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## The Power of Ancestors: Tombs and Death Practices in Late Qing China's Foreign Relations, 1845–1914

Shanghai was among the first five treaty ports to be opened to Europeans by the Treaty of Nanking, signed after the Qing Empire (1644–1911) was defeated by the British in the First Opium War (1839–1842).<sup>1</sup> A wall poster from the early 1850s, currently in the collection of the Cambridge University Library, gives a rare glimpse of how people in Shanghai reacted to the arrival of foreign powers:

To the households who have farmland or graves outside the North Gate of the City, on the Second and Third Land Registers: Our ancestors' tombs and farmland are being confiscated by foreigners for road construction. The [area affected] is about ten square *li*, marked with concrete sticks.... Households victimised by the destruction, like mine, should take up weapons to chase out the [foreigners] and should not just sit by idly. After the tombs are destroyed, it will be too late for regret. From the first day of the second month, listen for the sound of gongs and then take action. This is to be widely advertised. After this poster is hung, in the spirit of solidarity, regardless of whether you are of Ningbo origins, Guangdong origins, or local resident, whoever helps the foreigners dig up farmland and graveyards for road building will be killed when the gongs sound.<sup>2</sup>

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<sup>1</sup> For the opening of treaty ports see John K. Fairbank, *Trade and Diplomacy on the China Coast: The Opening of the Treaty Ports, 1842–1854* (Stanford: Stanford University Press, 1969; first published 1953).

<sup>2</sup> The wall poster and a similar hand-copied poster belong to the uncatalogued Chinese collections of Cambridge University Library. They are also published in 王庆成 Wang Qingcheng, 稀见清世史料并考释 *Xijian qing shi shiliao bing kaoshi* [*Source Book of Rare Archival Documents of the Qing*] (Wuhan: Wuhan Chuban She, 1998), 35–6. My thanks to Charles Aylmer, the head librarian, for clarifying the information on these two documents.

The protection of ancestral tombs, together with farmland, is the animating motivation of this poster. People were ready to kill to protect these ancestral legacies. Europeans in China acquired land in this period for a variety of reasons, including the setting up of concessions, mining, and the building of consulates, homes, warehouses, offices, roads, and railways. When colonial authorities attempted to obtain land on which tombs were located, the possibility that these might be destroyed aroused anti-foreign feeling, because tombs were sites of ancestor worship. As a custom with a long and involved history, ancestor worship was vitally important to traditional Chinese society.<sup>3</sup>

There is no recorded evidence that the violence threatened in the wall poster actually broke out, but the poster reveals how ancestral tombs became a rallying point for resisting attempts at land acquisition by the foreign community. Not all resistance involved calls to arms like the one in Shanghai. Yet whenever there was local unrest of this kind, the colonial authorities, the Qing central government, and the local community were forced to the negotiation table. Concessions, more often than not, were offered by the Europeans to the Chinese.

This paper recounts how tomb land and death practices— in particular, the belief in *feng shui* and the practice of keeping bodies for long periods in mortuaries for funeral ceremonies or for a return to the ancestral home for burial—featured in the process of colonial land acquisition.<sup>4</sup> It explores how the belief system played a role in late Qing China's foreign relations—specifically how it empowered popular and governmental

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<sup>3</sup> The earliest systematic description of Chinese death practices in anthropological style was achieved in 1868 by Justus Doolittle in his book: *Social Life of the Chinese: A Daguerreotype of Daily Life in China* (London: S. Low, Son, and Marston, 1868), chapters five to eight, pp.104-181. Following that Jan Jakob Maria de Groot published in 1892 his comprehensive and detailed study on Chinese death culture, entitled *The Religious System of China: Its Ancient Forms, Evolution, History and Present Aspect, Manners, Customs and Social Institutions Connected Therewith*, 6 vols. (Leyden [Leiden]: E. J. Brill, 1892).

<sup>4</sup> For a general history and comprehensive discussion on Chinese funerals see 杨晓勇 Yang Xiaoyong and 徐吉军 Xu Jijun, *中國殯葬史 Zhongguo binzang shi [A History of Chinese Funerals]*, 4 vols. (Beijing: Zhongguo Shehui Chubanshe, 2008). For a history of death in Shanghai from 1840s to the 1950s see Christian Henriot, *Scythe and the City: A Social History of Death in Shanghai* (Stanford: Stanford University Press, 2016); for death history in the urban environment of Beijing see William R. Jankowiak, *Sex, Death, and Hierarchy in a Chinese City: An Anthropological Account* (New York: Columbia University Press, 1993) and Daniel Asen, *Death in Beijing* (Cambridge: Cambridge University Press, 2016). For studies on rural communities, see James L. Watson and Evelyn S. Rawski (ed.), *Death Ritual in Late Imperial and Modern China* (Berkeley: University of California Press, 1988).

resistance to imperial expansion.<sup>5</sup> At the grassroots level, the possible destruction of ancestral tombs tapped into powerful collective emotions that mobilised local populations. Officials offered vigorous support for local resistance efforts, since death-related religious practices were manifestations of the dynastic imperial ideology. In late Qing China's interaction with the West, the death practices became a political force to be reckoned with.

This paper views tombs and death practices of every Chinese person, commoners or not, as part of the religious-political fabric of Qing China. Protections of tombs and the performance of death rituals were responsibilities of the descendants as much as of the government. The *Great Qing Code (Daqing Lüli)* specified how and when corpses were to be buried, and criminalised the 'exposure, manipulation, alteration, and destruction of dead bodies.'<sup>6</sup> Tomb protections could trump land ownership, as evidenced by the case from 1880s Taiwan in which a descendant's right to maintain an ancestral grave was upheld even though he did not own the piece of land.<sup>7</sup> In another example, the leader of the Li clan of Guangdong province's Shunde District was plagued by guilt when selling a piece of land in 1752, the proceeds of which were designated for ancestor worship—not even selling the tomb land per se.<sup>8</sup> With their elevated legal and sociocultural position, tombs were sites of conflict, and sometimes become targets of destruction during clan feuds.<sup>9</sup> Within a clan, tombs could become embroiled in family politics as members fought over the right to worship an ancestral tomb that was believed to contain fortuitous *feng shui*.<sup>10</sup> Funeral rites were equally sacred. Governor General Duanfang (1861-1911), for example, lost his job in 1909 because under his

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<sup>5</sup> The main archival sources of this article are documents belonging to the foreign ministries of the Qing (Zongli Yamen) that are now housed in the archives of Academia Sinica, Taiwan. Records of treaties, treaty negotiations and other related document in libraries and archives in Taiwan, China, and the UK have also been consulted, in order to provide context for the cases examined.

<sup>6</sup> Jeff Snyder-Reinke, "Afterlives of the Dead: Uncovering Graves and Mishandling Corpses in Nineteenth-Century China", *Frontiers of History in China*, 11:1 (2016), pp.1-20; Weiting Guo, "Social Practice and Judicial Politics in 'Grave Destruction' Cases in Qing Taiwan, 1683–1895", in Li Chen and Madeleine Zelin (eds.), *Chinese Law: Knowledge, Practice, and Transformation, 1530s to 1950s* (Leiden: Brill, 2015), pp.84-123.

<sup>7</sup> Mark Allee, "Code, Culture, and Custom: Foundations of Civil Case Verdicts in Nineteenth Century County Court", in Kathryn Bernhardt, Madeline Zelin, and Philip Huang (eds.), *Civil Law in Qing and Republican China* (Stanford: Stanford University Press, 1994), pp.131-132.

<sup>8</sup> Thomas Bouye, *Manslaughter, Markets, and Moral Economy: Violent Disputes over Property Rights in Eighteenth Century China* (Cambridge: Cambridge UP, 2000), pp.142-143.

<sup>9</sup> Guo, "Social Practice and Judicial Politics in 'Grave Destruction'", pp. 92-93.

<sup>10</sup> Rubie Watson: "Remembering the Dead: Graves and Politics in Southeastern China", in Watson and Rawski (ed.), *Death Ritual in Late Imperial and Modern China*, pp. 203-226; *Inequality among Brothers: Class and Kinship in South China* (Cambridge: Cambridge University Press, 1986), pp. 88-90.

watch photographs were taken during Empress Dowager Cixi's imperial sending off procession.<sup>11</sup>

These records indicate that death practices were central in the nexus of political power in the Chinese society. When the practices were interrupted by the uninitiated foreigners, controversies surrounding death rituals burst into China's foreign relations just at the time when the late Qing state was seeking to counter European imperial expansion. Death-related religious practices were thus transformed from domestic sociopolitical issues into a potent source of conflict in China's foreign relations. This paper documents how culturally deep-rooted death practices empowered resistance to European colonial expansion. Conflicts over tomb land and death rites contributed directly and indirectly to the development of China's anti-foreign movements and to the national quest to reclaim sovereign rights.<sup>12</sup> It is a piece of history about how the living protected the dead and the dead empowered the living.

