[律/lü 344 | Guanli shoucai 官吏受財](http://lsc.chineselegalculture.org/eC/DQLL_1740/5.6.9.344)

凡官吏因枉法、不枉法事。受財者，計贓科斷，無祿人，各減一等；官追奪除名，吏罷役，贓止一兩。俱不敘用。

說事過錢者，有祿人減受錢人一等，無祿人減二等。如求索、科斂、嚇詐等贓，及事後受財過付者，不用此律。罪止杖一百、徒二年。照遷徙比流減半科罪。有贓者，過錢而又受錢。計贓從重論。若贓重，從本律。

有祿人：凡月俸一石以上者。

枉法贓各主者，通算全科。謂受有事人財，而曲法處斷者，受一人財，固全科；如受十人財，一時事發，通算作一處，亦全科其罪。若犯二事以上，一主先發，已經論決，其他後發，雖輕若等，亦並論之。一 兩以下，杖七十；一兩至五兩，杖八十；一十兩，杖九十；一十五兩，杖一百；二十兩，杖六十、徒一年；二十五兩，杖七十、徒一年半；三十兩，杖八十、徒二 年；三十五兩，杖九十、徒二年半；四十兩，杖一百、徒三年；四十五兩，杖一百、流二千里；五十兩，杖一百、流二千五百里；五十五兩，杖一百、流三千里；八 十兩，實，絞。監候。

不枉法贓各主者，通算折半科罪。雖受有事人財，判斷不為曲法者，如受十人財，一時事發，通算作一處，折半科罪。一主者，亦折半科罪。准半折者，皆依此。一 兩以下，杖六十；一兩之上至一十兩，杖七十；二十兩，杖八十；三十兩，杖九十；四十兩，杖一百；五十兩，杖六十、徒一年；六十兩，杖七十、徒一年半；七十 兩，杖八十、徒二年；八十兩，杖九十、徒二年半；九十兩，杖一百、徒三年；一百兩，杖一百、流二千里；一百一十兩，杖一百、流二千五百里；一百二十兩，杖 一百、流三千里；一百二十兩以上，實，絞。監候。

無祿人：凡月俸不及一石者。

枉法扶同聽行及故縱之類。一百二十兩，絞。監候。

不枉法，一百二十兩以上，罪止杖一百、流三千里。

Officials and Government Employees who Receive Goods

凡官吏因枉法、不枉法事。受財者，計贓科斷，無祿人，各減一等；官追奪除名，吏罷役，贓止一兩。俱不敘用。Officials or government employees 官吏[[1]](#footnote-1) who receive goods受財者[[2]](#footnote-2) in exchange for a action[[3]](#footnote-3) that perverts the law[[4]](#footnote-4) or in exchange for a action that does not pervert the law,[[5]](#footnote-5) 因枉法、不枉法事 shall be subject to sanctions[[6]](#footnote-6) proportional to the value of the illicit goods計贓科斷.[[7]](#footnote-7) Non-salaried persons無祿人[[8]](#footnote-8) shall be subject to two degrees less than the standard sanction 減二等. Officials and government employees who receive illicit goods valued at one *liang* or moreshall be stripped of their rank or position官追奪除名，吏罷役, 止一兩, never to be employed again俱不敘用.

說事過錢者，有祿人減受錢人一等，無祿人減二等。如求索、科斂、嚇詐等臟，及事後受財過付者，不用此律。 Negotiants and go-betweens in a transaction 說事過錢者, if salaried persons有祿人, shall be subject to one degree less than the standard sanction for recipients of a payment 減受錢人一等; if non-salaried persons, they shall be subject to two degrees less than the standard sanction. If the circumstances involve the solicitation of bribes (*quisuo*) 如求索,[[9]](#footnote-9) fee gouging科斂,[[10]](#footnote-10) intimidation schemes 嚇詐, [[11]](#footnote-11) and other illicit transactions 等臟; or receiving goods as payback 事後受財; or overcharging過付者, do not use this statute 不用此律.

罪止杖一百、徒二年**。照遷徙比流減半科罪。**有臟者，過錢而又受錢。計臟從重論**。** 若贓重，從本律。The maximum punishment 100 blows with a bamboo cane and two years penal servitude罪止杖一百、徒二年. The punishment of exile a short distance from one’s native place[[12]](#footnote-12) , by analogy to the laws governing regular exile**照遷徙比流,** shall be determined based on half the aggregrate value of the illegal goods **減半科罪。**Those involved both as go-betweens and receivers in illicit transactions有臟者，過錢而又受錢shall be subject to sanctions based on weightiest charge計臟從重論 . This statute applies to whatever form of illicit transaction is the weightiest 若贓重，從本律。

有祿人：凡月俸一石以上者。Salaried persons: Those who receive a nominal salary of one or more *dan* of rice per month.

