

A Cunning Scribe Solves a Robbery and Attempted Murder

The final section in the *Book of Submitted Doubtful Cases* text is one of the most dramatic examples in the whole collection. A violent robbery and stabbing in the Qin capital marketplace by an unknown assailant goes unsolved until a brilliant Judiciary Scribe named Julü steps in and tracks down the criminal using cunning and unorthodox methods, meriting a recommendation for promotion for his efforts.

The inherent drama of the case is further enhanced by a plot structure that feels almost literary in its organization, suggesting that this famous case had been copied for decades by ambitious and admiring scribes who polished the story for maximum dramatic effect. Despite the slight embellishments, we have no doubt that the events in the case actually occurred, unlike the apocryphal anecdotes found in sections 4.19 and 4.20, which were set in the distant past but probably reflect conditions during the late Warring States or Qin period, or the appended literary resolution to the case record in section 4.21.

The most remarkable aspect of this case record, from a legal point of view, is that, unlike the depersonalized *Models for Sealing and Physical Examinations* text found in Shuihudi tomb no. 11, this investigation offers us a real crime-solving hero, Judiciary Scribe Julü, who rescues the common people from a vicious criminal and is said to deter other criminals from further evil acts. As such, he is the first criminal-investigator hero to come down to us, a thousand years before men like Judge Dee or Judge Bao. It is important to also note that scribes were basically in full charge of the investigation of the case and the interrogation of witnesses. In legal casebooks and legal fiction from later imperial China, the County Magistrate is always shown wielding his superior knowledge and cunning as he orchestrates the investigation, while scribes and runners only performed the dirty work. In this case, the Assistant Magistrate of Xianyang delegates full authority to the Judiciary Scribes to conduct the investigation, while his role appears to be limited to the final sentencing of the criminal.

Julü's methods of investigation and interrogation also bear some examination. He is lauded for having solved a case "without any hard, physical evidence" pointing to the culprit, yet even though he used a wide-ranging dragnet to troll for suspicious persons, it took physical evidence (in the form of the

matching scabbard) and the required confession (under threat of torture) to wrap up the case.

This case also offers fascinating new information about several aspects of Qin economy and society that normally were not mentioned in received historical texts. We learn that marketplace contracts, like the counterfeit silk contract featured in the case, utilized a system of teethlike perforation at their edges, which indicated the product, the amount sold, and the price per unit. Apparently, one did not need to be literate to understand such marketplace instruments. We are also told that when a serious plague of locusts attacked the crops near the capital, the state could mobilize nearly the entire population to go out into the fields and beat the insects off. Some of the most intriguing information concerning Qin society comes from the two lists of suspicious characters investigated by Julü. Such undesirable elements as migrant laborers, the destitute and homeless, prostitutes, and black-market traders are rarely mentioned in premodern historical texts, but the case record shows that, just as today, these unfortunates were always caught up in sweeps for 'the usual suspects.'

● On the *guǐmǎo* day in the sixth month, [in the sixth year of the reign of King Zheng of Qin] (July 31, 241 BCE),¹ [Ward] Chief² Ying made a denunciation, which stated: “An unidentified person stabbed the woman Bei within Zui Ward³ and snatched cash, and I do not know where he went.”⁴

Thereupon, I, [Assistant Magistrate Gouli of Xianyang], ordered Judiciary Scribes Shun, Quchen, [197] and Zhongwen to rush out and resolutely pursue and seek out the assailant.

Bei stated: “I was grasping [in one hand, strings totaling] 1,200 cash,⁵ holding a bamboo umbrella,⁶ and returning from⁷ the marketplace. When I came to the middle of an alley, someone from behind apparently shoved me suddenly,⁸ knocking me flat on the ground. After a short while, I got up again. [198] The cash was already gone, and I don’t who the person was, nor where he went. [The assailant’s] shoving of me was violent, like that from a man. I called out, ‘Robber!’ The woman Chen came out [of her house or market stall] and told me that a knife was sticking out of my back like a hairpin. Only then did I know I had been injured.”

We interrogated Bei: “When the person approached you from behind, [199] why did you not look back at him?”

[Bei] stated: “I was carrying the umbrella [over my shoulder], and the umbrella was making a rustling sound (lit., *xiong-xiong*),⁹ so I did not hear a sound and did not look back at him.”

We interrogated Bei: “From when you set out until you were in the marketplace, whom did you meet or see?”

[Bei] stated: “Even though I did meet and see people, [200] I couldn’t recognize any of them.”

