dead body through legal measures, corpses were always in motion, and as a result, many of them had interesting and eventful afterlives. This article will explore some of these lives in an effort to illuminate how the state attempted to manage and control dead bodies during the Qing. It concludes that *fazhong* cases provide a useful window through which we can view anxieties surrounding the corpse in popular culture, the cult of ancestors, population

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<sup>1</sup> Zhu Jinping, *Xing'an huilan: liushijuan*, 20:11b.

pressures, and the limits of state power.

Most of the material contained here comes from several sources: the statutes and substatutes related to *fāzhong* in the *Qing Code*; the seventy-one *fāzhong* cases in the *Xing'an huilan* (Conspectus of Penal Cases); as well as compilations and commentaries on the code such as Xue Yunsheng's *Duli cunyi* (Lingering Doubts while Reading the Substatutes).<sup>2</sup>

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## The Legal Corpse

One of the primary venues within which the state attempted to assert its authority over dead bodies, as well as its vision for how corpses should be properly handled, was through the legal system. In particular, laws devoted to the crime of “uncovering graves” (*fāzhong*), as well as the commentaries written to assist in their adjudication, suggest that the Qing state had a fairly well-defined set of expectations about how dead bodies should be processed, stored, and managed. Indeed, these discussions explained what it meant to be a good and proper corpse—what I shall call the “legal corpse”—in Qing China. In employing this term, I am not suggesting that the corpse was important to the state solely as a legal entity and did not have other vital religious, political, and social significances. Rather, I am arguing that a particular characterization of the ideal corpse emerges in legal documents and reflects specific legal concerns, most of which are discussed further below.

The *Qing Code* includes seven statutes that fall under the heading of *fāzhong*, all of which can be found in Article 276. These statutes are enumerated as follows:

The first is a general statute describing the crime of uncovering (*fājue*) graves;

The second deals with the uncovering (*fājue*) of graves for those within the five degrees of mourning;

The third is a general statute that describes crimes that involve mutilating, destroying, or discarding a corpse (*huiqi, canhui*);

The fourth relates to those who mutilate, destroy, or discard (*huiqi*) the corpses of relations within the five degrees of mourning;

The fifth concerns the failure to cover bones immediately after they were exposed; it also covers cases where coffins or corpses have been damaged as a result of smoking out foxes (*xunhu*);

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<sup>2</sup> Zheng Qin and Tian Tao, *Da Qing lili*; Zhu Jinping, *Xing'an huilan: liushijuar*; Xue Yunsheng, *Duli cunyi dianziban*.

The sixth deals with cases where graves have been leveled (*pingzhi*) so they can be used as farm fields or gardens;

The seventh involves a failure to report the existence of a corpse in the jurisdiction (*bushenbao*).<sup>3</sup>

The crime of *fazhong* was first described in the *Tang Code*. All of the statutes described above were adopted directly from the *Ming Code* with the exception of the fourth—mutilating or destroying the corpse of an inferior relative. In addition to these seven statutes, a total of twenty-three substututes were added over the course of the Qing dynasty that specified a range of crimes.<sup>4</sup>

From the term used to classify these statutes and substututes—*fazhong*—one would surmise that this set of laws was concerned primarily with “uncovering graves.” While this is true in certain cases, the statutes actually covered much more than simply disturbing graves. When we examine the twenty-three substututes, it becomes clear that these laws criminalized a broad range of activities. Indeed, we can identify at least ten different categories of behavior that were covered by these laws:

- Failing to report (*bushenbao*) the presence of a corpse in the area
- Leveling (*pingzhi*) graves
- Uncovering (*fajue*) graves and corpses
- Robbing (*dao*) graves
- Robbing coffins by “sawing seams and boring holes” (*jufengzuokong*)
- Discarding, destroying, or mutilating (*huiqi, canhui*) corpses
- Extorting money (*suocai*) from others using coffins or corpses
- Burying corpses without authorization (*toumai, touzang*)
- Exhuming and mutilating (*paohui*) a suspected drought demon
- Setting fire to coffins or corpses while smoking out foxes (*xunhu*)

It is clear from this list that the laws were not simply about uncovering or robbing graves, but were primarily about mishandling corpses—not reporting their presence, disturbing them, moving them, hiding them, damaging them, exposing

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<sup>3</sup> Zheng Qin and Tian Tao, *Da Qing lili*, 408–13. For a serviceable English translation of these statutes, see Jones, *The Great Qing Code*, 260–63.

<sup>4</sup> The number of substututes varied greatly over time. Seven substututes were added after the first edition of the *Qing Code* was published in 1647. After the second edition of the *Code* was published in 1740, an additional sixteen substututes were added. Yet even these substututes were altered with some regularity. In fact, *fazhong* substututes were altered in nineteen different years between 1740 and 1870, when the last change was made. Eighteen of these changes took place between 1746 and 1852. See Xue Yunsheng, *Duli cunyi dianziban, juan 31*.

them, discarding them, and so forth. As a result, when taken as a whole, the substance of this set of laws is much broader than the term *fazhong* would suggest.