### **Protecting the Dead**

The Qing government, the local elite, and the commoners all played a role in resisting the destruction of tombs and traditional death rites. The examples provided in this section prove that because tombs were sites of ancestor worship—thus giving them symbolic political meaning in the Qing imperial state ideology—they were likely to stir up resistance if their existence were threatened. In protecting ancestral tombs, officials and the local elite were attempting to prevent the erosion of political power rooted in the Confucian-Daoist tradition of ancestor worship. When facing the possible destruction of ancestral tombs, a clan leader could win the support of an official by appealing to these shared religious emotions.

In 1887, the Hospital for Women and Children in Fuzhou, founded by the Woman's Foreign Missionary Society of the Methodist Episcopal Church of the United States, wanted to expand its premises after a decade of success in its medical mission.<sup>13</sup> As the land

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<sup>11</sup> *North China Herald*, 27 Nov 1909.

<sup>12</sup> For an overview of anti-foreign sentiment in this period, see Kuang-Sheng Liao, *Antiforeignism and Modernization in China* (Hong Kong: Hong Kong University Press, 1990). For reclaiming of sovereign rights see for instance, En-han Lee, *China's Quest for Railway Autonomy, 1904–1911: A Study of the Chinese Railway-Rights Recovery Movement* (Singapore: Singapore University Press, 1977) and 李恩涵 Lee, En-Han, 晚清的收回礦權運動 *Wanqing de shouhui kuangquan yundong* [*The Movement for the Recovery of Mining Rights in the Late Qing*] (Taipei: Academia Sinica, 1963); Roberta Allbert Dayer, *Bankers and Diplomats in China 1917–1925: The Anglo-American Experience*. (London: Routledge, 2013), pp. 15–23.

<sup>13</sup> For an account of the hospital see Frances J. Baker, *The Story of the Woman's Foreign Missionary Society of the Methodist Episcopal Church, 1869–1895* (New York, 1896), 155–63.

contained tombs, however, opposition arose from local elders and the gentry, some of whom had been given nominal official titles or were waiting to be appointed as officials. They were the elite of the local community. Twenty-three of them signed a petition arguing that sale of land to the church had not been agreed to by the whole community and was therefore invalid. What angered them most was seeing that the foreigners had already dug up seven graves and cut down pine trees planted around the tombs to attract auspicious *feng shui*. ‘The scene was truly saddening and everybody was upset,’ wrote the petitioners of the village.<sup>14</sup>

The Qing officials in charge of treaty port matters in Fuzhou sided with the local community and informed the missionaries that the land sale had not been properly registered and that building work would have to cease. Faced with this opposition, the American consul in Fujian, Joseph C.A. Wingate (in office 1880–1890), asked the governor-general to intervene. He argued that the sale had already been agreed to and that the landowners, who had subsequently been arrested for making the sale, should be released immediately. The case was finally settled after a year of negotiations. Given that the hospital was a charitable enterprise and the damage to the tombs had already been done, the local elites agreed that the hospital could continue to use the land that had already been developed. But the untouched tomb land that would have to be returned to the owner. The Qing authorities also reiterated the prohibitions against building on tomb land in the area.<sup>15</sup>

Compromises were offered by both sides in the dispute between the American missionaries and the people of Fuzhou, but that was not the outcome in a case of Russian land acquisition in the port of Yantai. In 1902, when the Russians stationed in Yantai wanted to move their consulate into the area where Europeans gathered, they had their eye on a nearby cemetery belonging to the Liu clan. The owners refused to sell the land, however, saying that they could not bear to witness the desecration of ancestral tombs. The governor of the province reported that the clan head was weeping in his office, and he believed the sentiments voiced reflected genuine sentiment rather than a ploy to extract a higher price. Upon learning of this, Russian officials agreed to respect the custom of venerating ancestors and pressed the case no further. When they instead expressed they would buy the land in the future if the clan

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<sup>14</sup> Academia Sinica, Taiwan, dossier 01-18-059-01. (‘Sinica’ hereafter). Past and Present generally doesn’t use Chinese characters. If Chinese characters are to be used, it’s better to put the author’s name in characters, then in pinyin; then the title in characters, followed by pinyin.

If using pinyin English translation follows in a square bracket.

It’s better to put pinyin titles in lower case, apart from the first word or for some proper nouns.

<sup>15</sup> Ibid. The governor-general was 楊昌濬 Yang Changrui (1826–1897).

head changed his mind, the Qing central government warned the governor never under any circumstances to sell the land to foreign nationals to pre-empt possible diplomatic rows.<sup>16</sup>

A tomb conflict in Anhui became even more complicated than the disputes in Yantai and Fuzhou. A three-hundred-year-old grave was at the centre of the province's mining rights recovery movement between 1905 and 1908.<sup>17</sup> The London and China Company signed a deal in May 1904 that granted the right to mine iron ore in exchange for a contribution of £50,000 (400,000 *liang*) to the local government, a sum which amounted to half of the province's annual budget. In 1905, local elites—including the titled gentry, landowners, and merchants of the province—petitioned the government to abandon the plan and raised 10,000 *liang* to set up a mining company of their own to replace the British venture. Their efforts failed, however, and the British project went ahead.<sup>18</sup>

When the London and China Company began building roads towards the mine, however, they damaged the ancestral tomb of the Pan family, prompting the governor of Anhui to complain to the Qing foreign ministry, arguing that there was a great possibility of social unrest, especially given the reputedly fearless character of the locals. The governor and the local elites together used the damage to the Pan family's tomb to initiate a movement aimed at recovering mining rights, even though there was only a single tomb involved and the damage was limited.<sup>19</sup> A local newspaper, set up specifically to whip up patriotic sentiment, reported on the incident and made the more general claim that ancestral tombs were under threat.<sup>20</sup> The Anhui elite's commercial interests and their patriotic movement for the recovery of mining rights merged into a form of economic nationalism. The local officials and the local elite stirred up public anger over tomb damage to raise the stakes in their bargaining with Qing central government and successfully forced it to renegotiate with the foreigners.

Faced with the threat of public unrest, the company agreed to give up its mining rights, but asked for £400,000 pounds, later reduced to £275,000, as compensation for the investments already made in equipment and road construction. The British minister in Beijing intended to back down after learning that the company's contracts with the Qing government

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<sup>16</sup> Sinica, dossier 02-11-011-01. The governor was 張人駿 Zhang Renjun (1847–1927); Yantai, old name: Chefoo.

<sup>17</sup> For the movement for the recovery of mining rights in Anhui see Lee, *Wanqing de shouhui kuangquan yundong*, 163–75. For history of modern mining see Tim Wright, *Coal Mining in China's Economy and Society 1895-1937* (Cambridge: Cambridge University Press, 1984).

<sup>18</sup> Sinica dossier 02-04-018-03.

<sup>19</sup> Ibid. The governor of Anhui was 誠勳 Cheng Xun.

<sup>20</sup> 安徽俗話報 *Anhui suhua bao* [*Anhui Vernacular News*], 14 Aug 1904.

were expired when the company damaged the tomb. The company, however, managed to raise the issue in the British parliament, where the foreign secretary, Edward Grey (1862–1933), was forced to take up the issue, though he did not commit himself to any specific course of action. After three years of wrangling, the two sides agreed that the Qing government would return the company's £50,000 contribution and pay £2,000 compensation.<sup>21</sup>

These examples testify to the complexities of tomb-land issues. When a tomb was destroyed, it could be a genuine heart-felt grievance as expressed by the local elites in Fuzhou and the Liu clan in Yantai. But it could also serve as the rallying point for other nationalist or economic purposes, as in the case in Anhui, where anger over the threat to ancestral tomb land was used by the locals together with the local government to advocate for the return of mining rights. In the Fuzhou case, the locals and the officials were not uncompromising; they could be reconciliatory and pragmatic when charitable work was involved and tombs had already been dug up. The government, in short, believed that it was in its interest to protect tomb land both because of prevailing ideology and out of deference to local sentiment. Both the government and the local community were not averse to compromise, however, when it served local interests and suited government policy toward foreign powers.

In general, the archival documents show that foreign land acquisition involving tombs had the potential to arouse collective emotions—anguish, sadness, hatred and shame—which would rally locals to protest and resist. Officials then often stepped in to express their concerns to foreign representatives and to negotiate.

