Sections 4.19 and 4.20 contain two stories in the form of legal proceedings, set hundreds of years earlier than the previous examples in the *Book of Submitted Doubtful Cases* text, in the states of Wei 衛 and Lu 魯 respectively, with main characters known from other historical and philosophical texts. Section 4.19 is a variation on a story also recorded in the *Master Han Fei* (Han Feizi 韓非子) text, in which Duke Wen of Jin 晉文公 (697–628 BCE) found hairs in his cooked meat and blamed the cook. This story and its counterpart in section 4.20, which concerns the punishment of an Assistant Scribe who dressed as a Ru 儒 (Confucian) scholar and stole a small amount of grain, have been interpreted by many as true representations of the legal process in those states in early Eastern Zhou times, but there are strong reasons to doubt this identification, as both stories contain numerous historical, legal, and technological anachronisms. Many of these anachronisms are pointed out in the translation notes to the cases. Most notably, in the first case record, the legal procedures described are almost exactly the same as those prevalent during the late Qin and early Han periods. For example, it would have been most unlikely that the Lord and Lady of Wei would have had to resort to an ‘official accusation’ (hé 劊) of those responsible for depositing strands of hair and wild grass in their food. Further, the official put in charge of the investigation performs intricate physical examinations of the evidence in the same way that Qin and early-Han scribes were expected to do when confronted with problematic cases. At the end, the Lord of Wei accepts the official’s matching (dāng 當). This was a Qin and Han legal procedure; there is no other historical evidence that the state of Wei had such a procedure so much earlier. The name of the man chosen as the protagonist, Shi You 史猷, is also suggestive, for the surname literally means ‘scribe,’ so later Qin and Han scribes may have seen this famous

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1 Zhang Zhongwei (2007a) should be credited as the scholar who first pointed out some of these anachronisms, and we have built on his insights for our own interpretations. Lau and Lüdke (2012, 13) come to the same conclusion about the anachronistic terms but place the composition of both cases in the early Han period, rather than during the Qin period, because they see a ‘Confucian influence’ in the cases, which would have been suppressed during the Qin period. In our introduction to the *Zouyan shu* text (sec. 2.5), we argue exactly the opposite, placing the composition or editing of these pseudo case records during the Qin dynasty.
historical figure as one of their forebears. Thus, as in other case records in the *Book of Submitted Doubtful Cases* text, the clever scribe is the hero of the story, performing a careful forensic examination of the evidence and coming to a remarkable and unforeseen conclusion that convinces his superior.

Section 4.20 begins in a more typical format for a legal case record, citing the supposed statutes of Lu, Confucius's home state, in the seventh or sixth century BCE. However, a closer examination of the content of the statutes—which state, first, that Lu punished theft in three grades (starting with fines reckoned in gold and culminating in a punishment of mutilation) and, second, that committing a crime of deception of one’s superiors was punished with having one’s status changed to that of ‘white convict’ and committing a second crime deserving the punishment of being made a ‘white convict’ would add another degree to the crime—raises some doubts. As Zhang Zhongwei (2007a) points out, Lu did not have a gold-based currency during the time period in which this story is set, and, indeed, Qin adopted Chu gold fines only after unification and the establishment of the empire. Thus, the quoted statutes cannot have been genuine law from the state of Lu. In addition, the criminal in this case dresses in Ruist garb and yet steals grain; thus the official in charge, the famous Liuxia Ji, who also appears in the Daoist text *Master Zhuang* (Zhuangzi) and other sources, sentences him for stealing the “principles of the gentleman” (jūnzǐ) as well as the grain, incurring the increased punishment. This case was set in a time before Confucius lived and is obviously anachronistic. The graph used to write the word ‘Ru’ in this story is a pun, probably with the literal meaning ‘to crawl or wriggle like an insect,’ a vicious slight. In short, as with other records in the *Book of Submitted Doubtful Cases* text, the story pokes fun at Ruists and cannot possibly have been written any earlier than the establishment of the Qin Empire in 221 BCE. It is fiction.

Some final questions remain unanswered: What is the meaning of these stories in the context of the *Book of Submitted Doubtful Cases* text? Lau and Lüdke (2012, 267, 276) argue that the case record in section 4.19 was collated into the text as a model of clear logic for forensic examinations and as “an early plea for the independence of the judiciary.” They argue that the record in section 4.20 was placed in the collection to serve as a model for judicial officials in lower courts, demonstrating that in the construction of judgments, the principles underlying the law were more important than the letter of the law. Also, did Han Fei draw on stories from a scribal tradition for his own versions, or were the legal scribes drawing on a common literary tradition? Much more research needs to be done on early Chinese storytelling as it appears in these legal cases and its relationship to philosophical and historical sources.

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2 For the term ‘white convict’ (báitú), see section 4.20 (slip no. 174n2).