So, how do model casebooks such as the *Xing'an huilan* suggest these laws were to be applied? As some scholars have pointed out, the *Xing'an huilan* (*XAHL*) has certain limitations as a source.<sup>5</sup> It tends to provide summaries of cases, so it is less valuable than archived, full cases for understanding how these laws were applied in practice at the local level. The *XAHL* has another limitation in that most of its cases date from the early nineteenth century, which means that it can provide us with a snapshot of the state of legislation at that time, but the cases it contains are not necessarily representative of other periods. For example, its cases on *fazhong* come overwhelmingly from the Jiaqing and Daoguang reigns (1796–1850). Despite these shortcomings, the *XAHL* is useful in understanding the legal principles at work in the statutes and substatutes, and it provides an influential model of adjudication that county magistrates were urged to follow in their own decisions. For these reasons, it is a valuable aspirational text that can help explain what judicial outcomes the state considered to be most desirable in the early nineteenth century.

The bulk of the seventy-one *fazhong* cases included in the *XAHL* fall into three broad categories: uncovering (*fajue*) cases, robbery (*dao*) cases, and cases involving the inappropriate handling (*qihui*) or burial (*touzang*) of dead bodies. Although there is some overlap among these three categories of crimes, each was handled in a slightly different manner.

For example, in adjudicating grave “uncovering” (*fajue*) cases, the primary legal consideration was the degree to which the offender penetrated the grave assemblage and whether or not the corpse was exposed in the process. In other words, it was the exposure, not the robbing, that was the principal consideration. This is clearly stated in a case from the *XAHL*. In Jiaqing 20 (1815) in Fengtian, a man named Mi Yu was walking down the road when he saw the corner of a coffin that had been exposed by the elements protruding out of the ground. The coffin housed the remains of a woman surnamed Wang (née Xu). Mi Yu dug out the coffin, and when he was done, he set fire to the lid of the coffin to warm himself in the cold weather. Later, a man named Zheng Jingshun came along, and the two decided to strip off the woman Wang’s grave clothes and sell them. They then discarded the corpse, which was subsequently mauled by wild animals. Mi and Zheng were both arrested and sentenced to strangulation after the assizes. One of the questions that came up in this case was whether or not the intent to rob a grave should be considered in sentencing. In response, the *XAHL* stated clearly, “In investigating the statutes on *fazhong*, the emphasis is on whether the coffin is

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<sup>5</sup> See Sommer, *Sex, Law, and Society in Late Imperial China*, 24.

opened and the corpse exposed, regardless of whether or not there was a desire to rob.”<sup>6</sup>

So, the question that was asked in investigating these uncovering cases was whether the corpse was exposed, and in cases where the corpse was not exposed, how close the offender came to stepping over this line. In this way, the statutes and substatures enumerated a hierarchy of crimes that was arranged according to the degree of penetration of the grave that was achieved. Trivial crimes involved nothing more than disturbing the dirt around graves. More serious crimes involved digging deeper into the grave and exposing the enclosure that held human remains, such as a coffin, jar, bag, or mat. Some substatures dealt specifically with a practice referred to as “sawing seams and boring holes” (*jufeng zuokong*)—which involved sawing or drilling into coffins to steal clothing without exposing the corpse. More serious offenses involved exposing or touching the corpse; stripping a body was worse than not stripping in this regard because it required touching and disturbing the corpse. The most serious crimes involved mutilating or discarding a corpse that had been buried.

In grave “robbery” (*dao*) cases, the primary legal consideration was first on the location of the corpse—whether or not it was buried. The key distinction made in the statutes was between a corpse that had already been buried, and one that had not yet been given a funeral or a permanent burial (*weibin weimai*). If the corpse was buried, then the case automatically became one of uncovering. If it was not buried, then the relevant concern was where the corpse was in the process of burial when the offense was committed. As a body progressed through the stages of preparation and interment—the encoffining, the funeral, the burial—the legal status of the corpse was correspondingly transformed. As a result, the offense became more serious the closer the corpse or the coffin was to its final resting place. This obviously posed problems in cases of temporary burial (*fucuo*), which was quite popular in some parts of China, where the encoffined corpse was either not buried or buried incompletely for a period of time—sometimes decades—before it was buried permanently. Understandably, the law treated *fucuo* as being an intermediary stage somewhere between funeral and burial.

The least serious class of offenses dealt with doing something with corpses that was deemed inappropriate. Sometimes these cases involved fresh corpses that resulted from other crimes such as homicide, where the perpetrator sought to hide, alter, or destroy a corpse. Other times these cases involved unauthorized burials, where a perpetrator buried a corpse on a piece of land to which he or she did not have rights. Regardless of which class of crime we are talking about, factors such as the relationship between the perpetrator and victim; the nature of the

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<sup>6</sup> Zhu Jinping, *Xing'an huilan: liushijuan*, 20:13a.

manipulation (was the corpse unharmed, burned, dismembered); and whether the corpse was lost. All had a bearing on the severity of the crime.

