

and do not exist, the restitution shall be in fine metal. (This means that if the original illicit goods that are stolen or obtained are gold or silver, and they have been expended and no longer exist, they shall all be repaid in fine metal.)

*Article 24 Voluntary Confession of Crimes* [Fanzui zishou]

[1] In all cases of voluntarily confessing crimes that have not yet been discovered, the criminals shall be exempted from punishment; the original illicit goods shall still be repaid. (This means, for example, that the illicit goods taken with or without subversion of the law [Art. 367] shall be seized by the government; the illicit goods taken by means such as using force and making trouble, extortion [Art. 298], fraud [Art. 297], excessive collection [Art. 374], or solicitation [Arts. 371, 372], or taken in forcible robbery [Art. 289] or theft [Art. 292], shall be returned to the owner.) If lesser crimes have been discovered but more serious crimes are voluntarily confessed, the criminals shall be exempted from the punishment for the more serious crimes. (This means, for example, that if theft has been discovered and illegitimately minting copper currency [*si juqian*] [Art. 383] is voluntarily confessed, the criminal shall be exempted from the punishment for minting coinage and only be punished for theft.) If, while matters that are reported are under interrogation, the criminals speak of other crimes, the cases shall also be judged in accordance with this provision. (This refers to cases such as those where smuggling salt [*siyan*] [Arts. 149–60] is discovered and interrogated, and without torture, the criminal himself speaks of other crimes of stealing a cow and taking other's property by fraud; he shall be punished only for smuggling salt and be exempted from the punishment for the other crimes.)

[2] If the criminals send others to make the confession for them, or those who are allowed mutual concealment by the law [Art. 31] make the confession for them, or [those who are allowed mutual concealment by the law] accuse each other to the court, in each case it shall be judged the same as under the law on the criminals' voluntary confession in person. ("Sending others to make the confession for them" means, for example, that A commits a crime and sends B to make the voluntary confession for him, irrespective of whether the latter is a relative or a nonrelative; A shall be exempted from punishment as for the voluntary confession. "Those who are allowed mutual concealment by the law make the confession for them" and "[those who are allowed mutual concealment] accuse each other to the court" mean that those who live together [*tongju*] or relatives of the third degree of mourning or closer or hired laborers make the confession for the household head. The criminals in these cases shall all be exempted from the punishment as if they made the voluntary confession themselves. If relatives of the fourth or fifth degree of mourning make the confession or accuse to the



court, the penalty for the criminals shall be reduced three degrees from that for ordinary persons. If relatives beyond the mourning system [*wufu zhi qin*] make the confession or accuse to the court, the penalty for the criminals shall still be reduced one degree from that for ordinary persons. In cases where plotting rebellion, sedition, or treason has not been carried out, and relatives make the confession for the criminals or accuse them to the court, or capture them and send them to the authorities, in both of these cases the responsible criminals [*zhengfan*] shall be judged the same as under the law of voluntary confession and be exempted from punishment. If those plots have been carried out, the responsible criminals shall not be exempted from punishment, but those who would be collectively prosecuted shall be judged the same as under the law on voluntary confession and be exempted from punishment.) If criminals make the voluntary confession untruthfully or incompletely, they shall be punished for crimes that have not yet been confessed truthfully or completely; if the punishment extends to death, it may be reduced one degree. (If the voluntary confession of the amount of the illicit goods is incomplete, criminals shall be punished only in accordance with the value of the incomplete amount.) If criminals know that someone intends to accuse them to the court, or they have fled or engaged in treason, and they make the voluntary confession, then they shall have their penalty reduced two degrees. If those who have fled or engaged in treason return to their original places, even though they do not make voluntary confession, they shall have their penalty reduced two degrees.

[3] If criminals harm or injure people (If they kill or injure people because of committing crimes and make voluntary confession, they shall be exempted from punishment for the crimes that are the causes of the killing or injuring; they shall still be punished in accordance with the law on deliberately killing or injuring. If the crimes are negligent, they shall be judged in accordance with the relevant law.) or [destroy or lose] articles that cannot be compensated (This refers to articles such as seals, official documents, forbidden military weapons, or proscribed books. These are articles that private households shall not possess and that cannot be compensated. Therefore, the criminals cannot make the voluntary confession. If the original articles exist, criminals may be judged the same as under the law on voluntary confession and be exempted from punishment.) or flee after the matters are discovered (Even though criminals shall not make the voluntary confession for crimes that have been committed, they shall have their penalty for flight reduced two degrees.) or pass checkpoints without authorization [*sidu*] or by circumvention [*yuedu*], commit fornication, or study astronomy without authorization, in all these cases the law on voluntary confession shall not apply.

[4] For those who take others' property by forcible robbery, theft, or fraud and make voluntary confession to the owners of the property, or who accept



illicit goods from others either with or without subversion of law and repent their transgressions and return the goods to the owners, they shall all be judged the same as if they had made voluntary confession to the authorities and be exempted from punishment. If they know others intend to accuse them to the court and make the confession and return the property to the owners, they shall also have their penalty reduced two degrees. If those who have committed forcible robbery or theft can capture their companions and send them to the authorities, they shall also be exempted from punishment and be rewarded as ordinary persons.

*Article 25 Sentencing on the Basis of the Punishment for the More Serious Crime When Two Crimes Are Discovered Together* [Erzui jufa yi zhong lun]

In all cases where two or more crimes are discovered together, the criminals shall be punished on the basis of the punishment for the most serious crime. If the crimes are of equal severity, the criminals shall be punished in accordance with one of them. If one crime is discovered first and has already been judged and punishment carried out and then other crimes are discovered later, if they are less or equally serious, the criminals shall not be punished. If they are more serious, the criminals shall be punished again. Calculate the previous punishment and subtract it from the subsequent one. (This refers to cases such as those where two cases of theft are committed. One of them is discovered first, the illicit goods amount to 10 *guan*, and accordingly a beating with 70 strokes of the heavy stick is carried out. The other case is discovered later, and the illicit goods amount to 40 *guan*, for which the criminals shall be punished by 100 strokes of beating with the heavy stick. Therefore, the criminals shall subsequently be punished by 30 more strokes of beating with the heavy stick. However, if officials who have salaries [*youlu ren*] receive successively from others illicit goods worth 80 *guan* with subversion of the law, and goods worth 40 *guan* are discovered first and the criminals are judged and punished by 100 strokes of beating with the heavy stick and three years of penal servitude, and then other goods worth 40 *guan* are discovered later, this is not the same as the principle that only the illicit goods presently discovered shall be combined. The illicit goods that are discovered later shall be combined with the goods that are discovered first: they amount to 80 *guan* in total. Therefore, the punishment shall be changed, and the criminals shall be strangled for the whole crime.) If provisions such as confiscation by the government [*ruguan*], repayment [*pei-shang*], tattooing, dismissal from appointments, maximum punishment [*zuizhi*] are involved, in each case such a provision shall be applied. (This means that if, for example, one person commits several crimes, in each case the criminal shall be punished in accordance with the original provision: for accepting illicit goods with or without subversion of the law, the illicit goods shall be confiscated by the government; for destroying articles, the