枉法臟各主者，通算全科。**謂受有事人財，而曲法處斷者，受一人財，固全科；如受十人財，一時事發，通算作一處，亦全科其罪。若犯二事以上，一主先發，已經論決，其他後發，雖輕若等，亦並論之。**Individuals who accept illicit goods in exchange for a action that perverts the law枉法臟各主者shall be subject to sanctions based on the aggregate value通算全科 . That is to say, an individual who bends the law by receiving goods from another person謂受有事人財 而曲法處斷者，shall be subject to sanctions based on the all the goods received from this person受一人財, 固全科. If the situation involves the receipt of goods from ten people 如受十人財, once the matter comes to light一時事發, the value of all the goods shall be calculated together 通算作一處，and punishment shall be determined based on the aggregate value of all the goods, which are considered to constitute a single affair亦全科其罪通算作一處, 亦全科其罪. 。If the wrongdoer is involved in two or more such situations, 若犯二事以上，if the first has already come to light, resulting in sentencing, 一主先發，已經論決，and the other comes to light later on 其他後發, even if the circumstances are relatively minor, both situations shall be considered to constitute as a single affair 雖輕若等，亦並論之。

一 兩以下，杖七十；一兩至五兩，杖八十；一十兩，杖九十；一十五兩，杖一百；二十兩，杖六十、徒一年；二十五兩，杖七十、徒一年半；三十兩，杖八十、徒二 年；三十五兩，杖九十、徒二年半；四十兩，杖一百、徒三年；四十五兩，杖一百、流二千里；五十兩，杖一百、流二千五百里；五十五兩，杖一百、流三千里；八 十兩，實，絞。監候。 For less than one *liang*, 70 blows with a bamboo cane; between 1 and 5 *liang*, 80 blows with a bamboo cane; 10 *liang*, 90 blows with a bamboo cane; 15 *liang*, 100 blows with a bamboo switch; 20 *liang*, 60 blows with a bamboo cane and 1 year of penal servitude; 25 *liang*, 70 blows with a bamboo cane and 1 ½ years of penal servitude; 30 *liang*, 80 blows with a bamboo cane and 2 years of penal servitude; 35 *liang*, 90 blows with a bamboo cane and 2 ½ years of penal servitude; 40 *liang*, 100 blows with a bamboo cane and 3 years of penal servitude; 45 *liang*, 100 blows with a bamboo cane and exile to 2000 *li*; 50 *liang*, 100 blows with a bamboo cane and exile to 2500 *li*; 55 *liang*, 100 blows with a bamboo cane and exile to 3000 *li*; 80 *liang*, if a true value實, strangulation after a waiting period in prison絞。監候。

不枉法贓各主者，通算折半科罪。雖受有事人財，判斷不為曲法者，如受十人財，一時事發，通算作一處，折半科罪。一主者，亦折半科罪。准半折者，皆依此。Individuals who receive illicit goods in exchange for a action that does not pervert the law不枉法贓各主者shall be subject to sanctions based on the aggregate value通算全. 雖受有事人財，判斷不為曲法者，如受十人財，一時事發，通算作一處，折半科罪。一主者，亦折半科罪。准半折者，皆依此。

一 兩以下，杖六十；一兩之上至一十兩，杖七十；二十兩，杖八十；三十兩，杖九十；四十兩，杖一百；五十兩，杖六十、徒一年；六十兩，杖七十、徒一年半；七十 兩，杖八十、徒二年；八十兩，杖九十、徒二年半；九十兩，杖一百、徒三年；一百兩，杖一百、流二千里；一百一十兩，杖一百、流二千五百里；一百二十兩，杖 一百、流三千里；一百二十兩以上，實，絞。監候。For less than one *liang*, 60 blows with a bamboo cane; between 1 and 10 *liang*, 70 blows with a bamboo cane; 20 *liang*, 80 blows with a bamboo cane; 30 *liang*, 90 blows with a bamboo switch; 40 *liang*, 100 blows with a bamboo cane; 50 liang, 60 blows with a bamboo cane and 1 year of penal servitude; 60 *liang*, 70 blows with a bamboo cane and 1 ½ years of penal servitude; 70 *liang*, 80 blows with a bamboo cane and 2 years of penal servitude; 80 *liang*, 90 blows with a bamboo cane and 2 ½ years of penal servitude; 90 *liang*, 100 blows with a bamboo cane and 3 years of penal servitude; 100 *liang*, 100 blows with a bamboo cane and exile to 2000 *li*; 110 *liang*, 100 blows with a bamboo cane and exile to 2500 *li*; 55 *liang*, 120 blows with a bamboo cane and exile to 3000 *li*; more than 120 *liang*, if a true value實, strangulation 絞after a waiting period in prison 監候。