Considering this seamless gradation of crimes, it is perhaps not surprising that officials in the early nineteenth century had some difficulty in adjudicating *fazhong* cases. This was not an issue when the facts of the case were relatively straightforward, but there was a surprising amount of complexity in many cases. Some of this had to do with the nature of the Chinese legal system and the imperative to sort out the relationship between perpetrator and victim, especially mourning relations as specified in the *fuzhi* system of mourning. Other times, it had more to do with the nature of the crime itself. Put simply, categories that were codified in the law were often unequipped to deal with the facts in the case. As a result, even basic questions about what it meant to be “buried,” what constituted a “grave,” and how to define a “coffin” were difficult to answer in certain cases. For example, in a case from Jiaqing 15 (1810) in Jiangsu province, a man named Xu Guichang asked his friend Lu Mingshan to help him exact revenge on a man named Huang Bangyan. Apparently, Xu had asked Huang for his assistance in some unspecified matter. But Huang had refused, and this refusal angered Xu. Consequently, Xu and his friend Lu decided to exhume the corpse of a young girl who had recently died, the granddaughter of a man named Zhu Shangming. The girl had been wrapped in a mat and buried in her grandfather’s field. Xu and Lu knew where she was buried, so they went to the burial site, dug out the grave using their hands and tree branches, and removed the corpse. They then decapitated the young girl and put her dismembered corpse in a basket which they left in Huang’s field. They were later apprehended. Xu was sentenced to strangulation after the assizes, and his accomplice Lu was sentenced to military exile.<sup>7</sup>

In reviewing this case, the Board of Punishment focused on the question of whether or not the offenders were guilty of “opening a coffin” (*kaiguan*). In this case, of course, the girl’s corpse was wrapped in a mat, not in a coffin. The Board suggested that being wrapped in a mat was equivalent to being placed in a coffin. The reasoning behind this was quite interesting. The first statute on *fazhong* specified that one could be prosecuted for uncovering graves, opening the coffin, and exposing the corpse even if the grave did not contain a corpse. There was a provision in the statute that protected the graves of individuals whose souls were called and buried in the grave (*zhaohunzang*). This term referred to a process by which individuals whose bodies were unavailable for burial would have their *hun* souls invested in some object, such as grave clothes, which would then serve as a substitute for the corpse. The Board reasoned that since a coffin without a corpse

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<sup>7</sup> Ibid., 20:11a.

was protected under the law, a corpse without a coffin—in this case a mat—should be protected as well.<sup>8</sup> Cases such as these served to define the key terms and concepts related to this particular crime. By the mid-nineteenth century, when the *XAHL* was published, the overriding legal concern was determining the degree to which an offender had penetrated the “grave core” in which the corpse and/or *hun* was located and whether its contents were exposed.

Not surprisingly, the punishment for *fazhong* crimes also depended on how close the perpetrator got to the grave core and what the perpetrator did once he or she got there.<sup>9</sup> Punishments could be increased or reduced, depending on the relationship between perpetrator and victim, as well as other mitigating factors. For example, the law was more lenient in cases where the grave was “ancient” and had already collapsed; and social juniors who committed crimes against their social superiors typically received heavier sentences. This was not always the case, however. In one case from Shaanxi province in Jiaqing 21 (1816), a man named Li Zuohua was charged with necromancy. Following the advice of *fengshui* specialists, he opened the grave of his father in order to inspect the condition of his corpse. It was thought that by examining the state of decay of one’s ancestors, including the color of their bones, it was possible to determine the fortunes of the decedent’s descendent. If this had been a simple case of son opening the coffin of his father and inspecting the corpse, Li would have been sentenced to immediate beheading. Yet since he did not damage the corpse and evidently did not know any better, he only received a punishment of 100 strokes of the heavy stick and lifetime exile at a distance of 3,000 *li*—not a light sentence, but it was far more lenient than he might have otherwise received. In this case, the mitigating factor was simply the gullibility of the perpetrator.<sup>10</sup>

If we step back for a moment, it becomes fairly clear from the preceding discussion what the Qing state expected of its dead bodies. First, they should be

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<sup>8</sup> Ibid.

<sup>9</sup> In the broadest terms, the punishments were as follows. Uncovering (*lajue*): The basic punishment (*benzui*) for uncovering buried corpses was 100 strokes of the heavy stick and penal servitude (*tu*) for three years for uncovering a grave without reaching the coffin; 100 strokes of the heavy stick and lifetime exile (*liu*) at a distance of 3,000 *li* for uncovering a grave and exposing the coffin; and strangulation after the assizes for uncovering a grave, opening the coffin, and exposing the corpse. Mutilating or discarding (*qihu*): The basic punishment for mutilating or discarding unburied corpses was 100 strokes of the heavy stick and lifetime exile (*liu*) at a distance of 3,000 *li*. Leveling (*pingzhi*): Leveling graves was to be punished with 100 strokes of the heavy stick. Unauthorized burial (*toumai*): Unauthorized burial earned 80 strokes of the heavy stick. See Zheng Qin and Tian Tao, *Da Qing lili*, 408–10.

