The Benevolent Magistrate and the Chu Insurgency

This long and complex trial dossier is the most important historical document in the Book of Submitted Doubtful Cases text. The events it describes unfold just a few months after the final unification of China in 221 BCE. If one reads the pithy, traditional account of the Qin unification in the annals of Sima Qian's Historical Records, or the self-congratulatory inscriptions set up by the First Emperor atop the mountains of his new realm, one might form the impression that after the empire was established, ‘all under Heaven’ were rejoicing in peace and rested content in their occupations. This invaluable document belies all of that.

The case takes place in the far south of the empire, in the commandery of Cangwu, carved from the recently conquered state of Chu, the largest and often most powerful of Qin’s rivals during the Warring States period. The Qin conquest of Chu took nearly a century to accomplish. It began with Qin’s expansion into the southwest and its conquest of the state of Shu (in present-day Sichuan) in 316 BCE, providing a valuable resource base and an avenue for the invasion of the southlands. Taking advantage of the corruption and civil war that ravaged Chu at this time, Qin launched a series of massive invasions that culminated in the sacking and capture of the Chu capital of Ying in 278 BCE, driving the Chu farther east and south. The final conquest from 225 to 223 BCE required two enormous Qin armies (the first was decimated) but eventually succeeded in wiping out the Chu royal house and killing its leading generals. Mopping-up operations during 222 BCE were designed to extinguish pockets of Chu resistance south of the Yangzi River, but as this case demonstrates, eliminating the central political power of Chu did not end resistance to Qin domination.

As in its other conquered lands, Qin sought to replace the political, legal, and religious institutions of Chu with carbon copies of its own. Whereas other northern states that opposed the Qin possessed many similar institutions and laws, Chu institutions were quite different. Its political model was far less centralized and bureaucratic than the Qin system, especially after the centralizing, anti-aristocratic reforms of the fourth century were rescinded; its legal system appears to have relied on the rulings of Solomonic judges responding to plaints and not on written statutory law and criminal investigators; and its religion of ecstatic shamanism was quite alien and repugnant to Qin

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officials. When the Qin conquered Chu, they tried to digest an enormous swath of territory, about a million square kilometers of rivers, swamps, lakes, and mountains. A small number of Qin officials were spread very thinly over this enormous territory, and it is no wonder that soon after the so-called conquest of Chu, an insurgency broke out.

This case evokes problems hauntingly familiar from the twenty-first century, namely, what is the most effective way for a conquering power to suppress an insurgency and stabilize a new regime? Can a counterinsurgency ‘win’ by killing or arresting all the insurgents, or are reconciliation, mercy, and compromise the only ways to end a revolt? Furthermore, how can one distinguish insurgents from the counterinsurgent militias used to fight them or from the surrounding peasants when they all look and speak alike?

The particular hot spot connected with this case was in Li 利 District of You 攸 County, Cangwu Commandery, in the far south of the new Qin territories. You County was without a Magistrate at the time, so an acting Magistrate named Yao was in charge. He and his Assistant Magistrate, Kui, were slow to respond to the revolt, but they eventually raised a militia of former Chu subjects, the ‘new black-headed ones,’ led by a commander named Yi and accompanied by a Scribe Director named Zuo, whose job was to record the names of the men in the militia and note which ones had attained merit in battle and which had deserted. Perhaps because he was unfamiliar with the terrain, Yi did not properly reconnoiter the rebels’ position and strength and was ambushed and defeated. Many men in his counterinsurgent militia fled in fear of being held liable for a crime related to the defeat and hid in the hills, taking their Qin-issued weapons with them. Acting Magistrate Yao sent out another militia, this time with more men, again commanded by Yi. Despite better intelligence, Yi was defeated again and died in the battle. The new militia dispersed and deserted to the hills once again, and even Scribe Director Zuo, who kept the muster rolls, eventually threw away the documents and absconded so as to avoid being implicated in Yi’s debacle.

It was at this low point that the newly appointed Magistrate of You County finally arrived, a man named Tui. Before Tui took up his appointment, his superiors in the commandery briefed him on the desperate situation and informed him that he would need to arrest many deserters. They may have even told him that the Qin forces faced total defeat at the hands of the rebels. When Magistrate Tui arrived at his post, he looked over the outstanding criminal cases and asked his local Judiciary Scribe, a man named Shi, about the affair. Fearing the wrath of his new boss, Shi withheld some of the facts, especially the part about Scribe Director Zuo running off with the muster rolls. He insisted

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2 See Weld 2003.