### **Tomb Land and *Feng Shui* Diplomacy**

The power of the ancestors lay dormant but manifested when facing destruction. Its power was derived from widely shared religious practices that combined popular customs for ancestor worship, Confucianism, and Daoism. According to popular beliefs, ancestors had access to deities who would decide one's fortune based on whether the descendent behaved morally and provided the necessary nourishment to their ancestors in the form of food, incense and joss paper burnt as currency for the afterlife, offered in front of the tomb or a memorial tablet at home.<sup>22</sup> The *feng shui* (alignment with perceived natural forces) of tombs

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<sup>21</sup> Sinica dossier 02-04-018-03.

<sup>22</sup> Emily M. Ahern, *The Cult of the Dead in a Chinese Village* (Stanford: Stanford University Press, 1973); and Constance A. Cook, *Death in Ancient China: The Tale of One Man's Journey* (Leiden: Brill, 2006). A grave



was an integral part of ancestor worship. According to Daoist theory, the *feng shui* of the place where ancestors were buried was believed to have an auspicious or malign impact on the health, wealth, marriage, fertility, fortune and other matters of their descendants. Disasters could be brought upon a neighbourhood if an adjacent tomb's *feng shui* was disrupted.<sup>23</sup> When Europeans in China attempted to acquire land that contained tombs, they were treading on sensibilities arising from these beliefs. James L. Watson and Evelyn S. Rawski have argued that in nineteenth-century China ancestor worship was omnipresent in everyday life and 'had achieved important commonalities in belief that cut across the boundaries of regions and social strata,' creating a standardized 'Chinese way of death'.<sup>24</sup> They have also argued that ancestor worship had strong links with political authority—a connection that can be traced back to the Late Shang state (ca 1200–1045 BC). The relationship between religion and politics evolved into a key element of orthodox Confucianism. Ancestor worship was an important ritual of the Confucian state and was performed by the rulers and people alike in everyday life.<sup>25</sup>

The government wrote the national belief system into the law. The key legal text of the Qing dynasty: *The Great Qing Code* had a series of regulations on tomb and corpse protection. Any person that violated the law could be sentenced to corporal punishment; exile; or, in the most serious cases, strangulation.<sup>26</sup> Article 276.6, for instance, stipulates: 'One who levels the gravemound of another person for a field or garden will receive 100 strokes of the heavy bamboo.'<sup>27</sup>

Qing bureaucrats incorporated the concept of tomb protection into treaties, conventions, contracts, and land regulations concerning foreigners. The Shanghai Land Regulations of 1845, for example, drawn up by Shanghai Governor Gong Mujiu (1788–1848), were the first

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could become a site of pilgrimage and miraculous beliefs because the son or daughter followed the prescribed mourning vigil by living next the tomb for three years, see Thomas David Dubois, "Manchukuo's Filial Sons: States, Sects and the Adaptation of Graveside Piety", *East Asian History*, No. 36 (December 2008), pp. 3-27.

<sup>23</sup> For studies on *feng shui* see Ole Bruun, *An Introduction to Feng Shui* (Cambridge: Cambridge University Press, 2008), and *Fengshui in China: Geomantic Divination between State Orthodoxy and Popular Religion* (Copenhagen: NIAS Press, 2003). 陈进国 Chen Jinguo, 信仰、仪式与乡土社会: 风水的历史人类学探索 *Xinyang, yishi, yu xiangtu shehui: Fengshui de lishi renleixue tansuo* [Belief, Ritual, and Rural Society: The Anthropology of Fengshui in Fujian, China] (Beijing: Zhongguo shehui kexue chubanshe, 2005).

<sup>24</sup> Watson and Rawski eds. *Death Ritual in Late Imperial and Modern China*, p. 23.

<sup>25</sup> *Ibid.*, pp. xi, 22,30.

<sup>26</sup> *The Great Qing Code*, translated by William C. Jones with the assistance of Tianquan Cheng and Yongling Jiang. (Oxford: Clarendon Press, 1994), pp. 260–263.

<sup>27</sup> *Ibid.*, 262.

to include protection of tomb land and death practices.<sup>28</sup> The rules that came to define official tomb land safeguarding were established in the 1854 version of the Shanghai Land Regulations. Article 3 of the regulations stipulated that: ‘If there are graves or coffins on the land rented, their removal must be a matter of separate agreement, it being contrary to the custom of the Chinese to include them in the agreement of deed of sale’.<sup>29</sup> This effectively elevated for special protections land with tombs. And Article 11 states:

In no case shall the graves of Chinese on land rented by foreigners be removed without the express sanction of the families to whom they belong, who also, so long as they remain unmoved, must be allowed every facility to visit and sweep them at the established period, but no coffins of Chinese must hereafter be placed within the said limits, or be left above ground.<sup>30</sup>

Compromises, as the articles show, were made on both the Chinese and European sides: the rights of existing tombs were respected while the new ones disallowed. These same clauses were written into the 1869 and 1898 land regulations governing foreign concessions in Shanghai.<sup>31</sup> The well-known Chinese medical practitioner Zhang Xiangyun (1855–1925) resorted to these laws when he refused to move his ancestral tombs. Zhang’s family cemetery fell within the limits of the Shanghai International Settlement after its 1899 expansion. The land was then acquired by a successful Jewish businessman, Silas Aaron Hardoon (1851–1931), who incorporated it into his 171 *mu* (34 acre) home—the Aili Garden. When Zhang refused to give up his ancestral tombs in the middle of Hardoon’s private estate, Hardoon was forced by law to permit family visits to the tombs.<sup>32</sup> Given that the Zhang family had been celebrated Chinese physicians for several generations, their refusal to disgorge the land might be a reflection of the stock they placed in their family’s success, attributable to the auspicious *feng shui* of the land their ancestral tombs occupied.

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<sup>28</sup> For the drawing up of the regulation, see Yuen-Sang Leung, *The Shanghai Taotai: Linkage Man in a Changing Society, 1843–90* (Singapore: NUS Press, 1990), p. 48. 宮慕久 Kung Mu-Chi.

<sup>29</sup> For Shanghai Land Regulation English edition, see The National Archives, London, Public Record Office (hereafter PRO), FO 17 /515.

<sup>30</sup> Ibid.

<sup>31</sup> *Land Regulations and Bye-Laws for the Foreign Settlement of Shanghai, North of the Yang-king-pang* (Shanghai: Printed at the North-China Herald Office, 1907).

<sup>32</sup> For Aili Garden see Chiara Betta, “Silas Aaron Hardoon (1851–1931): Marginality and Adaptation in Shanghai” (School of Oriental and African Studies PhD thesis, 1997), pp. 76–83. 張驥雲 Zhang Xiangyun.

Qing officials were attuned to *feng shui* issues more broadly than the narrow but important tomb-land issue. In negotiations with the French and British in Shanghai in 1856, for example, Chinese officials decided that foreign activities in the area should not disrupt the *feng shui* of a nearby neighbourhood.<sup>33</sup> This idea was codified in a trade agreement with Japan in 1871 that states: ‘The local magistrates shall see that no harm accrues to dwellings, tombs, or geomancy [*feng shui*].’<sup>34</sup> From then on the Chinese wording ‘*buguan fangxiang*’ (literally: ‘not concerning alignments/directions’), meaning *feng shui*, was often quoted in official papers as justification for disallowing requests from foreigners and in arguments in official documents.<sup>35</sup>

The German minister Max von Brandt (1835–1920) was doubtful of the meaning of *feng shui* when he, along with other representatives in Beijing, was informed by Qing officials in 1880 that none of the land on Wushi Hill in Fuzhou could be leased under any circumstances because the locals regarded this hill as the seat of auspicious *feng shui* for the city. Foreigners who had wished to rent land on the hill had come into conflict with locals many times since 1851.<sup>36</sup> Nearly a dozen letters exchanged between the two sides captures the debate over the concept. The Qing officials argued that the *feng shui* question could trigger public unrest, and if the *feng shui* was disturbed it would bring disaster upon the neighbourhood. Von Brandt objected, stating that *feng shui* was such a vague concept that it could be applied to any case of land acquisition.<sup>37</sup> Von Brandt’s concerns were not unfounded, for a Qing negotiator in 1856 was instructed to use *feng shui* as an excuse to reject a British request for the lease of Kongtong Island, which would have sparked a diplomatic row because an earlier French bid had been rejected.<sup>38</sup>

Foreigners did not need to dig up tombs to destroy the *feng shui* of an area—they could do that merely by their presence. A group of American missionaries led by Gilbert Reid

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<sup>33</sup> Sinica dossier, 01-18-062-02.

<sup>34</sup> Inspector General of Customs, *Treaties, Conventions, etc., between China and Foreign States* (Shanghai: Published at the Statistical Dept. of the Inspectorate General of Customs, 1917), p. 1244.

<sup>35</sup> For instances of ‘*buguan fangxiang*’ see Sinica files: 01-18-043-01-013, 01-18-060-02-004, 01-12-077-02-019, 01-18-043-01-013, 01-18-056-02, 01-11-021-01-005, 01-11-021-01-006. 不關方向 *Buguan fangxiang*.