<sup>10</sup> Zhu Jinping, *Xing’an huilan: liushijuan*, 21:8a.

buried. Corpses properly belonged in the soil, and since at least the Ming dynasty, the state had issued laws criminalizing cremation and water burial.<sup>11</sup> Second, corpses should be accounted for and properly marked. The statutes and substatutes required that dead bodies be reported to the authorities, so they could be properly managed. They also discouraged the defacement or effacement of burial sites through vandalism or leveling. Third, bodies were to be properly covered and contained. Ideally, a body was clothed, encoffined, and buried; at the very least it was to be enclosed in some kind of protective apparatus, whether a coffin, a mat, or a jar. Fourth, bodies should be immobilized and undisturbed. The ideal corpse was one that was buried in one place and remained there permanently. Although ritual prescriptions existed to move corpses from one place to another—and the practice of secondary burial has remained standard in parts of southern China into the contemporary period—this was clearly less desirable under the law than designating and maintaining a permanent resting place. Certainly any attempt to move corpses surreptitiously, unceremoniously, or without the proper authorization was proscribed. Finally, bodies should be undamaged and undivided. The law criminalized all behavior that resulted in physical damage to a corpse, whether through cremation or dismemberment, and it specified harsher punishments for people who either entirely destroyed a corpse or otherwise disposed of it so it could not be recovered.

So, at the end of the day, what did these laws hope to achieve? Above all else, these laws sought to insure that corpses were put in their proper places and kept there. It is perhaps an obvious point to make that the relationship between dead ancestors, living descendants, and the soil they both shared was supposed to be permanent and indivisible, at least in the normative ritual and social order. After all, only when the corpse regime was stable could ancestors predictably receive the veneration they were due. Ideally, once a corpse was buried, it was fixed—ritually, materially, spatially, and legally.

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## The Dynamic Corpse

The problem, as some of the cases discussed above have already shown, is that corpses did not stay put. There are at least two reasons why this was the case. First, corpses were material objects and, like all matter, they were in a continuous process of transformation. They decomposed; they shifted in the earth; they were exposed by soil erosion; they were prone to fragmentation and dispersal. Second, corpses were social objects. They were disturbed, moved, manipulated, gathered,

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<sup>11</sup> Jiang Yonglin, *The Mandate of Heaven and the Great Ming Code*, 79.

divided, circulated, and even consumed medicinally by others. For these two reasons, corpses were always in motion. *Fazhong* laws at the most basic level attempted to counteract these tendencies, but this was ultimately a futile endeavor. Things fall apart, and there was not much the Qing state could do about it. Moreover, not everybody shared the state's view of what corpses were and how they should be handled. Clearly, a corpse was something very different for filial descendants than it was for grave robbers. Corpses could simultaneously be an economic asset, as well as an economic liability. They could be an object of veneration, as well as a source of pollution. They could be marshaled as evidence against you, or they could be used to incriminate others. Corpses were embedded in a variety of social and practical contexts, which meant that people used them in different ways. As a result, there was no single perspective from which to approach the corpse, despite the efforts of the state to keep corpses in place, to keep corpses whole, and to keep graves intact.

As for this last point—keeping graves intact—one of the most pervasive threats to the integrity of the grave was posed by grave robbers. People were buried with precious goods that were supplied to the dead so they might be properly provisioned in the afterlife. As a result, graves often were a target for common thieves. Of the 71 cases in the *X AHL*, 21 involved theft of some kind, and 8 involved robbing multiple graves, which suggests that grave-robbing was a potentially lucrative activity for certain criminals who had the required skills and motivations. Such thieves were interested in stealing clothing, jewelry, beads, and other valuables. Interestingly, it appears that women's graves may have been the target of robbery more often than those of men. Of the twenty-one grave robbing cases, fourteen involved plundering women's graves. This could be a statistical anomaly, but there is reason to suspect it is not. In cases where multiple graves were robbed and we know the gender of the corpse, women were always targeted disproportionately. In other words, those who were in the business of robbing graves may have searched out women's graves more often than men's graves. It is unclear why this was the case, but it may have had something to do with the value of women's burial goods, which often contained jewelry in addition to clothing.

We see this pattern in a case from Jiangsu province in Jiaqing 17 (1812), where a man named Wu Maoqi persuaded a woman, surnamed Zhang (née Zhang), to help him rob the ancestral graveyard of He Jintang. Wu and Zhang opened the grave and coffin of one of the He women (née Liu) and exposed the corpse. They then opened the stone vaults of two other He women (née Xu and Ling, respectively) and found the coffins, corpses, and grave clothes to be entirely deteriorated. Wu Maoqi took some items out of the graves, including some iron nails, which he handed off to Zhang for safekeeping. The two were later arrested,

and both were sentenced to strangulation after the assizes.<sup>12</sup>

Burial goods were not the only target for thieves; there is also some evidence that thieves plundered graves to steal parts of coffins and even corpses themselves, which could be used medicinally and for talismanic purposes. There are reports from the late Qing that coffin nails were being used as talismans. This is corroborated by the case above, in which nails were stolen from a coffin. There are also reports that coffin wood was being used as medicine.<sup>13</sup> Indeed, corpses themselves also had medicinal value. For example, in Qianlong 24 (1759), a man named Pan Shixiang returned home after having a run-in with the law. He had recently been convicted of extortion and had been punished by the authorities with a beating of the heavy stick. Smarting from his wounds, Pan remembered that he had read in an old medical text that the bones of a dead child could be compounded with safflower (*honghua*) and red peony (*chishao*) to create a medicine that could be consumed as a treatment for wounds suffered from corporal punishment. Subsequently, he learned that a man named Chen Jienian had just buried his one-month-old son, Duanguan, at the edge of the public cemetery. Pan then went to the graveyard and exhumed the infant's corpse, which was wrapped in white cloth and red paper. He set fire to the corpse, at which point the boy's father smelled acrid smoke and came running. The father apprehended Pan before the fire did any damage to the corpse itself, although the boy's wrap and clothing were burned. Pan was eventually sentenced to strangulation after the assizes.<sup>14</sup>

