

Edmund Burke, the Warren Hastings Trial, and the Moral Dimension of Corruption*

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Recent literature dealing with problems of corruption has done much to advance our understanding of how to approach many of the practical issues of combating it. However, this scholarship normally engages in a self-conscious move away from dealing with questions of morality. This essay argues that an explicit invocation of moral language may in some cases aid anticorruption efforts. Edmund Burke's long effort to bring Warren Hastings to justice and expose the corrupt activities of the British East India Company provides one example of how this might be accomplished in a manner somewhat different from the normal mode of prosecuting offenders, and Burke's example suggests that a kind of moral demonstration might prove more effective in mobilizing civil society to combat corruption.
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When great multitudes act together, under that discipline of nature, I recognize the PEOPLE. . . . But when you disturb this harmony; when you break up this beautiful order, this array of truth and nature, as well as of habit and prejudice; when you separate the common sort of men from their proper chieftains so as to form them into an adverse army, I no longer know that venerable object called the people in such a disbanded race of deserters and vagabonds. . . . They are, as they always have been reputed, rebels.

—Edmund Burke, *An Appeal from the New to the Old Whigs* (1791)¹

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1. Edmund Burke, in *Further Reflections on the French Revolution*, ed. Daniel N. Ritchie (Indianapolis, IN: Liberty Fund, 1992), 169.

Introduction

Together, the spread of representative government and free market economics have brought about radical change in much of the world. And yet, in many countries, the phenomenon of political corruption has perverted the legal and social institutions necessary for democracy and commerce to function in something resembling a just manner.² Noticeably present in situations where economic monopoly combines with political decision-making power while lacking any external check enforcing accountability, corruption is notoriously difficult to control once it has spread through a wide enough portion of the public and private sector.

In the last decade, Edmund Burke's writings on India have become the focus of considerable scholarly attention. Nearly all of these works emphasize Burke's defense of traditional modes of living or the political effects he feared the British East India Company was having on the mother country. They have done much to illustrate his warnings about the dangers of monopoly power like that found in imperial rule.³ Unsurprisingly, one of Burke's concerns throughout these efforts was the nature of what modern scholars would call systemic corruption. His decade-long effort to bring Warren Hastings to justice provides us with one model of how public officials can attempt to combat it. This essay will investigate the moral effects of empire and economic monopoly as seen in Burke's speeches and writings on India and sketch what we can learn from them today. I suggest that the Hastings trial provides us with a model of moral demonstration that anti-corruption agents—particularly more nontraditional ones, like local community activists and religious figures—can replicate.

The argument proceeds in three main parts. First, I provide a brief overview of contemporary anticorruption programs in order to note one major way in which an examination of Burke's efforts to combat the East India Company's corruption

2. For area case studies, see Cheryl Gray, Joel Hellman, and Randi Ryterman, *Anticorruption in Transition 2: Corruption in Enterprise-State Interactions in Europe and Central Asia 1999–2002* (Washington, DC: World Bank, 2004); Joseph S. Tulchin and Ralph H. Espach, eds., *Combating Corruption in Latin America* (Washington, DC: Woodrow Wilson Center Press, 2000); and Vinay Bhargava and Emil Bolongaita, eds., *Challenging Corruption in Asia: Case Studies and a Framework for Action* (Washington, DC: World Bank, 2004).

3. See Frederick G. Whelan, *Edmund Burke and India: Political Morality and Empire* (Pittsburgh, PA: University of Pittsburgh Press, 1996); Uday Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago, IL and London: University of Chicago Press, 1999); Richard Bourke, "Liberty, Authority, and Trust in Burke's Idea of Empire," *Journal of the History of Ideas* 61 (2000); and James Conniff, "Burke and India: The Failure of the Theory of Trusteeship," *Political Research Quarterly* 46 (June 1993). Two literary interpretations are Elizabeth D. Samet, "A Prosecutor and a Gentleman: Edmund Burke's Idiom of Impeachment," *ELH* 68 (2001) and Jeff D. Bass, "The Perversion of Empire: Edmund Burke and the Nature of Imperial Responsibility," *Quarterly Journal of Speech* 81 (1995).

