[律/lü 345 | Zuozang zhizui 坐贜致罪](http://lsc.chineselegalculture.org/eC/DQLL_1740/5.6.9.345)

凡官吏人等，非因枉法、不枉法之事而受人之財，坐贜致罪；各主者，通算折半科罪；與者，減五等。謂 如被人盜財或毆傷，若賠償及醫藥之外因而受財之類。各主者，並通算折半科罪。為兩相和同取與，故出錢人減受錢人罪五等。又如擅科斂財物，或多收少徵，如收 錢糧稅糧斛面，及檢踏災傷田糧，與私造斛斗秤尺各律所載雖不入己，或造作虛費人工物料之類，凡罪由此贓者，皆名為坐贓致罪。官吏坐贓，若不入己者，擬還職 役，出錢人有規避事重者，從重論。

一兩以下，笞二十；一兩之上至十兩，笞三十；二十兩，笞四十；三十兩，笞五十；四十兩，杖 六十；五十兩，杖七十；六十兩，杖八十；七十兩，杖九十；八十兩，杖一百；一百兩，杖六十、徒一年；二百兩，杖七十、徒一年半；三百兩，杖八十、徒二年； 四百兩，杖九十、徒二年半；五百兩，罪止杖一百、徒三年。以坐贓非實贓，故至五百兩，罪止徒三年。

Punishable Illicit Transactions

凡官吏人等，非因枉法、不枉法之事而受人之財，坐贓致罪；各主者，通算折半科罪；與者，減五等。When an official, government employee, or other individual凡官吏人等receives goods, if not exchange for a favor that perverts the law or that does not pervert the law 非因枉法、不枉法之事, this is a punishable illicit transaction坐贓致罪.[[1]](#footnote-1) The value of all such transactions 各主者[[2]](#footnote-2) shall be calculated *in toto* 通算, and punishment[[3]](#footnote-3) shall be determined based on half of the aggregate value 折半科罪. The giver 與者shall be subject to five degrees less than the standard punishment減五等.

謂 如被人盜財或毆傷，若賠償及醫藥之外因而受財之類。各主者，並通算折半科罪。This statute applies to transactions in which, for example 謂如, the victim 被人of a theft 盜財or a beating that results in injury 毆傷 receives goods in excess of what is required as compensation for the loss 賠償 or as payment for medical expenses 醫藥 , and the like. The value of all such transactions各主者shall be calculated *in toto* 通算, and punishment shall be determined based on half of the aggregate value 通算折半科罪.

為兩相和同取與，故出錢人減受錢人罪五等。For situations 為in which two parties 兩相 collude in their receiving and giving 和同取與, the punishment for the person who deliberately pays more than is required 故出錢人shall be subject to five degrees less punishment than the person who receives the money減受錢人 .

又如擅科斂財物，或多收少徵，如收 錢糧稅糧斛面，及檢踏災傷田糧，與私造斛斗秤尺各律所載雖 不入己，或造作虛費人工物料之類，凡罪收由此贓者，皆名為坐贓致罪。Other transactions 又如, including unauthorized gouging of fees or property 擅科斂財物, either 或by too levying too much or too little in taxes 多收 少徵[[4]](#footnote-4) (for example, when collecting land taxes 收錢糧or grain taxes稅糧斛面, or when assessing fees for an on-the-spot investigation 檢踏into a natural disaster that destroys land or provisions災傷田糧); or by the private manufacture 私造[[5]](#footnote-5) of *hu* 斛 for measuring grain,[[6]](#footnote-6) *dou* 斗 for measuring dry goods,[[7]](#footnote-7) *cheng*秤 for determining weight,[[8]](#footnote-8) or *chi* 尺 for determining length[[9]](#footnote-9) (the dimensions of which are established by law 各律所載), even if not in pursuit of self-interest 雖不入己 ; or 或by inventing false expenses for labor, materials, and the like 造作虛費人工物料之類 ; these crimes, which stem from the receipt of illicit goods凡罪收由此贓者, are all considered to be punishable illicit transactions皆名為坐贓致罪。

官吏坐贓，若不入己者，擬還職 役，出錢人有規避事重者，從重論。When an official or government employee engages in an illicit transaction官吏坐贓 , if it does not result in his personal advantage若不入己者, then he shall be allowed to return to his office or post 擬還職 役. If the payer 出錢人engages such practices in order to avoid the consequences of a more serious matter 有規避事重者, sanctions shall be determined based on the more serious form of wrongdoing從重論.