It is unclear what the medicinal market for corpses was in the late imperial period, but until we have more evidence, we have to assume it was very small. This is the only case we have from the *X AHL* where a buried corpse is used for medicinal purposes. What is apparent from this case is that knowledge about corpse medicine was readily available and perhaps even widely known. The remedy that Pan was trying to recreate can, in fact, be found in similar form in Li Shizhen's *Bencaogangmu*, where roasted human bones are prescribed to treat wounds suffered during corporal punishment.<sup>15</sup> Again, it is uncertain how often this kind of behavior occurred, but cases like this certainly would have generated considerable anxiety about protecting the corpses of one's relatives.

Of course, thieves were not the only ones who threatened the integrity of the grave: family members, neighbors, and acquaintances were guilty of this as well.

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<sup>12</sup> Zhu Jinping, *Xing'an huilan: liushijuan*, 20:12b.

<sup>13</sup> For a discussion of nails, see Doolittle, *Social Life of the Chinese*, 309; medicines made of coffin wood are discussed in DeGroot, *Religious System of China*, vol. 4, Bk. 2, 404–5.

<sup>14</sup> Zhu Jinping, *Xing'an huilan: liushijuan*, 20:11a.

<sup>15</sup> See Cooper and Sivin, "Man as Medicine: Pharmacological and Ritual Aspects of Traditional Therapy Using Drugs Derived from the Human Body," 248.

People moved corpses and uncovered graves for a few different reasons. They did so, first of all, to take advantage of the productive capacity of graves; after all, graves were nothing more than *embodied land*. Graves were situated on land that very often could be used as farmland, so families for whom land was in short supply might be tempted to level their ancestors' graves in order to cultivate crops. In the *X AHL*, we read the sad story of Han Yuming, a poor farmer in Zhili who in Jiaqing 23 (1818) plowed under as many as sixty of his ancestors' graves in order to clear the ground to plant crops. He was eventually turned in, not surprisingly, by other members of the Han family. In the end, he was arrested and exiled to Heilongjiang.<sup>16</sup> This kind of behavior is corroborated by Tom Buoye who, in his study of Qing homicide, includes several cases where families leveled their graveyards in order to use them as farm fields.<sup>17</sup>

In addition to clearing agricultural land, people moved corpses and uncovered graves in an attempt to secure and preserve auspicious gravesites for their ancestors. The dynamic of this problem is familiar to most of us. The comfort, maintenance, and protection of the dead constituted one of the primary responsibilities owed to one's ancestors. Yet it was not only an important barometer of filiality; the care of the dead was also thought to have critical influence on the prosperity of descendants. As a result, families were expected to provide suitable and auspicious gravesites for their ancestors, and they were expected to protect these graves from encroachment and harm by others. The demand of both provision, on the one hand, and protection, on the other, indicates one of the key issues in many *fāzhong* cases. As people actively sought to secure the most favorable burial sites for their dead, they naturally came into conflict with others who had similar objectives. As a result, those who controlled these sites needed to be constantly vigilant against those who sought to adversely possess them, while those who did not own them had an incentive to surreptitiously enjoy their benefits.

The competition over auspicious gravesites is most visible in cases that involve the unauthorized burial and removal of corpses, of which there are eight in the *X AHL*. Typically in these cases, one party would bury ancestors either near or in the graves of another family, after which the second party would lodge a protest against the first party or dig out the offending corpse and remove it themselves. A case from Guangdong province in Qianlong 49 (1784) illustrates this dynamic nicely. Five or six generations of Xie family ancestors were buried behind the grave of Chen Yinglian's grandmother. The Xie family graves had not been properly cared for, and over the years, they had become derelict and ramshackle.

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<sup>16</sup> Zhu Jinping, *Xing'an huilan: liushijuan*, 21:7a.

<sup>17</sup> Cf. Buoye, *Manslaughter, Markets, and Moral Economy: Violent Disputes over Property Rights in Eighteenth Century China*, 142–43.

On one occasion, members of the Xie family came to sweep the graves and discovered their sorry state. At that point, Xie Linting decided he would renovate the graves and restore them to their proper condition. Chen Yinglian heard of their plan and worried this would harm the *fengshui* of his grandmother's grave, so he falsely accused the Xie family of mistakenly identifying the boundaries of their ancestral graves. The magistrate was called in to mediate, and he decided that the Xie family was in the right and should proceed with the renovation. However, when the new stone grave marker was erected by the Xie family, the Chen family razed it. Xie Linting was determined to build a new one, but Chen Yinglian heard about the plan and threatened to once again destroy it. Xie Linting was incensed and asked one of his relatives, Xie Huairen, for help in digging out the grave of Chen's grandmother, which they did. They exhumed the corpse and buried it elsewhere, after which the authorities once again got involved. Both parties were arrested. Xie Linting was sentenced to strangulation after the assizes, and his accomplices were sentenced to exile. For lodging a false accusation against the Xie family, Chen Yinglian was sentenced to 60 strokes of the heavy stick and one year of penal servitude.<sup>18</sup>