might prove useful to today's efforts. Second, I sketch Burke's imperial ideal by examining his concept of political authority as a trust. I then relate the notion of representation embedded in Burke's ideal to the British East India Company's organization and business practices before they began their descent into corruption. As part of this, I demonstrate how Burke understood corruption and used an idealized vision of the East India Company's early history to underscore and illuminate the nature of its decline. Third, the essay will outline Burke's charges against Warren Hastings and the East India Company. Embedded within these charges is a narrative of moral decline, a slide into corruption that proceeds parallel to the company's gradual divorce from English law and government. Here, Burke utilized unmistakably moral language to mobilize outrage against the East India Company's excesses, rhetoric that then is set opposite the earlier historical narrative. Finally, by way of conclusion, I attempt to draw out the ways in which our anticorruption efforts might benefit from the sort of explicitly moralized rhetoric Burke used in his speeches against Hastings.

Modern Anticorruption Efforts and the Moral Challenge

Although there are many different ways to define corruption, the majority of political science and economics literature limits it to mean "deviant behavior associated with a particular motivation, namely that of private gain at public expense."⁴ This working definition has allowed public officials in many countries to set a focused agenda aimed at constructing or reforming institutions to minimize the problem. In doing so, they circumscribe contentious moral questions in favor of creating an actionable consensus—a fact that I argue causes certain things to be lost. For now, I will summarize what most scholars agree are the basic components any anticorruption effort must include and point out a few difficulties any effort at either defining or enacting such goals generally encounters. There are at least four broad components to all potentially successful anticorruption efforts. These include a proper analytical framework, broad popular support and civic engagement, proper structures within which leadership and management can act to stem corruption, and monitoring by independent actors, and each must be present in some measure to prevent or minimize corruption within society.

Firstly, a successful analytical framework is crucial because any policy designed to control corruption "needs to be crafted on the basis of a careful

4. Carl J. Friedrich, "Corruption Concepts in Historical Perspective," in *Political Corruption: Concepts & Contexts*, ed. Arnold J. Heidenheimer and Michael Johnston (New Brunswick, NJ and London: Transaction Publishers, 2002), 15.

analysis of the nature of governance and the patterns of corruption in a country.”⁵ It is also important to understand the level of economic development present, as different levels of trade, economic integration, and how the public and private sector interact play a large part in determining what form corruption will take in a given nation.⁶ This effort requires a considerable amount of expertise and talent. At risk of creating a laundry list, it involves acquiring a deep understanding of a nation’s political decisionmaking and history; its laws, constitution, and judicial system; the role of the media in its national life; the level of transparency in government activities; the nature of the private sector; the level of civic knowledge and engagement; the nature of the state’s bureaucracy, especially its anticorruption agencies, police, and professional ethics organizations; and finally, directly measuring the level, type, and extent of political corruption in society. Together, these components create a daunting task for analysts of corruption, but it is one that government ethics offices, the news media, and NGOs have had some success in through the creation of sophisticated analytical toolkits that can be adapted for a wide variety of purposes.⁷

Secondly, a state cannot simply enact laws forbidding corrupt activities and expect them to be followed. While anticorruption measures do often require the institution of a new legal framework, laws are empty without public assent—and moreover, in order to be enforced they need some level of civic engagement. Bureaucracies whose principal idea of anticorruption is to teach their employees ethical behavior after corrupt activities have begun to spread may already find it is too late; if we must discuss what is moral, something has already been lost. Perhaps unsurprisingly, when a state’s “ethical rules and standards increase, public confidence erodes.”⁸ Public recognition of the problem and support for change is necessary for any improvement to occur.