We interrogated Bei: “Among [your] relatives,¹⁰ is there anyone with whom you have had a verbal or physical altercation¹¹ or mutual resentments, or are there any merchants,¹² indentured laborers,¹³ fellow ward members,¹⁴ acquaintances, or impoverished younger or older brothers who you suspect may have robbed and injured you?”

[Bei] stated: “There are not.” [201]

We made a visual inspection of the knife: It had a ring pommel made of iron and was nine *cùn* (approx. 20.8 cm) in length. At the place where Bei had been knocked down, there was a single part of a Chu[-style]¹⁵ contract, one and one-half *chǐ* (approx. 34.65 cm) in length. The ‘teeth’ along the perforation looked like those of a contract used by merchants.¹⁶

Bei stated: “I do not have (i.e., I am not a party to) this contract.”

The woman Kuai was interrogated, and an inquiry was made [confirming her story]:¹⁷ [202] [Kuai] stated: “I was lying in my bedroom sick and did not see anyone exit or enter [the alley].”

[Judiciary Scribe] Shun and the others sought out [the criminal] but were not able to apprehend him. I, [Assistant Magistrate Gouli], ordered Judiciary Scribe Julü to replace them.¹⁸

Julü took the contract found where Bei had been knocked down [203] and conscientiously compared¹⁹ it to the ones belonging to the traders in the marketplace. It appeared like a mid[-level] contract²⁰ for plain silk.²¹ Then he ordered the silk-seller, Zong, to inspect it. [Zong] stated: “The ‘teeth’ of the contract [indicate] 110 *chǐ* (approx. 25.41 m) [of fabric], with each *chǐ* [priced at] 18 cash, [leading to a total of] 1,980 cash.²² [204] It appears to be a mid[-level] contract for plain silk.”

We interrogated Zong and the other [traders about this contract].

[They] stated: “We have not [been party to] this contract.”

[Julü] sought out the left portion [of the contract]²³ through gossip and rumors,²⁴ but it was not found.

Julü sought out [the criminal], but there was no physical evidence²⁵ to use to apprehend him, so he brought in for questioning juvenile delinquents,²⁶ [205] as well as the private retainers,²⁷ privately held male domestic slaves,²⁸ domestic bond servants,²⁹ and disrespectful, wealthy, and powerful slaves³⁰ of the marketplace traders. As for persons from other counties who had come as migrant wage laborers,³¹ and might be suspected of being robbers and assailants, he comprehensively investigated [206] their actions and words,³² their frugality, where they came and went,³³ and how they dressed and ate. He questioned them in detail about their living arrangements but was not able to apprehend him (*viz.*, the assailant).

Julü also led robber-guard³⁴ Qiu and others [207]...collected and stationed...to follow them...not...[208]...inspected those whose behavior or work was not diligent,³⁵ those who were profligate in their drinking and eating, and those suspected of being robbers or assailants, but he was not able to apprehend him. Julü [209] sought for him everywhere but in each case was not able to apprehend him.

... everywhere...³⁶ employed the bondswoman, Mei, and others, day and night in the ward, to examine through informants, and to ask questions in detail of those who manufactured items or traded in markets not during the daylight hours,³⁷ [210] the extremely destitute, those who were immoderate in their comings and goings,³⁸ and those suspected of being robbers or assailants. Chi, holder of Soldier of the Realm [rank],³⁹ and others, ordered people everywhere to seek them out, to secretly⁴⁰ follow and observe their actions and words, comings and goings, and living arrangements, and to do this for several [211] days, then bring them in for interrogation.⁴¹

Among them was a member of the rank and file⁴² named Wu, who stated: "I am a vagrant who absconded,⁴³ but I did not rob or injure anyone."

One was a man holding Knight of the Realm [rank],⁴⁴ named Kong.⁴⁵ He set out from his dwelling and went to the marketplace. He walked, dejectedly,⁴⁶ to a spot directly at the base of the [market-tower] flag.⁴⁷ After a short while, [212] he returned home. The next day, he did the same thing. He was clothed in an old hempen robe and a belt. The belt, which was black, had a place for a pendant [scabbard], but there was nothing hanging [from that spot]. His outward appearance and his responses were most unusual, not the same sort as those of other men.⁴⁸ [213]

Kong stated: "I am a Running Officer.⁴⁹ I have never worn a pendant scabbard and dagger. I am not liable for any crime of robbing or injuring another person."

Julü suspected that Kong had robbed and injured Bei, so he surreptitiously inquired of the black-headed ones:⁵⁰ "If there is anyone [214] who has received clothing or objects, cash, or other valuables from Kong and does not bring these in to the officials, he is guilty of a crime."