<sup>36</sup> For the Wushi Hill exchanges between the Qing and British officials see PRO: FO 228/568, FO 228/589, and FO 228/956. For requests to lease Wushi Hill see Sinica files, 01-02-001-03-016, 01-18-012-03-001 and dossier 01-12-162-01. Wushi Hill (Wushi shan 烏石山); Similar arguments about a city’s *feng shui* were made by people of Guangzhou in 1912 in against the Republican military government’s road construction, see Shuk-Wah Poon, *Negotiating Religion in Modern China: State and Common People in Guangzhou* (Hong Kong: The Chinese University Press, 2011), pp. 45-46.

<sup>37</sup> Sinica dossier, 01-12-162-01.

<sup>38</sup> Sinica file, 01-18-066-01-042, 控伺 Kongtong.

(1857–1927) came to Ji’nan city in 1887. They rented a house and were beaten up on their first night there. The locals argued that the mere presence of the missionaries disrupted the *feng shui* of the neighbourhood.<sup>39</sup> The anti-foreign sentiment in some areas—not in the majority of the counties—hardened into the belief that foreigners were devils.<sup>40</sup> In other anti-missionary incidents, *feng shui* was often invoked in objections to the construction of churches and foreign cemeteries, as if the very sight of Christian symbols would upset the spirit of the land.<sup>41</sup> The language of *feng shui* bespoke anti-foreign sentiment in these localities. Officials cited it as much as an excuse to reject lease agreements as a point of real concern.<sup>42</sup>

In Tianjin—a port opened to European trade and to foreign concessions in the wake of the Second Opium War (1856–1860)—Qing officials took great care not to upset public sentiment.<sup>43</sup> The British Concession, established in 1860 as the first of its kind in the city, chose relatively empty ground—likely a result of their experiences in Shanghai.<sup>44</sup> The regulations for the French Concession, agreed to in 1861, stipulated the same conditions as the 1854 Shanghai Land Regulation for the protection of tombs, but added that in the case of Chinese descendants willing to move, the French should pay compensation of one *liang* per tomb.<sup>45</sup>

The same official apprehension about social unrest over land acquisitions by foreigners manifested in the granting of mining and railway rights to foreign companies. As early as 1867, officials expressed concern that building railways would destroy tombs and damage *feng shui*; this in turn could provoke the locals to take up arms and rebel.<sup>46</sup> That

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<sup>39</sup> Sinica file, 01-18-056-02. For Reid see, Tsou Mingteh, “Christian Missionary as Confucian Intellectual: Gilbert Reid and the Reform Movement in the Late Qing”, in Daniel Bays (ed.) *Christianity in China, from the Eighteenth Century to the Present* (Stanford: Stanford University Press, 1996), 73–90.

<sup>40</sup> For the connection between anti-foreign sentiment and the designation of ‘devil’ during imperial aggression see Lydia Liu, *The Clash of Empires: The Invention of China in Modern World Making* (Cambridge MA.: Harvard University Press, 2004), esp. Chapter 3.

<sup>41</sup> For examples of opposition to missionary activities on the grounds of *feng shui* see Sinica files 01-18-059-01, 01-12-077-02-019, 01-12-162-01-001, 01-12-025-01, 01-14-002-01-074, 01-12-152-02-001.

<sup>42</sup> Bruun argues similar cases of *feng shui* as a discourse used by the Chinese government to encourage nationalism, especially on the point of foreigners’ ‘respect for native religion’, see Ole Bruun, *Fengshui in China*, p. 36.

<sup>43</sup> For the Second Opium War (Arrow War) see J. Y. Wong, *Deadly Dreams: Opium and the Arrow War (1856–1860) in China* (Cambridge: Cambridge University Press, 1998); and James Hevia, *English Lessons: The Pedagogy of Imperialism in Nineteenth-Century China* (Durham: Duke University Press, 2003).

<sup>44</sup> 天津租界檔案選編 *Tianjin zujie dang’an xuan bian* [Selection of Archives on the Concessions of Tianjin] (Tianjin: Tianjin Renmin Chubanshe, 1992), 5–7. And PRO, FO 228/316, and FO 228/334.

<sup>45</sup> *Tianjin zujie dang’an*, p. 100.

<sup>46</sup> 寶壑 Bao Yun (ed.), 籌辦夷務始末:同治 *Chouban yiwu shimo:tongzhi* [History of the Management of Foreign Affairs: Tongzhi ] (Beijing: 1930), juan 51, p. 21; juan 53, p. 5; juan 55, p. 13.

concern was reflected in the drafting of the Contract for the Construction and Operation of the Chinese Eastern Railway, negotiated in 1896 with Russia. Article 2 states: ‘In laying out this line, cemeteries and tombs, as also towns and villages, should so far as possible be avoided and passed by.’<sup>47</sup> When in 1898 mining rights in Hunan province were granted to the Peking Syndicate (a British corporation), the same protection was sought.<sup>48</sup> As mentioned above in the Anhui case, tomb-land issues mixed the patriotic aspirations of local elites with their commercial interest in recovering mining rights. A similar dynamic could be seen in the grassroots reaction to the building of foreign-owned railways.<sup>49</sup>

Between the 1840s and 1880s, as far as treaty negotiations were concerned, Qing officials were capable of protecting the visible symbols of its ruling ideology. In the 1890s, however, as foreign interests scrambled for expanded concessions, Qing diplomats retained control but cracks in the system of protections began to appear.<sup>50</sup> In Tianjin, where the British and French were earlier persuaded to accept Qing terms, the diminished Qing government began to give in on tomb-land protections. When the regulations for Tianjin’s German Concession were negotiated in 1895, the Germans at first asked for all tombs to be removed, but compromises were solicited by the Qing. The resulting compromise included four (of nineteen clauses) that related to regulating tomb land. The first three favoured the Qing position and reiterated the same conditions for tombs as in the French Concession. The agreement also added protections specifically for tombs for Chinese officials to be ‘left unmolested’ and included protections for charitable cemeteries belonging to native associations in Tianjin.<sup>51</sup> The fourth clause, however, reflected more favourable terms for the foreign interests by agreeing that tombs could be subject to negotiation for removal to facilitate road construction, with the exception of tombs belonging to ‘notable families’. It left commoners’ tombs unprotected. The same rules were written into the land regulations of

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<sup>47</sup> Inspector General of Customs, *Treaties and Agreements with and Concerning China*, p. 75.

<sup>48</sup> *Ibid.*, pp. 132 and 700. The same rules applied to other mining contracts signed in this period, see for instance, *Ibid.*, pp. 185–6, and 659.

<sup>49</sup> For the railway rights recovery movement on the grassroots level see 宓汝成 Mi, Rucheng (ed.) 近代中國鐵路史資料 *Jingdai Zhongguo tielu shi ziliao* [*Source Book of Modern Chinese Railway History*] (Taipei, 1977), 1239–1297; for the movement in general see Lee, *China’s Quest for Railway Autonomy, 1904–1911*.

<sup>50</sup> For weakening of the Qing and the influence of foreign powers see Robert Bickers. *The Scramble for China: Foreign Devils in the Qing Empire, 1832–1914* (London: Penguin, 2012).

<sup>51</sup> For the land regulation see *Tianjin zujia dang’an*, pp. 161–165; and “Convention in Regard to a Concession in the Treaty Port of Tientsin”, in MacMurray and John Van Antwerp (eds.) *Treaties and Agreements with and Concerning China, 1894–1919*, 2 vols. (New York: Oxford University Press, 1921), vol. 1, 42–45 and 50. For the process of negotiation see Sinica dossier, 01-18-049-02.

the Japanese Concession in Tianjin, settled in 1898.<sup>52</sup> It was no longer the case as in 1854 when the Qing could demand that: ‘In no case shall the graves of Chinese on land rented by foreigners be removed’.

After the Boxer War (1900-1901), the Qing retained little of their negotiating power. During the war, eight imperial powers joined forces to quash the Boxers—Chinese peasants who claimed to possess magical protection against bullets and had killed European diplomats, missionaries and others.<sup>53</sup> Four further concessions—belonging to Russia, Belgium, Italy and Austria-Hungary—were set up in Tianjin after the war.<sup>54</sup> The Qing officials in charge of the negotiations were repeatedly urged by their superior, Li Hongzhang (1823–1901), to persuade the four nations to abandon the land that they had chosen, for there were too many tombs involved, especially in the Italian concession, which had nearly ten thousand. This time, however, the site of ancestor veneration could not be protected because the Boxer War had emboldened the foreigners. Not only was the government weak, but the war had also devastated local communities, leaving them too debilitated to organise any meaningful resistance to foreign claims. The Qing China of 1901 was both militarily and *morally* weak. Under these circumstances, the most the Qing officials were able to achieve was an increase in the compensation for moving the tombs, from one to four *liang*.<sup>55</sup>

A display of Qing powerlessness also met a 1902 Italian demand to use a cemetery in the village of Huangcun in Zhili province as a military camp for troops victorious in the Boxer conflict. Under heavy pressure from the Italians, Qing officials decided to buy the land using official powers and then to rent it to the Italians, instead of the usual practice of letting the two sides reach a price themselves. The handling of the purchase was intended to deflect the anger directed at foreigners and avoid further unrest.<sup>56</sup> In its final decade, the Qing central government was too worn down by external and domestic forces to tend to this key symbol of its ruling ideology.