Considering the problems that the presence of graves could generate—both geomantically and legally—there was an incentive to eliminate graves from property before it changed hands. In effect, people were asked to “deconsecrate” the land for others so it might benefit from better *fengshui*, thereby increasing its value. This phenomenon highlights the ambivalence of the corpse in Chinese society: one family's consecrated ancestor was another family's toxic waste. To cite just one example, there was a case in Jiaqing 21 (1816) in Jiangxi province in which a man named Zhu Dongsheng wanted to buy land from Zhou Renshu; however, the piece of property just happened to contain the Zhou family's eighth-generation patriarch. Zhu—the buyer—wanted Zhou—the seller—to remove the corpse, in order to improve the *fengshui* of the property. Zhou agreed and began to dig out the grave. Once he began digging, however, he discovered that the coffin was completely rotten and his ancestor's remains were entirely exposed. At this point, Zhou tried to gather the remains in a jar and bury them elsewhere, but he was arrested before he could do so. Zhou was sentenced to immediate beheading—reduced one degree from the more serious punishment of slow slicing—and Zhu was sentenced to military exile in remote borderlands.<sup>19</sup>

What is interesting about this case was a precedent that the Board of Punishment invoked when it reviewed the case. Specifically, it was considering whether Zhu's punishment of military exile had been too harsh. It was a case from Jiaqing 16

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<sup>18</sup> Zhu Jinping, *Xing'an huilan: liushijuan*, 21:8a–b.

<sup>19</sup> *Ibid.*, 21:5b–6a.

(1811) in Anhui province, where a man named Wen Gan decided to bury his wife in the ancestral graveyard of Wu Tingyue. Evidently, the Wu family was quite prosperous, and Wen wanted to benefit from this prosperity. Wen enlisted two unrelated associates to help him dig out the Wu family graves, which they discovered were thoroughly decayed, so the bodily remains were inadvertently exposed. At this point, Wen Gan and his accomplices decided that they would each bury family members in the graves. As a result, the three men took the bones of their own family members and buried them in two of the Wu family graves—two in one grave and one in another. Afterward, they were all arrested. The Board reasoned that since Wen did not intend to expose the bodily remains, his sentence should be reduced. As a result, he was ultimately sent into military exile.<sup>20</sup> What I find so interesting in this case is the unexpected issue of mass burial. If Wen and his accomplices had been successful, there would have been five different corpses from four different families buried in two graves. How or whether these offenders thought they would perform the necessary graveside rituals on occasions like *qingming* is unclear, but apparently it was not an insurmountable concern!

It is worth pointing out that these *fengshui* cases—both unauthorized burial, as well as unauthorized removal—may have been somehow related to land ownership. In a recent article entitled, “Property, Taxes, and State Protection of Rights,” Anne Osborne argues that, in addition to contracts and tax documents, the presence of graves was one of the primary means through which property claims could be substantiated. In other words, graves could help to prove ownership.<sup>21</sup> For this reason, there was an incentive not only to maintain a connection to one’s ancestral grave plots, but there was undoubtedly an incentive to eliminate old graves from property to nullify any future claims by another family. We do not know if this was a factor in the preceding cases, but it is certainly plausible. Similarly, corpses and graves could be used to encroach on property owned by others—burying corpses without authorization on or near someone else’s land in order to adversely possess it. Mark Allee has evidence that this was an effective strategy in Taiwan; in one article, he cites several cases where families who buried relatives on other people’s land were not required to move them.<sup>22</sup> Ostensibly, this was because the goal of keeping corpses buried was sometimes more expedient than punishing encroachment. As a result, we have to be open to the possibility that some of these disputes may have been about asserting property

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<sup>20</sup> Ibid.

<sup>21</sup> Osborne, “Property, Taxes, and State Protection of Rights,” 143–45.

<sup>22</sup> Allee, “Code, Culture, and Custom: Foundations of Civil Case Verdicts in a Nineteenth Century County Court,” 131–32.

rights, as much as they were about *fengshui*.

Finally, people moved, damaged, or discarded corpses in order to conceal their own crimes or to incriminate others. In general, cases that involved the illicit transportation or mutilation of corpses fell into two categories. The first category involved using corpses to extort or implicate others. I have already discussed two of these cases: The case described in the opening paragraph, and the case above, in which Xu Guichang asked his friend Lu Mingshan to help frame an acquaintance by using a girl's decapitated corpse. The second category involved hiding or disposing of corpses in order to avoid criminal prosecution. This included cases when an offender committed a crime and sought to cover it up, as well as cases when bystanders wanted to avoid scrutiny by the authorities. An example of the second category is a case from Guangdong province in Daoguang 5 (1825). A man named Deng Dajing had some clothes and a bamboo suitcase stolen by a burglar who had entered his house during the night. Since it was getting close to the New Year, he did not report the case. Later, on his way to the market, he spotted a man, Huang Shengran, who was selling the very suitcase that had been stolen from Deng's house. Deng confronted Huang, who confessed frankly that he had, in fact, stolen it. Huang then dropped the suitcase and fled. Deng chased after him. When Deng eventually apprehended Huang, Huang picked up a stick and proceeded to attack Deng, injuring him on his left hand and right foot. But then Deng was able to wrest the stick away from Huang. Once he was armed, Deng struck Huang on the head with the stick, and Huang immediately died of the wound. Fearing that Huang's relatives would collect the corpse and report him to the authorities to face prosecution, Deng asked Yu Yisheng to help him burn the corpse to eliminate all evidence of the crime. Deng was arrested and eventually sentenced to 100 strokes with the heavy stick.<sup>23</sup> Here we see that the concern was not only the unauthorized killing of Huang Shengran, but also the mishandling of his corpse—in this case, burning the corpse and disposing of it.