Pu, holder of Horse Runner⁵¹ [rank], brought in a white leather scabbard with a thin, silk fastener,⁵² stating: "Kong, holder of Knight of the Realm [rank], gave this scabbard to me. I do not know where [215] he got it from."

Kong stated: "I never gave Pu a scabbard. I don't know why he said that."

Jülü took the knife that had come from Bei's back and slid it into the scabbard brought in by Pu. It was a suitable fit.

[Jülü] physically examined and visually inspected the scabbard and knife:

Near where the ring-pommel is joined to the blade, the edge was crooked. At the place where the irregularity slid inside [216] the scabbard, and only there, was a trace of blue-green [bronze patina]. It appeared to be the former scabbard of this knife.

Kong was cross-examined with [the results of] the interrogation of Pu; [Kong] changed [his story], stating: "I acquired the scabbard and gave it to Pu. Earlier, I had forgotten this, and so I said I had not given it to him."

Kong's [217] wife and daughter⁵³ said: "Kong usually⁵⁴ wore a pendant dagger, and now he no longer wears it. We do not know where it is kept."

Kong was cross-examined with [the results of] the interrogation of the women;

Kong stated: "I bought the knife and scabbard from someone whom I don't recall, and I wore it going to the marketplace. [218] Some person thievishly plucked out the dagger, and so I gave the [empty] scabbard to Pu. Earlier, when I said I had acquired a scabbard but had never worn a pendant [dagger in it], I was being deceptive."⁵⁵

Kong was cross-examined: "Why did you give an empty scabbard to Pu and then deceptively say [219] that you had not given it to him? And though you usually wore the pendant dagger and scabbard, how could you also say that you never had?" Kong had no explanation.

[Kong] was then severely questioned, and his body was stretched out;⁵⁶ [the officials] intimidated him and were about to cane him.⁵⁷

[Kong] changed [his story], stating: "I was desperately poor and had no employment. [220] I continually wandered around under the [market-tower] flag. I had seen the contracts of the traders there many times.

I had always⁵⁸ wanted to snatch one, to make a pretend contract. When I took one in my hand, I saw that I could conduct a robbery. After the robbery, I could place the contract by the side [of the victim], [221] causing the officials to search among the traders of the marketplace and to ignore me. I spied a woman grasping an umbrella and carrying cash. At that time, the officials had ordered all the black-headed ones to go to the fields and defend against long-headed green grasshoppers (i.e., locusts),⁵⁹ so there were few people around in the town. [222] I considered this to be to my advantage, enough to stab and kill the woman and snatch her cash. So I followed her up to the middle of the alley. To both sides, I spied no one around. I stabbed with the dagger, snatched the money, and ran. [223] Formerly, I hid [the facts of the situation] and did not speak them. I am guilty.”

An inquiry was conducted: It was as in the statements.

The illicit profit [was valued at] 1,200 cash. Kong has already been sentenced to being left intact and made a wall-builder.⁶⁰ The case of Kong intentionally⁶¹ making a contract, maliciously stabbing a person, thievishly snatching money, [224] and planting the contract [by the victim's] side, so that the officials were unaware [of his involvement], is unprecedented! The black-headed ones were terrified of him and did not dare to come and go [as usual]. A state of affairs like this is extremely harmful. Shun and the others sought him out but could not apprehend him, [225] and thus, I ordered Julü to replace them. Without any hard, physical evidence,⁶² Julü used his wits, investigated through informants, sought out the criminal, and apprehended him. The methods [Julü] used to apprehend him were extremely subtle and cunning, and this has caused robbers and assailants to not dare to appear. [226]

In the sixth year [of the reign of King Zheng of Qin], on the *rénchén* day in the eighth month, in which the first day of the month falls on a *bǐngzǐ* day (September 18, 241 BCE),⁶³ Assistant Magistrate Gouli of Xianyang dares to speak of this.

An ordinance states: “If a Judiciary Scribe is able to solve an obscure and difficult legal case,⁶⁴ forward [this] to higher authorities.”⁶⁵

Now, Judiciary Scribe Julü was able to solve an obscure [227] and difficult legal case, so we memorialize this [to the King] on twenty-two wooden boards. Julü is a highly competent,⁶⁶ incorrupt, conscientious,⁶⁷ and dutiful official.⁶⁸ Fair and upright.⁶⁹

I request that he be appointed⁷⁰ as an Accessory Scribe⁷¹ in order to encourage other officials. I dare to speak of this. [228(recto)]

Book of Submitted Doubtful Cases [228(verso)]⁷²