While the strength of the Qing imperial state was the paramount force in tomb protection, negotiations over tomb land also depended on the particular Qing officials in

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<sup>52</sup> *Tianjin zujie dang'an*, p.192.

<sup>53</sup> Robert Bickers and R.G. Tiedemann (eds.), *The Boxers, China, and the World* (London: Rowman & Littlefield, 2007).

<sup>54</sup> For the Boxer War, instead of the usual phrase of Boxer Uprising or Boxer Rebellion see, Bickers and Tiedemann (eds.), *The Boxers*.

<sup>55</sup> *Tianjin zujie dang'an*, pp.331, 359, 365-366, 388, 390, 393, 398, 437 474, and 475. 李鴻章 Li Hongzhang. The Qing official in charge of negotiations on the ground was 周馥 Zhou Fu (1837–1921).

<sup>56</sup> Sinica, dossier, 02-26-001-02. 黃村 Huangcun.

charge and the local circumstances. Qing bureaucrats were a variegated collection of individuals. Although they received similar educations, the diversity of their experiences resulted in a variety of judgements, especially when it came to the new challenge of dealing with Westerners. Li Hongzhang, in charge of foreign affairs in the northern ports, ordered his subordinates time and again to make tombs a priority in Tianjin's negotiations, and this was the driving force behind tomb protection there.<sup>57</sup> Li's extensive experience in overseeing treaty ports had attuned him to the danger of public unrest resulting from the tomb issue.<sup>58</sup> While Li was able to to some extent to push for tomb-land protections during negotiations with the Germans in Tianjin in 1895, tombs did not feature in land regulations negotiated the same year with the Germans in Hankou, where Zhang Zhidong (1837–1909) was in charge.<sup>59</sup> The same was true of the land regulations negotiated by Zhang with Japan, Britain, and France in Hankou around this time.<sup>60</sup> Tombs in Hankou deemed to 'offend the eye' by the Japanese were to be removed. The same went for concessions in Shashi and Suzhou.<sup>61</sup> In comparison with Li, Zhang seemed to be less attuned to tomb land issues. It appears, however, that few tombs were involved and there was no concerted opposition from the people of Hankou, Suzhou and Shashi. In such cases, Zhang was neither driven by local demands for preservation nor assisted by local interest.

The Qing officials who stood between public anger and foreign demands were not only mediating peaceful solutions, they were also negotiating their own legitimacy to govern.<sup>62</sup> As death-related religious beliefs were tied inextricably to state ideology, it was the duty of officials to afford protection. Inaction could endanger their legitimacy. Officials, moreover, were believers themselves, and therefore attuned to the mood of their own society. After the First Opium War, Qing officials were forced to attend also to the needs of foreign

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<sup>57</sup> Sinica files 01-18-062-02-011, 01-18-062-02-017.

<sup>58</sup> For Li's experience of dealing with foreigners see Kwang-Ching Liu, "Li Hung-Chang in Chihli: The Emergence of a Policy, 1870–1875" in Albert Feuerwerker, Rhoads Murphey, and Mary C. Wright, eds. *Approaches to Modern Chinese History* (Berkeley: University of California Press, 1967), pp.68–104.

<sup>59</sup> Negotiations with the Germans, Sinica dossier, 01-18-077-01, 01-18-073-01. For Zhang see William Ayers, *Chang Chih-tung and Educational Reform in China* (Cambridge MA.: Harvard University Press, 1971). 張之洞 Zhang, Zhidong (Chang, Chih-tung).

<sup>60</sup> Negotiations with the French, Sinica dossier 01-18-067-08; and with the British, Sinica dossier 01-18-001-02. For Hankou see William T. Rowe, *Hankow: Commerce and Society in a Chinese City, 1796-1889* (Stanford: Stanford University Press, 1984), and, *Hankow: Conflict and Community in a Chinese City, 1796-1895* (Stanford: Stanford University Press, 1989).

<sup>61</sup> Negotiations with Japan, Sinica dossier 01-18-074-01 and *Treaties and Agreements with and Concerning China*, p. 42.

<sup>62</sup> Paul Cohen argued that the mismanagement of anti-foreign sentiment caused by missionaries contributed to the Qing's downfall in 1911. See Paul A. Cohen, *China and Christianity: The Missionary Movement and the Growth of Chinese Anti Foreignism, 1860–1870* (Cambridge, MA: Harvard University Press, 1963), p. 271.

powers and were pragmatic in their dealings. Before the late 1890s, their priorities rested in mainly in the protection of traditional beliefs and rituals system to reassure the public. In subsequent years, as Qing state power waned, foreign demands started to override more traditional concerns.

### **Fighting to Death for Death Practices**

Aside from tomb land and the concept of *feng shui*, another foreign relations flashpoint arose from mortuary practices that involved weeks-long rituals before burial or the keeping of corpses for years while they awaited the return to ancestral lands for burial. The common idiom ‘falling leaves return to their roots (*luoye guigen*)’ gave expression to the belief of the necessity in burial in one’s hometown. In major cities like Shanghai and Tianjin, native place associations customarily bought land in nearby suburbs for charitable mortuaries for deceased sojourners as temporary resting places before eventual burial back home. The remains could stay in coffins above ground for years.<sup>63</sup> In these mortuary practices, land acquisition once again played a part, as they happened in areas either newly acquired by or adjacent to Europeans. Ruth Rogaski argues that colonial authorities were fearful of the mortuary practices, because in their eyes the unhygienic ways of the Chinese ‘might hide a host of hygienic sins that could threaten the health of the white population’.<sup>64</sup> The Europeans wanted, therefore, to curb the practices, setting the colonial powers once again on a collision course with local beliefs. A number of cases show local communities were even more likely to insist on their right to uphold mortuary practices, for they were more intimate and immediate than the issue of tombs and the concept of *feng shui*.

As with clashes over other death practices, different conflicts resulted in different outcomes. A conflict in the Belgian Concession in Tianjin, for example, met with stiff resistance while another in Ningbo resulted in a degree of compromise from the Chinese. In 1882, the people of Ningbo set out to build a charitable mortuary for the victims of drowning

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<sup>63</sup> 帆苺浩之 Hiroyuki Hokari, “清末上海四明公所の「運棺ネットワーク」の形成：近代中国社会における同郷結合について Shinmatsu shanghai Shime Kosho no ‘unkan nettwaku’ no keisei: Kindai chugoku shakai ni okeru dokyo ketsugo ni tsuite [The Formation of the ‘Coffin Sending Network’ of the Siming Gongsuo in late-Qing Shanghai: A Study of Native-place Ties in Modern China]”, *Shakai-Keizai Shigaku*, 59:6 (1994), pp. 1-32.

<sup>64</sup> Ruth Rogaski, *Hygienic Modernity: Meanings of Health and Disease in Treaty-Port China* (Berkeley: University of California Press, 2004), p.133.



or death on board ships. The original plan called for the construction of a mortuary and three pavilions beside the river. Construction of the mortuary was nearly completed when the foreign community got wind of the project. The British and American consuls then registered objections to the Qing authorities, arguing that the buildings, although not in their concessions, were only 987 feet away from the British Consulate and 637 feet from the British police bureau. They feared that the proximity might allow for the spread of disease to the concessions. Because the mortuary was intended as a charitable institution, the Chinese side effectively maintained the moral high ground. The local gentry went so far as to argue that the foreigners opposed the plan because they had bought up the land surrounding the area as an investment and land prices might fall because of the mortuary. They further disputed that the charitable mortuary and pavilions were set up precisely for the purpose of preventing the spread of disease from dead bodies lying on river banks. In the end, the two sides compromised. The three pavilions were not built, but the mortuary remained, though it was agreed that corpses would be kept in the mortuary for no more than a month.<sup>65</sup>

The Belgian Concession in Tianjin, set up in 1901, included a populous Chinese village along a riverbank, since better locations were already occupied by the eight other foreign concessions. To curb weeks-long mortuary practices during a time that plague was spreading in north China, the Belgian consul Albert Disière (in office 1906–1914), devised a set of regulations to govern the funeral rites of the villagers in the concession. The regulations required burial within three days and levied a fine of one *yuan* for keeping bodies in mortuaries between one and three weeks, ten *yuan* for up to eight weeks, and two additional *yuan* for each week after that. Deaths were to be reported within twenty-four hours; failure to do so would entail a fine of one *yuan*. The Municipal Council would also monitor the quality of coffins. In the case of an epidemic, further regulations would be introduced. These regulations caused an outcry among the villagers, who labelled the fines a ‘death tax (*siren jun*)’ and believed the foreigners were seeking the most offensive way to tax them. The villagers successfully petitioned the Chinese authorities to intervene, and in the face of public pressure and the refusal to comply, the new regulations were quietly abandoned.<sup>66</sup> In the end, Disière’s fear of Chinese death practices had not the least impact on local death rituals.