At the same time, in a state suffering from corruption, conscious victims of corruption are often spread widely throughout society and need to be organized; they must be paired with reform-minded officials who often emerge if the risks of backlash from their enemies can be mitigated. Individuals hampered by corruption are often unaware of the full influence it has on society, and public officials rarely focus on the indirect effects of corruption on its victims. Pointing out that corruption is systemic and making plans with which to combat it is necessary, but public anticorruption activists need to marshal the victims’ support

5. Bhargava and Bolongaita, “An Analytical Framework for Improving the Effectiveness of Anticorruption Policies and Programs,” in *Challenging Corruption in Asia*, 21.

6. Edmundo Jarquin and Fernando Carillo-Flóres, “The Complexity of Anticorruption Policies in Latin America,” in Tulchin and Espach, *Combating Corruption in Latin America*, 194–95.

7. Bhargava and Bolongaita, “An Analytical Framework,” 22–23.

8. Stuart C. Gilman and Carol W. Lewis, “Public Service Ethics: A Global Dialogue,” *Public Administration Review* 56 (November–December 1996): 522.

by educational efforts that demonstrate the sort of “bribery tax” corruption exerts on a country’s economy as a whole, in order to draw them into the fight instead of merely accepting corruption as a way of life.⁹

We must also remember that government and business are not the only sources of dishonest practices. Just as it is true that no anticorruption effort can proceed without organizing civil associations behind it, “[c]orruption in the state would be impossible if it had no counterpart in civil society.”¹⁰ Mark Warren notes that many forms of corrupt behavior eventually have a subversive effect on ordinary social mores. Corruption, then, “creates its own norms—a counter-culture, as it were—that people recognize and participate in, even as they pay lip service to public norms.”¹¹ Systemic corruption of this sort poses particular difficulties for modern reformers because of this alteration of moral norms. The difficulty here is that since most measures of what corruption *is* are based on local definitions of corruption, the emergence of countervailing norms that accept corruption as legitimate (or at least not blameworthy) leaves anti-corruption management and leadership with an emaciated moral language that is difficult to use to rouse anger against corrupt acts—and this is particularly the case when corrupt actors are able to tacitly or publicly admit their behavior without much shame.¹²

Thirdly, in a corruption crisis, leadership and management of any anti-corruption effort needs particular kinds of assistance and infrastructure. Minimally, they require “[p]olitical support from the head of state and broader political leadership,” enough independence on both the political and operational levels to probe the highest levels of government, genuine power to subpoena witnesses and gather evidence, and individuals of moral conviction and personal integrity to lead the effort. These four conditions seem inextricably tied to support at both the elite and mass levels of society. Given the difficulty of mobilizing the public against corruption, it is likely that any serious anticorruption effort would eventually have to find support both among ordinary people and a nation’s elites. In some measure, though, a persuasive, morally upright leader can help rouse the necessary political support for anticorruption measures in crises.¹³

Following Warren’s claim that corruption can warp the political norms and ethical discourse of a polity, it is worth asking whether the sort of ethically neutral language employed by scholars of corruption really helps anticorruption

9. Bhargava and Bolongaita, “An Analytical Framework,” 40–41.

10. Jarquin and Carillo-Flóres, “The Complexity of Anticorruption Policies,” 200.

11. Mark Warren, “Democracy and Corruption: Premodern, Modern, Postmodern,” Conference Paper, American Political Science Association (August 30–September 2, 2001): 1, 8.

12. Mark Philp, “Conceptualizing Political Corruption,” in Heidenheimer and Johnston, *Political Corruption*, 47–49 and Mark Warren, “Democracy and Corruption,” 29.

13. Bhargava and Bolongaita, “An Analytical Framework,” 44.

practitioners in their efforts. For example, Joseph Tulchin and Ralph Espach wish to argue that “[i]ndividual people and societies by themselves are not corrupt; political systems are.”¹⁴ I submit that while for purposes of analysis this might sometimes be useful, such de-moralized analysis may harm actual anticorruption efforts. While outrage is often easy to mobilize against a limited number of public officials for a short time, in a case of systemic corruption, the denunciation of one or two people guilty of exploiting “the system” rather than harming particular people is unlikely to suffice. Extraordinary measures are needed.