In certain *fazhong* cases, the mishandling of the corpse could lead to some interesting outcomes. For example in a case from Sichuan in Daoguang 4 (1824), a man named Zhuo Mingyuan beat his wife to death after catching her *in flagrante* having adulterous relations with another man. After killing her, Zhuo put her corpse in a basket and deposited it in the woods under the cover of night.<sup>24</sup> What is notable about this case is that under Article 285 in the *Qing Code*, it was entirely legal for a man to kill his wife on the spot if he caught in her in an adulterous act, but it was illegal for him to abuse her corpse in any way after he was done. Thus, Zhuo Mingyuan was eventually sentenced to 60 strokes of the heavy stick and

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<sup>23</sup> Zhu Jinping, *Xing'an huilan: liushijuan*, 21:1b–2a.

<sup>24</sup> *Ibid.*, 21:2b.

penal servitude for a year—not for killing his wife but for inappropriately disposing of her corpse!

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## Conclusions

What can we learn from these cases? First of all, they help us interpret stories about corpses in the broader culture and the anxieties about the grave and the corpse that such stories reflect. After all, popular literature is filled with gruesome stories of the dead. I would like to talk briefly about Melissa Macauley's work on this topic, since she has written a book on pettifoggery that includes a chapter on a phenomenon she calls "body snatching." Since she has written one of the more widely read studies in English that deal with corpses in nineteenth century China, I would like to clarify one important issue that she raises. One of the key arguments she makes in the chapter in question concerns the role of corpses in pettifoggery cases. I will not rehash her entire argument, but she suggests in her book that many of the stories about corpses that we see circulating in the Qing are sensationalized and do not appear to be substantiated in the legal record. Specifically, she says that only one of the forty-six false accusation (*wugao*) cases she uses involves damage to a corpse. In reference to a man surnamed Zhang who mutilated his cousin's corpse during a land dispute, Macauley writes,

This was the only case out of 46 that involved any desecration of a corpse. Zhang may have been uniquely depraved; crushing the skull of a dead cousin and transporting his rotting corpse a great distance to attack relatives at the very least testifies to the power of anger generated in family land disputes. But whereas the anger and hatred and ill-advised false accusation may have been common in south China, the mutilation of corpses was not. There is no doubt that similar cases occasionally occurred, and one could spend a lifetime in the archives trying to track them down. But they were not routine, even in the non-routine practice of false accusation of murder, with all of its otherwise gory scenarios. Tales of extensive bodily mutilation constituted a lower Yangzi representation of a cultural practice and another example of the rhetoric of disproportionate extrapolation from highly unusual cases.<sup>25</sup>

The problem that I have with this assessment is that Macauley is probably looking in the wrong place if she is interested in finding mutilated corpses. It is not surprising to me that her cases do not include them, since cases that involved mishandling a corpse would likely have been tried according to *fazhong* statutes

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<sup>25</sup> Macauley, *Social Power and Legal Culture: Litigation Masters in Late Imperial China*, 202.

instead of false accusation statutes, which is what she is using.

In comparison, the *XAHL* includes eight cases out of 71 where the corpse is mutilated or damaged (usually burned); an additional 8 include the discarding of a corpse; and eleven more deal with the moving or unauthorized exhumation of corpses. Thus, 27 of 71 cases (37.5%) include the most egregious forms of corpse violation and manipulation, which of course does not include the nearly 21 cases that deal with grave robbing of one sort or another. Seen in this light, stories about the manipulation of corpses do not seem so far-fetched. I am not suggesting that we need to accept stories in popular literature at face value. However, there were clearly people who engaged in this kind of activity, and there were even groups of criminals that systematically plundered graves. Thus, the anxiety about bodily disintegration and peripatetic corpses that we see reflected in certain forms of literature might have more basis in fact than Macauley allows.

These *fāzhong* cases also help us to understand better the practice of the cult of ancestors. There has been a tendency over the years to view the grave primarily as a ritual site where family members carry out activities on behalf of the dead, for their ancestors' benefit as well as their own. As a result, I would argue that there has been an "idealization" of the cult of ancestors and the grave in the secondary literature. What I mean by this is that there has been a tendency to interpret widespread prescriptions about filiality and the veneration of ancestors as historical descriptions of the way things really were. Undoubtedly, this has something to do with the fact that ritual texts are one of the most plentiful sources of information we have on the grave. Nevertheless, there are at least two reasons this idealization is a problem. First, it overstates the degree of harmony within the family, both living and dead. In other words, it accepts the myth that Chinese children were filial, despite the fact that much of what we know about Qing society would suggest that prescriptions about filiality were often ignored. In other areas of the law, we regularly see family members assault, kill, rape, and rob their family members. Why would we expect the grave to be any different? To provide some basis for comparison, nearly a third of the *fāzhong* cases in the *XAHL* are crimes among family members. These cases help us to see that other concerns were sometimes more important than being filial.