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<sup>65</sup> Sinica dossier, 01-18-017-04.

<sup>66</sup> *Tianjin zujie dang’an*, 480-482. 死人捐 *Siren jun*. Both foreign and Chinese authorities taxed death rituals. During Dutch East India Company rule in Batavia, Chinese funerals were taxed, see Leonard Blusse, “One Hundred Weddings and Many More Funerals a Year: Chinese Civil Society in Batavia at the End of the

Peaceful resolution, however, eluded authorities in Shanghai's French Concession, where violent protests flared up after the French attempted to disrupt their burial rites.<sup>67</sup> Once again conflict arose over charitable mortuaries. Around the 1870s, the French Municipal Council—the self-governing body of the Shanghai French Concession—began paying compensation for the removal of tombs and mortuaries from the concession. The largest mortuary alone housed six to seven thousand sets of remains. It belonged to Ningbo natives living in Shanghai and was called *Siming Gongsuo* (Siming Hall). In response to the compensation, the community was at first divided over whether to sell the land to French and move the mortuary out, but in the end they refused the deal. In a seemingly provocative action in 1874, the French Municipal Council announced plans to construct two roads that would cut through the north side of the mortuary and cemetery compound. On 3 May that year, clashes between the municipal police and Ningbo natives broke out for the first time, and one Chinese was killed. The death sparked a riot the following day, which led to the burning of French houses and further Chinese deaths. In the face of this violence, French and Chinese officials stepped in. Ernest Godeaux (1833–1906), who was in charge of the French Consulate in Shanghai, made the Municipal Council abandon the road construction proposal, while the Qing government agreed to compensate the Council for the damage caused by the riot.<sup>68</sup>

The story, however, had not yet reached an end. Twenty-four years later, another clash broke out over the Siming Hall. Responding to signs of plague in the city in 1898, the anxious Municipal Council attempted to tear down the wall of the Siming compound and remove the remains by force. Violence broke out, and seventeen Chinese were killed, including women and children. Hundreds of thousands of people then joined a strike

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Eighteenth Century”, in Leonard Blussé, and Chen Menghong (ed.) *The Archives of the Kong Joan of Batavia* (Leiden: Brill, 2003), p.8; The Tianjin Provisional Government in 1901 made the inspection of coffins' quality compulsory and charged for these inspections (Rogaski, *Hygienic Modernity*, p.174). During the Republican anti-superstition campaigns tax on traditional-style burials was introduced (Goossaert and Palmer, *The Religious Question*, p.129).

<sup>67</sup> In the early years of the Shanghai British settlement, there were minor clashes over the removal of cemeteries of Fujian natives, see Bryna Goodman, *Native Place, City and Nation: Regional Networks and Identities in Shanghai, 1853–1937* (Berkeley: University of California Press, 1995), pp. 159–160.

<sup>68</sup> Siming case is well-known and studied, see R.D. Belsky, “Bones of Contention: The Siming Gongsuo Riots of 1874 and 1898”, *Papers on Chinese History* 1 (Spring 1992), pp.56–73. Goodman, *Native Place, City and Nation*, pp. 158–172; 帆莉浩之 Hiroyuki Hokari, “近代上海における遗体処理問題と四明公所一同多ざると中国の都市化 Kindai shanghai ni okeru itai shori mondai to shimei kosho—dokyō girudo to Chugoku no toshika” [The Management of Human Remains in Modern Shanghai and the Siming Gongsuo—Native-place Guilds and China's Urbanization]”, *Shigaku Zasshi*, no.103 (1994), pp. 67-93. Charles B. Maybon, and Jean Fredet, *Histoire de la Concession française de Changhai* (Paris: Ams PressInc, 1929), pp. 369–412.

organised by the native place associations of Ningbo. The ranks of the protesters were swelled by Guangdong natives and other sojourners in the city, as well as Shanghai locals.<sup>69</sup> The case inflamed general anti-foreign sentiment which threatened to spread nationwide after the other communities of the treaty port joined in. The French soon abandoned their demands.<sup>70</sup> The Ningbo migrants were uncompromising in their efforts to protect their rights to maintain religious practices. As an organisation for sojourners both living and dead, the Ningbo native place association in Shanghai summoned resistance as potent as that of communities in Tianjin and Ningbo.

### **Selling the Ancestors**

While some were fighting to death to protect their death practices, others were ready to sell tomb land. Despite the general consensus on protecting ancestral tombs among the elite, the officials, and the local populace, some owners and fraudulent dealers continued to sell tomb land to foreigners. A property market had existed in China since at least the Song dynasty (960–1279), long before the first treaty port was established in 1842.<sup>71</sup> Market forces complicated the issue of land acquisition and added new difficulties to already troubled interactions. The examples below demonstrate that individual tomb land was readily sold to foreigners from the moment they arrived in China and that communities, especially impoverished ones lured by the prospect of compensation, collectively sold cemetery land. Charitable cemeteries set up by social organizations or by local governments were especially vulnerable.

Of particular interest to unscrupulous land dealers was the five *mu* (one acre) of charitable cemetery land in the middle of the foreign quarters in Yantai. Sietas, Plambeck & Co applied unsuccessfully in 1869 to the Qing authorities to buy the cemetery land, which was next to their offices. The following year one Song Jingxing, a degree holder, under the

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<sup>69</sup> Sinica dossiers, 01-18-064-02, and 01-18-064-03.

<sup>70</sup> Sinica dossiers, 01-18-064-04.

<sup>71</sup> For Song dynasty economic history see 漆侠 Qi Xia, 宋代经济史 *Songdai jingji shi* [*Song Dynasty Economic History*] (Shanghai: Zhonghi Shuju 1987), pp. 282–283. On land prices in general, see 程民生 Cheng, Mingshen, 宋代物价研究 *Songdai wujia yanjiu* [*On Song Dynasty Consumer Prices*] (Beijing: Renmin Chubanshe, 2008), Chapter 1 especially.

pseudonym Song Zhitian, forged title deeds and sold the land to the company. When the case was exposed, Song was stripped of his academic honours and a stone tablet was erected in the cemetery forbidding future sale. Seven years later, in 1877, the company again *fell victim* to a fraudster, Liu Xianzhou, who forged deeds and sold the land for 200 *yuan*. This time the local magistrate even put his seal on the deeds, possibly because he was in on the fraud. The case then came to the attention of Li Hongzhang, who was at the time serving as the Superintendent of Northern Trade. Li forbade the sale, saying that only by preventing their desecration would he avoid being plagued by a guilty conscience over the dry bones that lay in more than a hundred tombs of the cemetery. This time the company was not going to back down as easily. They appealed for help to the city's Danish consul and to a Russian minister in Beijing. They also sold half the land to a British company so that the British minister would be involved. Li, representing officialdom's staunch tomb protectors, refused to budge. He placed the safekeeping of the cemetery in the hands of a charitable association known as the Benevolent Hall (*Guangren Tang*). A wall was built to protect the tombs, paid for by the various native place merchants' associations in the port.<sup>72</sup>

A quarter-century later, in 1902, another fraudster, Li Xiyuan, together with a Chinese member of the company's staff, Xu Deming, attempted to sell the land to the company for the third time, and again the deeds were stamped by the magistrate. The governor, Li Xijie, recommended to the Qing imperial court that it approve the land sale to the company as a way of solving the recurring problem. In this way, he argued, the Benevolent Hall would profit and the foreigners would have the land they wanted. The company was rumoured to have spent over 5,000 *yuan* in its attempts to acquire the land during the preceding decades, and Li argued that the company would not rest until it owned the land. After thirty years of wrangling and disproportionate cumulative expenses, Sietas, Plambeck & Co took ownership of the land with official consent.<sup>73</sup> By this point, official corruption may have involved even the governor himself.