A similar tendency in policy work on corruption to avoid discussing victims of corruption in moral language further complicates this problem. Instead of identifying suffering among actual people or groups, the language of “winners” and “losers” surfaces as the principal mode of characterizing the social results of corruption.¹⁵ Stuart Gilman and Carol Lewis note one crucial aspect of leadership and management of anticorruption efforts is that of the moral exemplar. Government ethics programs are one exception to the general trend of de-emphasizing morality in anticorruption. They are usually quiet organizations active inside state bureaucracy. However, good they are at reminding and teaching employees what ethical conduct looks like, it seems an open question whether they can be effective outside a tolerably well-ordered political system.¹⁶ What rhetoric are moral leaders to use when so much is denied by the existing scholarship that has shaped our understanding of how to deal with corruption?

The fourth and final component of successful anticorruption regimes is that of a robust monitoring system, which is vital because even sound policy needs “to foster and listen to feedback from implementation.” The failure to do this often “results in the fatal error of not knowing the nature, location, and strength of corrupt elements that are naturally opposed to reforms.” Both officials in anticorruption agencies and the news media can aid in this effort. Agencies must actually conduct surveys, ensure that the government enacts accountability and transparency measures, and make sure the results get to policy actors. They must also create a structure where whistleblowers can feel relatively free to speak up without fear of retribution but are held responsible if they make false accusations.¹⁷ Various forms of media can also assist in this effort, but it is unclear whether the mobilization of sentiment through “scandals” that focus on illegal

14. Joseph S. Tulchin and Ralph H. Espach, Introduction to *Combating Corruption in Latin America*, 10–11.

15. For one example, see M.S. Alam, “A Theory of Limits on Corruption and Some Applications,” in Heidenheimer and Johnston, *Political Corruption*, 819–33.

16. Gilman and Lewis, “Public Service Ethics,” 522–23. Another question worth raising here that is seldom considered is why so few contemporary anticorruption efforts involve religious leaders or local community activists without formal expertise in anticorruption work.

17. Bhargava and Bolongaita, “An Analytical Framework,” 46.

money transfers or the foibles and misdeeds of particular public figures actually helps develop a sense of moral outrage. It may occasionally further the cause of justice but will not create a lasting sense of wrongdoing or impel any systemic change. Again, the victims of corruption fall by the wayside.¹⁸ It may be an overstatement to say that a lack of moral rhetoric hampers anticorruption efforts around the globe. However, the fact we must remind ourselves of the existence and role of moral exemplars as a means of combating corruption is rather telling.

Corruption thrives on self-deception and opacity, without which it cannot spread easily through society. Yet even amidst norms encouraging corruption, the reality of right and wrong endures. An example raised by Luis Moreno Ocampo demonstrates this:

An analysis of . . . Argentine schools demonstrates the particularities of multiple standards. Despite the fact that there is a rule that forbids cheating during exams, there is an operational code between the students that authorizes and even forces students to copy or accept someone copying from them. . . . [I]t has been proven that the majority of students cheat, those who do not cheat are ridiculed by their classmates, and that they all consider cheating a duty of camaraderie. . . . Although this is informal, the rule that demands the students cheat is so strong that it lets the students claim it as a right as well as an obligation. However, the existence of this operational code does not supersede the mythical prohibition. If a teacher catches one student cheating, the student cannot claim that he has a right to copy; he knows there is a sanction in the mythical norm.¹⁹

If we recognize that even in a debased ethical discourse, there is some dim understanding of the true standard by which moral people should operate, we can then ask what we can learn from an explicitly moralistic attack on corruption, particularly one that recognizes its victims and singles out its perpetrators as enemies of the public good.