Second, this idealization is a problem because it lulls us into thinking the cult of ancestors can be understood solely in terms of its intra-family dynamics. I would argue that we have a tendency to see the grave as an extension of the family as a ritual unit. But graves—and the corpses they contained—were located in a liminal deathscape that in many ways filled the spaces between families, a kind of familial no-man's land. Corpses were, in many respects, public bodies—*vulnerable* public bodies. These cases remind us that the cult of ancestors was to a large extent a competition among families for wealth, for land, for auspicious gravesites, and so forth. While most families undoubtedly did what they could to bury and provide

for their ancestors, they fought a constant battle against forces, both natural and human, that conspired against them. In this sense, *fāzhong* cases also help us see the cult of ancestors in material rather than ideological or ritual terms. It is not that these aspects of the cult of ancestors are not important—they are. But it is useful to keep in mind how ancestor veneration required access to certain social, political, and economic resources in order to be performed properly. The cult of ancestors was in many respects a rich man's game. Families needed money to clothe, house, and sustain the dead. They needed surplus land upon which to bury the dead. They needed to be able to maintain their standard of living over time, for multiple generations. They also needed to continue to live in the area. Migrant or mobile populations undoubtedly had difficulty in protecting their ancestral graves during long absences. For most Chinese families, the likelihood of fulfilling the demands of a proper burial must have been nothing short of fantasy.

In addition, the incidence of *fāzhong* may have changed in response to changing material conditions in the eighteenth and nineteenth centuries. The most important of these changes was demographic. As China's population tripled over the course of the dynasty, the pressure on land correspondingly increased. It is difficult to know precisely whether burial lands were becoming scarcer over the course of the Qing. Yet we do have some evidence that this was, in fact, the case. We can look first at the anecdotal evidence provided by cases in the *X AHL* in which people inadvertently uncovered coffins or corpses while digging family graves or going about their daily business. The impression one gets is that as populations moved outward and upward, they increasingly impinged on traditional burial spaces. Second, we have several cases of unauthorized burial in the *X AHL* that state explicitly that people buried their ancestors illicitly in lineage burial grounds after they were told there was no longer any room left for them. As a result, we can infer that by the early nineteenth century it was becoming increasingly difficult for families to find space for the dead. Reading these cases brings to mind Thomas Laqueur's statement about crowded eighteenth century English cemeteries, when he writes, "The compacting, composting, jostling, and intermingling of corpses and coffins—in various states of repair—was a permanent condition."<sup>26</sup> The irony, of course, is that the very success of the Qing state in increasing its population—long seen as a barometer of good governance in Chinese political culture—was also undermining its ideological and practical control of the grave, as corpses proliferated in the nineteenth century.<sup>27</sup>

One possible consequence of this proliferation is that mass burial increased over

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<sup>26</sup> Laqueur, "Spaces of the Dead in Modernity," under "Hygenics and the Effacement of Bodily Corruption."

<sup>27</sup> My thanks to Christian de Pee for suggesting this connection.

the course of the dynasty. Mass burial, especially the joint burial of husbands and wives, had been practiced in China from early in its history, and this continued into the early nineteenth century. But one question is whether this might have become more widespread as pressures on the land increased. I cannot definitively answer this question, but there are several cases in the *XAHL*—one of which I discussed earlier—that mention the practice in passing, which suggests that as land became scarcer and more expensive, people might have begun placing more bodies in a single grave.

Finally, these cases encourage us to think about how corpses were known and how this knowledge informed broader social and political processes. As I suggested earlier, the state's primary ideological concern was with promoting filiality, which was facilitated by a stable corpse regime that allowed ancestors to predictably receive the veneration they were due. Graves, and the laws that protected them, played a key role in this regime because the grave preserved corpses as epistemologically recognizable entities and positioned corpses spatially as key coordinates in social circuits. In other words, the state needed a certain kind of corpse to make present its ideological commitments to the social and political order, and graves enabled this to happen. The point I would like to stress here is that the stability the state so eagerly sought was largely an illusion, one that did not come easily. Indeed, it took a lot of work to be a corpse in Qing China. Corpses did not just exist, but were *made* through the investment of considerable labor and care by interested parties. What made a corpse a corpse was the fact that it was differentiated and preserved through practices such as washing, encoffining, burying, venerating, protecting, and legislating. Indeed, without all the effort that went into upholding the grave as an inviolable space, corpses in a very real sense would not have been possible. They would physically cease to exist as entities, as they became mobile, anonymous, unhinged, and dispersed into the soil. Thus, it was precisely the vulnerability and transience of corpses that compelled the living to organize around their care and protection. That is, we make corpses, but they also make us.<sup>28</sup> In this regard, one of the key distinguishing characteristics of a corpse was its precariousness, as it sat perched between the forces of making and unmaking, thingness and nothingness. It is the movement of dead bodies back and forth across this axis that *fazhong* laws in the early nineteenth century allow us to observe.

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<sup>28</sup> For an excellent discussion of many themes in this paragraph—dependency, labor and care, and stability, see Hodder, *Entangled: An Archaeology of the Relationship between Humans and Things*, especially Chapters 1 and 10.

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