無祿人：凡月俸不及一石者。

Non-salaried persons: Those who receive a nominal salary of less than one *dan* of rice per month。

枉法扶同聽行及故縱之類。一百二十兩，絞。監候。 Concerning the receipt of illicit goods in exchange for a action that perverts the law枉法贓 , if collaboration, connivance, deliberate laxity, and the like are involved 扶同聽行及故縱之類,[[13]](#footnote-13) those who receive 120 *liang* shall be subject to strangulation after a waiting period in prison一百二十兩，絞。監候。

不枉法，一百二十兩以上，罪止杖一百、流三千里。Concerning the receipt of illicit goods in exchange for a action that does not pervert the law不枉法, the maximum punishment those who receive 120 *liang* and above is一百二十兩以上, 罪止100 blows with the bamboo cane and exile to 3000 *li*杖一百、流三千里。

|  |
| --- |
| Sanctions for Receiving Goods in Exchange for an Action that Perverts the Law |
| Value of the Goods Received | Sanctions |
| 1 *liang* or less | 70 blows |
| 1 to 10 *liang* | 80 blows |
| 10 *liang* | 90 blows |
| 15 *liang* | 100 blows |
| 20 *liang* | 60 blows + penal servitude[[14]](#footnote-14) for 1 year |
| 25 *liang* | 70 blows + penal servitude for 1 ½ years |
| 30 *liang* | 80 blows + penal servitude for 2 years |
| 35 *liang* | 90 blows + penal servitude for 2 ½ years |
| 40 *liang* | 100 blows + penal servitude for 3 years |
| 45 *liang* | 100 blows + exile[[15]](#footnote-15) at a distance of 2000 *li* |
| 50 *liang* | 100 blows + life exile at a distance of 2500 *li* |
| 55 *liang* | 100 blows + life exile at a distance of 3000 *li* |
| More than 80 | Strangulation after the Autumn Assizes |

|  |
| --- |
| Sanctions for Receiving Goods in Exchange for anAction that Does Not Pervert the Law |
| Value of the Goods Received | Sanctions |
| 1 *liang* or less | 60 blows |
| 1 to 10 *liang* | 70 blows |
| 20 *liang* | 80 blows |
| 30 *liang* | 90 blows |
| 40 *liang* | 100 blows |
| 50 *liang* | 60 blows + penal servitude for 1 year |
| 60 *liang* | 70 blows + penal servitude for 1 ½ years |
| 70 *liang* | 80 blows + penal servitude for 2 years |
| 80 *liang* | 90 blows + penal servitude for 2 ½ years |
| 90 *liang* | 100 blows + penal servitude for 3 years |
| 100 *liang* | 100 blows + life exile at a distance of 2000 *li* |
| 110 *liang* | 100 blows + life exile at a distance of 2500 *li* |
| 120 *liang* | 100 blows + life exile at a distance of 3000 *li* |
| More than 120 *liang* | Strangulation after the Autumn Assizes |

