[Da Qing lüli 大清律例 (1740)](http://lsc.chineselegalculture.org/eC/DQLL_1740/) → [目錄 | Content](http://lsc.chineselegalculture.org/eC/DQLL_1740/5) → [名例律 Mingli lü](http://lsc.chineselegalculture.org/eC/DQLL_1740/5.1) → [Mingli lü shang 名例律上名者，五刑之罪名。例者，五刑之體例也。](http://lsc.chineselegalculture.org/eC/DQLL_1740/5.1.1) → [Wenwuguan fan gongzui 文武官犯公罪凡一應不係私己而因公事得罪者，曰公罪。](http://lsc.chineselegalculture.org/eC/DQLL_1740/5.1.1.7)

**律/lü 7 | Wenwuguan fan gongzui 文武官犯公罪凡一應不係私己而因公事得罪者，曰公罪。**

凡內外大小文武官犯公罪，該笞者，一十，罰俸一個月；二十、三十，各遞加一月；二十，罰兩月；三十，罰三月。四十、五十，各遞加三月。四十，罰六月；五十，罰九月。該杖者，六十，罰俸一年；七十，降一級；八十，降二級；九十，降三級，俱留任；一百，降四級調用。如吏、兵二部處分則例，應降級革職戴罪留任者，仍照例留任。吏典犯者，笞杖決訖，仍留役。

**Article 7: Civil and Military Officials who are Guilty of Public Misconduct** All cases involving misconduct that is not motivated by selfish private interests, but arises from unselfish public concerns are referred to as “public misconduct.”[[1]](#footnote-1)

In all cases involving civil and military officials of all levels, inside and outside the capital, who are guilty of public misconduct,[[2]](#footnote-2) those who (ordinarily) would be subject to 10 blows with the light bamboo, (instead) shall be subject to one month of salary forfeiture; those who (ordinarily) would be subject to 20 or 30 blows with the light bamboo, (instead) shall be subject to additional salary forfeiture, each increased by increments of one month; for 20 blows, forfeit two months’ salary; for 30 blows, forfeit 3 months’ salary. Those who (ordinarily) would be subject to 40 or 50 blows, (instead) shall each be subject to an additional salary forfeiture, each increased by increments of three months. For 40 blows, forfeit 6 months’ salary; for 50 blows, forfeit 9 months’ salary.

Those who would (ordinarily) be subject to 60 blows with the heavy bamboo, (instead) shall be subject to one year of salary forfeiture.

Those who would (ordinarily) be subject to 70 blows with the heavy bamboo, (instead) shall be subject to demotion, one degree; those who (ordinarily) would be subject to 80 blows with the heavy bamboo, (instead) shall suffer demotion, two degrees; those who (ordinarily) would be subject to 90 blows of the heavy bamboo, (instead) shall be subject to demotion, three degrees. All shall be retained in office.

Those who (ordinarily) would be subject to 100 blows with the heavy bamboo, (instead) shall be subject demotion, four degrees, with transfer. According to the disciplinary regulations and sanctions of both the Board of Civil Office and the Board of War, those whose misconduct merits demotion or explusion, but who are retained in office, shall be treated in accordance with the laws governing “retention in office.”  As for clerks and functionaries, their penalties of beating with the light or heavy bamboo shall be carried out, but they shall remain in their position.

**條例/tiaoli 1**

休職病故旗員未完罰俸銀兩，無俸可扣者，照外省官員之例概予免追，如本身係世襲官職及休職有俸者，仍照數扣抵。

Concerning retired, ailing bannermen who have not fulfilled their two months of salary forfeiture requirement, but who do not have a salary that can be deducted, the amount shall nonetheless be deducted in full, in accordance with the laws governing provincial officials who should be exempt from prosecution (Article ), similar to those who have a salary because of their status as hereditary officials or because they have retired from office.

**Glossary**

chu3fen4 ze2li4 處分則例 disciplinary sanctions

di4jia1 遞加 to be increased by increments; to increase by increments; to increase by degrees

fa2feng4 罰俸 to forfeit one’s salary; salary forfeiture

gong1shi4 **公事** unselfish public concerns

gong1zui4 公罪 public misconduct

jiang4ji2 降級 demotion

jiang4ji2 diao4yong4 降級調用 demotion and transfer

jiang4ji2 liu2ren4 降級留任 demotion, with retention in office

jue2qi4 決訖 to decide definitively

lidian 吏典 clerks and functionaries

liu2ren4 留任 to retain in office; retention in office

liuyi 留役 to remain in one’s position

si1shi4 私事 selfish private concerns

si1zui4 私罪 private misconduct

ze2li4 則例 disciplinary regulations

wan fafeng 完罰俸 to fulfill one’s salary forfeiture requirements

ko4 扣 to withhold, withholding; to deduct; deduction

mianzhui 免追 to be exempt from prosecution

benshen 本身 one’s status

shixi guanzhi 世襲官職

[Da Qing lüli- version du Duli cunyi 大清律例-讀例存疑 (1906)](http://lsc.chineselegalculture.org/eC/DQLL_DC_1905/) → [目錄 | Content](http://lsc.chineselegalculture.org/eC/DQLL_DC_1905/3) → [Mingli lü名例律](http://lsc.chineselegalculture.org/eC/DQLL_DC_1905/3.1) → [Mingli lü shang zhi yi名例律上之一 名者，五刑之罪名，例者，五刑之體例也。](http://lsc.chineselegalculture.org/eC/DQLL_DC_1905/3.1.1) → [Wenwuguan fan gongzui 文武官犯公罪凡一應不係私己，而因公事得罪者，曰公罪。](http://lsc.chineselegalculture.org/eC/DQLL_DC_1905/3.1.1.7)

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休職病故旗員，未完罰俸銀兩，無俸可扣者，照外省官員之例，概予免追。如本身係世襲官職及休職有俸者，仍照數扣抵。

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. I am thinking that “selfish private” vs. “unselfish public,” albeit cumbersome combines the two meanings of the terms. [↑](#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)