Edmund Burke's prosecution of Warren Hastings is one timeless example of just such an anticorruption effort. Hastings attempted to argue that the "mythic" norms of England held no sway in India, and in making his charges Burke brought the full force of his moral rhetoric against Hastings. However, to understand the root of Burke's specific charges against Hastings and Burke's attempts to engage the sympathies of the British public against the corruption

18. See Erhard Blankenburg, "Judicial Anti-Corruption Initiatives: Latin Europe in a Global Setting," in Heidenheimer and Johnston, *Political Corruption*, especially 912–16.

19. Luis Moreno Ocampo, "Structural Corruption and Normative Systems: The Role of Integrity Pacts," in Tulchin and Espach, *Combating Corruption in Latin America*, 57.

and abuses of the British East India Company, it is first necessary to explore his notion of political representation as a trust.

An Ideal Form of Representation and Rule

Burke's reasoning about the nature of political responsibility rests almost entirely on his understanding of representation as a form of trusteeship. In Britain, trustees were members of what Burke called a natural aristocracy; quite simply, they were those people most fit to rule. For all the power and pride of place Burke assigned to the natural aristocrat, he balanced this against the reciprocal duty to care for those under their authority.²⁰ Burke's conception of natural aristocracy went far beyond mere political office-holding. I first discuss this theory of trusteeship as an ideal before turning to the institutions of the East India Company before they fell into corruption and in the process of doing this reconstruct the first part of Burke's demonstration effect.

In his speeches and writings, Burke made no great distinction between the responsibilities inherent in internal and external political power—that is, between government in the homeland and in the colonies abroad. The Parliament's authority extended equally over all the Empire's subjects. Burke saw Parliament, the nation's highest political body, as the embodiment of Britain's best political traditions. In his capacity as representative, a member is bound to his people:

Their wishes ought to have great weight with him; their opinion high respect; their business unremitting attention. It is his duty to sacrifice his repose, his satisfactions, to theirs; and, above all, ever, and in all cases, to prefer their interest to his own. But, his unbiased opinion, his enlightened conscience, he ought not to sacrifice to you. . . . These he does not derive from your pleasure; no, nor from the Law and the Constitution. They are a trust from Providence, for the abuse of which he is deeply answerable.²¹

Now, with imperial subjects and particularly in the Indian case, the full rights of English subjects do not always apply. However, the principle of responsibility holds regardless, binding rulers and subjects in a web of reciprocal rights and duties.²²

On Burke's account, ruling over a foreign people is not intrinsically wrong. So long as imperial rulers show respect for their subjects' customs and political traditions, their "ancient constitution," it differs very little in theory from domestic

20. Burke, *Further Reflections*, 168.

21. Burke, "Speech to the Electors of Bristol," in *Select Works of Edmund Burke: Miscellaneous Writings*, ed. Francis Canavan (Indianapolis, IN: Liberty Fund, 1999), 10–11.

22. Burke did not believe that Indian history, custom, or then-current political practice allowed for representative rule. See Whelan, *Edmund Burke and India*, 29.

rule.²³ Because they possessed power over India by a legitimate charter, Burke wrote,

I therefore freely admit to the East India Company their claim to exclude their fellow-subjects from the commerce of half the globe. I admit their claim to administer an annual territorial revenue of seven millions sterling; to command an army of sixty thousand men; and to dispose, (under the control of a sovereign imperial discretion, and with the due observance of the natural and local law) of the lives and fortunes of thirty millions of their fellow-creatures. . . . But granting all this, they must grant to me in my turn, that all political power which is set over men, and that all privilege claimed or exercised in exclusion of them, being wholly artificial. . . ought to be some way or other exercised ultimately for their benefit.²⁴

In a subject people, then, Burke's providential trust means that even if the governed have no political franchise of their own, they are virtually represented in their imperial rulers—and those rulers bear a grave responsibility.²⁵

