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**律/lü 8 | Wenwuguan fan sizui 文武官犯私罪凡不因公事，己所自犯，皆為私罪。**

凡內外大小文武官犯私罪，該笞者，一十，罰俸兩個月；二十，罰俸三個月；三十、四十、五十，各遞加三月。三十，罰六月；四十，罰九月；五十，罰一年。該杖者，六十，降一級；七十，降二級；八十，降三級；九十，降四級，俱調用；一百，革職離任。犯贜者不在此限。吏典犯者，杖六十以上，罷役。

**Article 8: Civil and Military Officials who are Guilty of Private Misconduct** Misconduct that does not arise from unselfish public concerns and are committed in pursuit of personal advantage, is all “private misconduct.”[[1]](#footnote-1)

In all cases involving civil and military officials of all levels, inside and outside the capital, who are guilty of private misconduct,[[2]](#footnote-2) those who (ordinarily) would be subject to 10 blows with the light bamboo, (instead) shall be subject to two months of salary forfeiture; those who (ordinarily) would be subject to 20 blows of the light bamboo, (instead) shall be subject to three months of salary forfeiture; those who (ordinarily) would be subject to 30, 40, or 50 blows with the light bamboo, (instead) shall each be subject to an additional three months salary forfeiture; for 30 blows, forfeit six months’ salary; for 40 blows, forfeit nine months’ salary; for 50 blows, forfeit one year’s salary.

Those who would (ordinarily) be subject to 60 blows with the heavy bamboo, (instead) shall be subject to demotion, one degree; those who (ordinarily) would be subject to 70 blows with the heavy bamboo, (instead) shall be subject to demotion, two degrees; those who (ordinarily) would be subject to 80 blows of the heavy bamboo, (instead) shall be subject to demotion, three degrees. All shall be transferred from their post.

Those who would (ordinarily) be subject to 90 blows with the heavy bamboo, (instead) shall be subject to demotion, four degrees, with transfer. Those who would (ordinarily) be subject to 100 blows with the heavy bamboo, shall suffer cashiering with retention in office. Those who commit crimes involving illicit gains do not fall under these limitations. Concerning officials and functionaries who are guilty of misconduct that is (ordinarily) subject to 60 blows with the heavy bamboo or more serious penalties, they shall be removed from office.

**條例/tiaoli 1**

文武官員、舉人、監生、生員、冠帶官，及吏典、兵役，但有職役之人，犯姦盜、詐偽并一應贜私罪名，俱發為民。遇赦取問明白，罪雖宥免，仍革去職役。

Concerning civil and military officials, *juren*, jiansheng*, shengyuan*, cap and belt officials, and clerks and functionaries, military servants, except for people who hold a post, if they are guilty of illicit sexual relations or theft, forgery and impersonation, or any other act that falls under the category of “private misconduct,” they should all be returned to the rank of commoners. After the facts have determined, even if the misconduct is exempt, then should still be expelled from office, but allowed to retain their post.

guan1dai4 冠帶官 cap and belt officials?

姦盜 illicit sexual relations and left

詐偽 forgery and impersonation

發為民 to return to the rank of commoners

革去職役 explusion, with retention of one’s post

**條例/tiaoli 2**

凡外任各官，遇有錢糧、刑名事件，應行革職者，該督撫題參時，即行摘印委員署理，俟奉旨之日再行開缺。若有奉旨寬宥者，仍准復還原任。

In all cases involving officials who serve in the provinces, if there are those who should be expelled from office because of matters relating to finance or justice, when the appropriate governor-general or governor submits a routine memorial of impeachment, he shall immediately appoint an acting official to carry out the duties. Then, on the day that the imperial rescript is received, they should take steps to fill the empty post. If there are those who receive an imperial rescript granting them clemency, they shall be allowed to return to their original post.

摘印委員署理

開缺

原任 original post

1. Note: Public transgressions are not always committed in the course of an official’s professional duties. There are examples of public transgressions that take place in the course of an official’s private life. What makes them “public” is that they are not committed in pursuit of private gain. [↑](#footnote-ref-1)
2. Alternatives: Crime, offense, lawbreaking. I prefer “transgression,” which is defined as “an act that goes against a law, rule, or code of conduct.” It can be either criminal or administrative in nature, is understandable to ordinary readers, and the noun and verb forms are common and not cumbersome to use. [↑](#footnote-ref-2)