一兩以下，笞二十；一兩之上至十兩，笞三十；二十兩，笞四十；三十兩，笞五十；四十兩，杖 六十；五十兩，杖七十；六十兩，杖八十；七十兩，杖九十；八十兩，杖一百；一百兩，杖六十、徒一年；二百兩，杖七十、徒一年半；三百兩，杖八十、徒二年； 四百兩，杖九十、徒二年半；五百兩，罪止杖一百、徒三年。以坐贓非實贓，故至五百兩，罪止徒三年。以坐贓非實贓，故至五百兩，罪止徒三年。

For less than one *liang*, 20 blows with a bamboo switch; between 1 and 10 *liang*, 30 blows with a bamboo switch; 20 *liang*, 40 blows with a bamboo switch; 30 *liang*, 50 blows with a bamboo switch; 40 *liang*, 60 blows with a bamboo cane; 50 *liang*, 70 blows with a bamboo cane; 60 *liang*, 80 blows with a bamboo cane; 70 *liang*, 90 blows with a bamboo cane; 80 *liang*, 100 blows with a bamboo cane; 100 *liang*, 60 blows with a bamboo cane and 1 year of penal servitude; 200 *liang*, 70 blows with a bamboo cane and 1 ½ years of penal servitude; 300 *liang*, 80 blows with a bamboo cane and 2 years of penal servitude; 400 *liang*, 90 blows with a bamboo cane and 2 ½ years of penal servitude; for 500 *liang*, the maximum penalty shall be 100 blows with a bamboo cane and 3 years penal servitude. These penalties are based on the nominal value of the illicit transactions; for amounts up to 500 *liang* the maximum punishment is 3 years of penal servitude. The scale of punishments for illicit transactions does not reflect the true value of the illicit goods以坐贓非實贓, which establishes a maximum value of 500 *liang*故至五百兩, for which the maximum punishment is 3 years of penal servitude罪止徒三年。

*No clauses*.

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| **Punishment Scale for Illicit Transactions** | |
| **Value of the Transaction** | **Punishment** |
| Less than 1 *liang* | 20 blows with a bamboo switch |
| 1-10 *liang* | 30 blows with a bamboo switch |
| 20 *liang* | 40 blows with a bamboo switch |
| 30 *liang* | 50 blows with a bamboo switch |
| 40 *liang* | 60 blows with a bamboo cane |
| 50 *liang* | 70 blows with a bamboo cane |
| 60 *liang* | 80 blows with a bamboo cane |
| 70 *liang* | 90 blows with a bamboo cane |
| 80 *liang* | 100 blows with a bamboo cane |
| 100 *liang* | 100 blows with a bamboo cane and 1 year of penal servitude |
| 200 *liang* | 100 blows with a bamboo cane and  1 ½ years of penal servitude |
| 300 *liang* | 100 blows with a bamboo cane and  2 years of penal servitude |
| 400 *liang* | 100 blows with a bamboo cane and  2 ½ years of penal servitude |
| 500 *liang* and above | 100 blows with a bamboo cane and  3 years of penal servitude |

1. *Zuo4zang4 zhi4zui4* (punishable illicit transaction). “Illicit transactions” is a contemporary term used to describe a wide variety of shady financial dealings, including money laundering, bribery, etc. It includes “illicit” element of *zang* and the catch-all category of transactions. [↑](#footnote-ref-1)
2. *Zhu3zhe* (principle transactions), refers to transactions that are considered as part of the same case. Ref. *zhu3zui* 4(the principle crimes that make up a suit) and *zhu3fan* (the principle criminal in a given criminal act). [↑](#footnote-ref-2)
3. =Punishment for the receiver of the goods [↑](#footnote-ref-3)
4. *Zheng1shou4* 徵收 (to levy and collect taxes). The text reads多收 少徵 , but since taxes have to be levied before they can be collected, I think it makes more sense to switch the order of the verbs. Another possible translation (?) is to “collect more and levy less,” which better follows the order to the characters, but awkward. [↑](#footnote-ref-4)
5. *Si1*私here refers “self-interest,” so I think that the translation “to manufacture for one’s private advantage” is more accurate than “to privately manufacture.” [↑](#footnote-ref-5)
6. *Hu2* 斛 (a grain measure – according to Mathews, a *hu* nominally holds 10 pecks, but actually holds about 5. [↑](#footnote-ref-6)
7. *Dou3*斗 (dry measure – according to Mathews, it is often translated as a peck; the size varied considerably, but was standardized to contain 316 cubic inches, 6472). [↑](#footnote-ref-7)
8. *Cheng4* 秤 (a scale – Mathews, 382). [↑](#footnote-ref-8)
9. *Chi3*尺 (a unit of length – according to Mathews, a *chi* is approximately equal to 36 centimeters – 1045) [↑](#footnote-ref-9)