1. The terms *guan* and *li* distinguish between two types of government workers. *Guan* – either civil officials or military officers – is used conjunction with the term “salaried persons” (*youlüren*), defined as people who received a salary from the state equivalent in value to at least one *dan* of rice per month (1 *dan* = 60.5 kilograms). *Li* – which I have translated as government employees – is used in conjunction with the term “non-salaried persons” (*wulüren*), defined as people who did not receive a salary from the state equivalent in value to at least one *dan* of rice per month. [↑](#footnote-ref-1)
2. *Cai* (goods).In the past I’ve translated this as “bribes,” but this term is not inclusive enough because the “goods” can come in a variety of forms, includings gifts in cash or in kind, excessive fees, payments as a result of extortion, etc. In addition, Wallace Johnson translates *zang* as “illicit goods,” and I think that the contrast between ordinary “goods” and “illicit goods” is works well. [↑](#footnote-ref-2)
3. Although the text does not include the words “in exchange for a action,” taking out that phrase makes the sentence either awkward or nonsensical to anyone not already familiar with the terms *wangfa* and *bu wangfa*. [↑](#footnote-ref-3)
4. *Wangfa zang* (literally, “illicit goods that do not twist the law”). This refers to goods that are received in exchange for carrying out a action that is in and of itself *illegal*. Since receiving bribes and exacting excessive fees is already illegal, the chosen term needs to distinguish between illegality of the original crime and the illegality (or legality) of the action that is done in exchange. Staunton translates this as “accepting a bribe for a unlawful purpose, which is clear, but doesn’t include the “twisting” image. Johnson uses “bribes that subvert the law.” “Subvert” is not a good synonym for “twist,” but it works better in English. Jones uses “with or without perversion of the law.” Although “subvert” sounds more natural in English than “pervert,” I like the latter because it includes the twisting imagery. [↑](#footnote-ref-4)
5. *Bu wangfa* *zang* (literally, “illicit goods that do not twist the law”). This refers to goods that are received in exchange for carrying out a action that is in and of itself *legal*. Since receiving bribes and exacting excessive fees is already illegal, the chosen term needs to distinguish between illegality of the original crime and the illegality (or legality) of the action that is done in exchange. See *wangfa zang* (footnote 4). [↑](#footnote-ref-5)
6. *Keduan*. Johnson and others translate this as “sentencing” or “punishing.” I prefer “the determination of sanctions,” because it provides a greater sense of the gradations of sentencing. I prefer “sanctions” to “punishments,” because it is a more generic term that encompasses both criminal punishments/penalties (i.e. the Five Punishments), and disciplinary sanctions (e.g. fines, demotion, dismissal), both of which are covered by the term. I use punishments as a translation for *zui*, which clearly states that the sanction is a form of punishment. [↑](#footnote-ref-6)
7. Regardless of the form of the “goods” received, they would be was calculated in terms of its monetary value, and the sanctions were meted out in proportion to the value of the. See DLCY, 1043 [348.00]. [↑](#footnote-ref-7)
8. *Wulüren* (non-salaried persons) [↑](#footnote-ref-8)
9. *Qiusuo* (soliciting a bribe) is different from receiving bribes. [↑](#footnote-ref-9)
10. *Kelian* (fee gouging). This refers to excessive exactions of customary fees, but I like fee gouging because it is a modern term that encompasses a variety of misdeeds. Also, it pairs well with price gouging, another common approach to corruption which involves the seller pricing goods at a level higher than is considered reasonable (often in collusion with the buyer), in order to make a profit or receive the equivalent of a bribe. [↑](#footnote-ref-10)
11. *Hezha* (intimidation scheme). *He* = to frighten, coerce, or intimidate; *zha* = to deceive, swindle, or defraud). This is term that is sometime used to describe various crimes involving the intimidation of its victims (sometimes involving bribery, but also suppression of the vote, free speech, ex.). Another possibility is “intimidation with intent to defraud or swindle,” but this seems awkward to me. [↑](#footnote-ref-11)
12. *Qianxi* (a form of exile). According to Joanna Waley-Cohen, a form of exile employed in the Yuan, *qianxi*, echoed an earlier Tang practice of removing disruptive elements a short distance from their native place. See Shen, “Zongkao,” 4, 13a. *Qianxi l* lasted into the Qing, but by then was only rarely imposed. Waley-Cohen, 47n. Chang Wejen translates this as “transportation.” [↑](#footnote-ref-12)
13. *Fu2tong2* (to collaborate); *ting4xing2* (*ting2cong2* = to fall in with – Mathews, 6402); *gu4zong4* (*zong =* to loose; to allow; to relax; to let go; laxity; indulgence – Mathews, 6910). [↑](#footnote-ref-13)
14. *Tu* (penal servitude). Staunton refers to this as “temporary banishment” and Boulais as “exil temporaire,” and Philastre as “travail pénible.” According to Chang Wejen, in Ming times, criminals under this sentence were assigned to making salt or smelting iron. In the Qing, they were sent to a post station within the same province, or to serve as water carriers, kitchen stove attendants, or to perform the coolie services in a local yamen in a district where there was no post station. *Chinese Legal Working Aid* (Harvard Law School, unpublished manuscript, 1971) [↑](#footnote-ref-14)
15. *Liu*. This is one of three forms of exile described by Joanna Waley-Cohen, *Exile in mid-Qing* China, p. 53: “Under the Qing, the statutory system of exile came to have three tiers: regular life exile (*liu*), military life exile (*jun* or *chongjun*), and banishment to the frontier (*fapei* or sometimes *waiqian*). I’ve translated *liu* simply as “exile,” following Philastre. Johnson uses “life exile,” Boulais uses “exil perpetual,” and Staunton uses “banishment for life.” However, Qing exile was always for life (except in rare circumstances when the sentences were overturned), the terms seem redundant. Re: banishment vs. exile, the modern terms seem to be used interchangeably (Joanna Waley-Cohen uses both in her book), but exile is a less cumbersome term and seems less old-fashioned to my ear. Joan [↑](#footnote-ref-15)