Perhaps the most persistent of all the tomb-land sellers was Tang Caiting of Wuhu, a city located in Anhui province. Tang, together with his sons and associates, attempted five times in the early twentieth century to sell a piece of tomb land in a cemetery containing

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<sup>72</sup> Sinica, dossiers 01-18-084-01. 宋景星 Song, Jingxing; 宋芝田 Song, Zhitian; 劉仙舟 Liu, Xianzhou; 廣仁堂 Guangren tang.

<sup>73</sup> Sinica, dossiers 02-11-005-02 and files 02-11-011-01-012, 02-11-011-01-013, 02-11-011-01-015. 李西園 Li, Xiyuan; 許得明 Xu, Deming; 李希杰 Li, Xijie.

more than a thousand tombs to different buyers: twice to missionaries; twice to Chinese businessmen; and, finally in 1914, to the Chinese Maritime Customs Service. The locals even established a ‘Tomb Protection Society (*Bao ying hui*)’ to coordinate their efforts to stop Tang’s attempted sales. The facts of this case are patchy, but it was clear that Tang was the legal owner of the tomb land, but the locals worried that the sale would endanger other tombs and the area’s *feng shui*.<sup>74</sup> Opposition to Tang’s tomb-land sale demonstrates that even in cases of clear ownership, the community could step in and block the sale of the owner’s ancestral tombs.

A case in Fuzhou further exemplifies the oppositional role of the local community. In 1878, one Zhu Lianshen was punished by the local community for selling tomb land. Zhu bought a piece of land, originally to bury his recently deceased mother, but abandoned the plan when he became convinced that the *feng shui* was not auspicious. Three months later, upon learning that an American wished to buy land for residential building, Zhu snatched up another three plots of adjacent tomb land and sold the plots to the American for five hundred *yuan*. Zhu even paid the original owners to remove ancestral tombs and clear the land. When the locals got wind of the sale, they blocked the American’s construction plans. The American consul in Fuzhou then asked the governor of Fujian to intervene. The official dispatched to investigate reported that he was greeted by thousands of people who had come to express their anger. He discovered that the land contained ‘ancient tombs’ more than a century old, and the cemetery was marked with a stone tablet forbidding sale of the land that dated to the Qianlong era (1735–1795). This meant that the land was designated as a public cemetery that could be used free of charge. Judging from the documents, this might be a case of a local community working together with an official to fabricate the ‘public cemetery’ and ‘ancient tomb’ status in order to strengthen their position in blocking a tomb-land sale. At any rate, Zhu was ordered to return the money to the American and was punished by the public humiliation of having to wear a cangue.<sup>75</sup>

These cases make clear that local communities played a key role in foiling owners and fraudsters who want to sell tomb land. The community—in the form of a village and a circle of provincial elite that often included local officials—could block a deal on the principle of tomb-land protection or for the *practical* reason of preserving the area’s *feng shui*. On the

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<sup>74</sup> Sinica, file 03-16-044-03-002. 唐彩亭 Tang, Caiting; 保塋會 Bao ying hui.

<sup>75</sup> Sinica, dossier 01-18-058-03. 朱連陞 Zhu, Lianshen.

other hand, a local community could also come together to agree on selling cemetery land. There were at least two such cases. Because this kind of sale was regarded as sacrifice, the community expected the land to fetch high prices.

In 1867 a group of Shanghai farmers sold farmland that included tombs to British merchants who intended to build a racecourse. They anticipated an imminent rise in land prices due to the development, and they wanted a share of the profits. At first they asked for 60 *yuan* per *mu* but the company were willing to pay only 35 *yuan*. The negotiations ended with an ‘open contract (*huoqi*)’ according to which the farmers accepted 25 *yuan*. But the contract also contained a clause stipulating that once the land was ‘used (*deyong*)’ the company would pay an extra 125 *yuan* per *mu*. When the racecourse was built, the farmers asked for the money, but the company refused to pay on the grounds that the conditions for the further payments were only fulfilled when the land was used for residential building or resold, as the English-language contract stipulated. The land’s value did not appreciate because the land remained in the company’s hands as a racecourse. The company further argued that the prevailing land price in the area was 20 *yuan* per *mu* and 25 *yuan* was a better deal than the farmers could get elsewhere. In the end, the farmers did not even collect the 35 *yuan* originally proposed. Because the contract and negotiations concentrated on the price rise, the question of moving the tombs located on the land was never clearly settled and no payment for it was ever made.<sup>76</sup> Motivated by economic gain, the farmers sacrificed their beliefs for a price, but that price fell woefully short of their expectations.

In 1878 the Chinese Maritime Customs Service negotiated a deal with a local community in Wuhu to purchase a cemetery housing six-hundred tombs.<sup>77</sup> Although the Maritime Customs Service was managed by foreigners, its managers had the status of Chinese officials, so the inspector general, Robert Hart (1835–1911), was able to strike a favourable deal. Originally, the locals asked for 50 *yuan* per piece of tomb land (width one *zhang*, length ten *zhang*) and an additional 7.5 *yuan* for moving each tomb. These prices were significantly higher than recorded sales of cemetery land in other places. The locals argued that this was because the land was in an area of auspicious *feng shui* and on high ground, which was scarce in low-lying Wuhu. Hart asked local authorities to buy the land for them

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<sup>76</sup> Sinica, dossier 01-18-032-06; 活契 *huoqi*, 得用 *deyong*.

<sup>77</sup> For the Chinese Maritime Customs Service, see Robert Bickers, “Revisiting the Chinese Maritime Customs Service, 1854–1950”, introduction to special section, *Journal of Imperial and Commonwealth History*, ii (2008), 221–26; Hans van de Ven, (ed.), “Robert Hart and the Chinese Maritime Customs Service”, special issue of *Modern Asian Studies*, iii (2006).

instead. After protracted negotiations the customs service finally agreed to pay a lump sum of 8,000 *yuan* for the whole cemetery, which was higher than the estimated market price of 6,000, but far short of the 33,000 the locals hoped for.<sup>78</sup> Although the price fell short of the community's expectations, they sold the tomb land anyway. Economic motives again trumped ancestor worship.

The selling of tomb land demonstrates that beliefs about tombs and a community's emotional attachment to them were by no means the only forces governing tomb land issues. Economic considerations and the desire for monetary reward played a complicating role in the matter. While officials strongly supported local opposition in the Fuzhou and Yantai cases and were able to block the deal, in Wuhu, local officials acted as go-betweens, helping the community to negotiate the sale. The Wuhu case demonstrates that officials and the community could work together in the sale of tomb land. Because the Chinese Maritime Customs Service was part of the Qing government, it was likely that the people of Wuhu felt their land sale was officially sanctioned. The local officials in turn believed they were merely assisting the 'Chinese officials' from Maritime Customs. Nobody involved would feel particularly responsible and thus would avoid the guilt often arising from selling tomb land. As an unorthodox institution of the Qing government structure, the Maritime Customs had a unique capability to upend customs from within the government. But the consensus among the population and the officials of Wuhu was exceptional and rarely replicated elsewhere. Customary beliefs, nonetheless, were on display in all the cases, either as a reason for outright rejection or as a pretext for demanding higher prices. On balance, the belief system was powerful and widespread enough to either bar or complicate tomb land deals.

### **Conclusions: Power of ancestors**

The omnipresence of death-related religious consciousness that combined both Confucianism and Daoism with local varieties in practice explains why most elites and commoners across China participated in the protection of tombs and death rites. Geography exercised little influence on the issue. Cases occurred in coastal treaty ports such as Fuzhou and Ningbo in the south, Shanghai in the Yangzi delta, and Yantai and Tianjin in the north. Incidents have also been recorded in the inland river areas of Wuhu, Anhui, and the nearby countryside

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<sup>78</sup> Sinica, dossier 01-18-023-04.

where foreigners for various purposes attempted to acquire land. In the Chinese world of life and death foreigners encountered no more trouble in tomb-land acquisition than a Chinese would have. The difference was that newly arrived foreigners often hungered for choice land in generally populated localities. The only *available* land was often the cemetery. While foreigners did not mind using burial land for development, the Chinese frequently avoided it. The desecration of tombs along with the disruption of death rites could quickly turn from a local issue into a diplomatic row, in which Qing officials either took the initiative on their own or were urged on by locals to bring the issue to negotiation. At first foreigners could not fully comprehend that use of tomb land for other purposes or requests to change customary funerary rites were problematic. Made to see how their views affronted Chinese sensibilities, the foreign community more often than not reached conciliatory arrangements. This power of ancestors in protecting against foreign incursion, however, was limited to particular localities. While a few incidents flared up and threatened to spread, none sparked nationwide anti-foreign movements. On the whole, the power of the ancestors did not by itself jeopardise colonial power or cause a lasting impediment to the expansion of European imperialism.

The power of ancestors in Qing China resonates with resistance to colonial authority in Tunisia where death rites were also deeply politicized. During the 1930s, the French colonists faced steep challenges resulting from their mismanagement of burial rites of Muslims, who had under the colonial regime become French citizens. The local community denied these Muslims' rights of burial in the Islamic cemeteries because they believed that accepting French citizenship was an act of apostasy. Mary Dewhurst Lewis argues that this was a key event in the development of Tunisian nationalism and in the founding of the modern nation.<sup>79</sup> In comparison, in Qing China, the disruption of death practices by colonial powers

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<sup>79</sup> Tunisia is the only similar case I have found, see Mary Dewhurst Lewis, "Necropoles and Nationality: Land Rights, Burial Rites and the Development of Tunisian National Consciousness in the 1930s", *Past and Present* (2009) 205 (1): 105-141. Death practices in British India turned political for both the colonised and colonists but did not involve protecting the dead (the rites of burial) as in Qing China or Tunisia: for sati practices see Andrea Major, "The Burning of Sampati Kuer: Sati and the Politics of Imperialism, Nationalism and Revivalism in 1920s India", *Gender and History*, 20:2 (2008); for how British death monuments and burial grounds in Calcutta became a tool for projecting British power, see Robert Travers, "Death and the Nabob: Imperialism and Commemoration in Eighteenth-Century India", *Past and Present* (2007) 196 (1): 83-124. Other studies on death became political but without involving protecting death rites: Diego Gambetta (eds.), *Making Sense of Suicide Missions* (Oxford: Oxford University Press 2005); Jay D. Aronson, *Who Owns the Dead?: The Science and Politics of Death at Ground Zero* (Cambridge, MA.: Harvard University Press, 2016); Judith Butler *Prekarious Life: The Power of Mourning and Violence* (London: Verso Books, 2006); Gary L. Ebersole, *Ritual Poetry and the Politics of Death in Early Japan* (Princeton: Princeton University Press); and Katherine Verdery, *The*



did not erupt into a nationwide anti-foreign movement. The difference is revealing. The Qing bureaucrats who sat at the centre of the power nexus created by ancestral tombs and colonial desires for land acquisition and acted as protectors of traditional burial rites were the primary reason of the divergence between the two societies in facing colonial encroachment.

The Qing bureaucrats mediating between local communities and foreign powers were driven as much by their concern for the future of China and its foreign relations as by the need to assert the legitimacy of their rule. Concentrating their efforts on facilitating peaceful interactions between Qing subjects and foreign powers, they sought to reduce conflict, protect the Qing empire, and maintain their legitimacy. Death practices effectively empowered them in their negotiations with Europeans. To write into treaties the protection of tombs, mortuaries, and traditional death rites was a way of leveraging local beliefs and public sentiment to bear on foreigners—above all, they had been trained all their lives to use the pen (or brush) as a weapon. Public sentiment and the threat of unrest were ammunition for officials conducting China's foreign relations. They employed religious practices as a power source to further negotiations, but they did not use the sentiments in ways that would rally the people to drive out foreigners as the Tunisians did. Through the Qing bureaucrats' intervention, concessions were made at times by the Chinese, as in the cases of the Hospital for Women and Children in Fuzhou and Ningbo's charitable mortuary, although in most cases colonial authorities relented in the face of public protests and potentially explosive communal anger. The Qing bureaucrats negotiated their way out of the death crises by dissipating the explosive force generated from the community. After all, their primary sociopolitical imperative was to protect dynastic rule by finding acceptable solutions for the particular problems of various localities. Modern Chinese nationalism, which was at a formational stage during the last two decades of the Qing, was not yet the guiding principle that it would be for subsequent governments. But the Qing's imperial universalist pretensions enabled them to view foreigners not merely as aliens but as another community to be pacified and governed by the Chinese bureaucracy. Foreign interests were thus realigned with the interests of the state by making the foreign community aware of the raw emotions surrounding burial rites and the depth of their importance to Chinese society and the maintenance of public order. Largely thanks to the bureaucrats' mediation, disputes over

death practices did not lead to nationwide anti-foreign movements or rebellion against the Qing government.

The broader picture shows that because death practices were a fundamental part of the national psyche, the Qing, as a religious-political state, had a stake in protecting tomb land and death rites. In exercising this power of ancestors, the Qing bureaucrats up to the late 1890s were still capable of finding middle ground between the demands of the foreign community and the demands of its own subjects. The approach of Qing officials reflected a core social value and was thus incorporated into negotiations and treaties with foreigners. This finding bolsters John King Fairbank's argument that Qing bureaucrats were working together with, instead of simply being coerced by, foreigners on treaty port issues.<sup>80</sup> The cases investigated here show that, in fact, Qing officials performed that complicated role with a great degree of resistance up until the last decade of the dynasty. By the late 1890s, however, the Qing central government's ability to protect death practices had weakened, and after the Boxer War they were largely losing power to manage the issue. While the central government was weakening, as shown in the treaty negotiations after 1895, the local communities led by elites could still make use of the power of the ancestors in dealings with foreigners or to nudge officials to resist foreign encroachment. The 1902 Yantai case pitting Russia against the Liu clan, the 1901 case of the Belgian consul versus villagers in Tianjin, and the 1905-8 Anhui case displaying economic nationalism all demonstrate the undiminished strength of the local belief system even in the absence of central government support from the fading Qing state. The central government's inability was due, however, to the gigantism of the crises that sprung up nationwide in the face of an imperial scramble to carve up China that overwhelmed the system, rather than the weakening of the grip of ancestral power on the state per se. Soon thereafter, the Qing, China's last dynasty, would perish in the 1911 Revolution

Not every Chinese person, however, exhibited unease about the destruction of ancestral tombs. Those who were indifferent to social norms and unaffected by anti-foreign sentiment sometimes sold tomb land to Europeans. Monetary gain was generally the motive. Death practices, although a potent political weapon, provided incomplete protection in the face of economic incentives. As soon as China's treat ports were opened, tomb land was sold to foreigners, either by legitimate owners or by fraudulent brokers. Poverty prompted

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<sup>80</sup> John K. Fairbank, "The Early Treaty System in the Chinese World Order", in *The Chinese World Order: Traditional China's Foreign Relations* (Cambridge, MA: Harvard University Press, 1968), p.258.

communities like Wuhu to exchange cemetery land for monetary gain. The sale of tomb land showed the power of market forces and foreshadowed China's rapid development and urbanisation in the second half of the twentieth century, a time in which economic gain trumped the cultural significance of tomb land and death rites.<sup>81</sup> The coming of Westerners introduced into China a new economic dynamic. What cultural practices the colonial powers could not touch were very soon to be swept away by modernizations led by the Chinese themselves after the departure of the Westerners—a topic rich with potential for further investigation. Let it suffice to note that in the Aili Garden case, the Zhang family tombs were removed only in 1954 to make way for the construction of the Shanghai Exhibition Centre. The charitable cemeteries and mortuaries in the former German Concession in Tianjin, carefully preserved by Li Hongzhang, have now disappeared under the city's skyscrapers. In the case of Siming Hall, twice a rallying point for Shanghai's anti-foreign demonstration, only a wall and a gate still stand, having been designated a 'Shanghai site of memory'. This memory belongs to a new nation—the People's Republic of China founded in 1949, not the dead Ningbo natives who had rested there while waiting to be carried back to their hometowns for burial. China's own modernization, including an anti-superstition campaign initiated in 1898, seems to have significantly weakened the power of the ancestors.<sup>82</sup> The destruction of tombs has occurred on a much greater scale during the twenty-first century. In Henan province alone, two million tombs were destroyed in 2012, as the Communist government implemented a 'tomb-flattering (*ping fen*)' policy to free land for agriculture and mechanized farming. There were protests and petitions but their impact was limited, as the government was bent on development.<sup>83</sup>

During the century and a half since the earliest recorded cry for the protection of tomb land was articulated in Shanghai, China as a country has come a long way, but how far would China go to destroy a key element of its traditional religious-political practices? Today, the destruction continues. In the second half of the nineteenth century, during the last few decades of the Qing, the dead were able to stand their ground against European colonial expansion, and the dead showed that they could empower the living. The power of ancestors

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<sup>81</sup> In Taiwan, during the nineteenth century, there were signs that land reclamation took precedence over the protection of tombs, see Guo "Social Practice and Judicial Politics in 'Grave Destruction'", pp.101-102.

<sup>82</sup> For anti-superstition campaigns see Goossaert and Palmer, *Religious Question in Modern China*. p.44.

<sup>83</sup> "Destruction of Chinese Tombs Outrages Scholars", *South China Morning Post*, 09 Nov 2012 ([www.scmp.com](http://www.scmp.com), retrieved 1 Jan 2013). 平坟 *Ping fen*.

lay not in supernatural intervention but in the ardent desire of the living to act as their protectors.