Employment in the East India Company would by extension carry with it all the responsibilities accrued to the English from their first activities there in 1600 until Burke's day:

Duties are not voluntary. Duty and will are even contradictory terms. Now, though civil society might at first be a voluntary act (which in many cases it undoubtedly was), its continuance is under a permanent standing covenant, coexisting with the society; and it attaches upon every individual of that society, without any formal act of his own.²⁶

By joining the East India Company, agents did not simply sign up for a lucrative adventure—they affixed themselves to its historical inheritance, which implicitly involved the broader ideals of English civil society and constitutional politics. This was an important rhetorical move because it set up a prescriptive, constitutional standard by which Parliament could judge Hastings and the East India Company's agents.

23. Whelan, *Edmund Burke and India*, 28. See also Conniff, "Burke and India," 298.

24. Burke, *The Writings and Speeches of Edmund Burke*. ed. P. J. Marshall (Oxford: Clarendon Press, 1981), V: 384–85.

25. This phenomenon has, of course, done nothing but grow more prevalent on the international scene, in almost every sphere of political and economic life. Actors ranging from UN peacekeeping forces to NGOs act under the presupposition they virtually represent other groups, and nearly all claim legitimacy—as Burke did—from a concept of natural rights.

26. Burke, *Further Reflections*, 159.

In his speeches at the opening of the Hastings trial, Burke spent some time relating how the East India Company acquired power, developed an institutional order, and perhaps even tolerably maintained the virtue of their agents. The picture he painted stands as something of an ironic foreground to the deluge of corruption to come.²⁷ Burke relates that near the end of Queen Elizabeth's reign, the East India Company was first chartered "with large extensive powers" and the object of increasing England's trade and honor. Their engagements in India were distant from the mother country, and contact with "many great, some barbarous" local principalities necessitated an increase in the company's capacities commensurate with the dangers of the situation. Among the powers granted was that of "Law Martial," that of extraterritorial justice in India, and finally, the right to make war. All were "great, high prerogatives of Sovereignty, which never were known to be parted with to any Subjects." No longer a mere commercial enterprise, the company had grown into "a delegation of the whole power and sovereignty" of England, making it "a subordinate sovereign power" subject to the control of the government. In noting the company's responsibilities, he implicitly reminds his readers how far it fell away from them—indeed actively tried to replace them with criminal norms.²⁸

Burke argued that in India the commercial had become indistinguishable from the political. Institutionally, the East India Company had developed a structure where—at least in theory—individuals of decent experience and prudence would be cultivated. Before Hastings subverted this order, to climb through the ranks of the company from the lowest clerk, a "Writer," to the highest standard position of senior merchant took a minimum of eleven years' service. Before the corruption, this wise structure

gave the persons who were put in that course of probation an opportunity, if circumstances enabled them, of acquiring experience. It gave those who watched them a constant inspection upon them, in all their progress.

And perhaps most importantly, "It gave them the necessity of acquiring a character in proportion to their standing, that they had gained by years should not be lost by misconduct."²⁹

The experienced India hands would provide the models for the youth and judge them; the youth imitate their superiors' behavior; in this fashion, their actions become habitual, and then the order reproduces itself in a disciplined fashion. This created nothing less than a profession, with all the standards that entailed. While in America, Burke eventually became convinced that habit

27. Bass, "The Perversion of Empire," 218–19.

28. Burke, *Writings and Speeches*, VI: 282–83.

29. Burke, *Writings and Speeches*, VI: 285.

and prescription without direct political representation could not endure; with India he at least implies that it was a failure of parliamentary oversight, and not the structure of the East India Company itself that allowed Hastings to come into power.³⁰

Burke finds a critical administrative link in this chain of influence, one that is of particular importance because of the East India Company's status as a business venture, in the company's recordkeeping. He may have had Adam Smith's admonishment regarding the tendency of businessmen toward conspiracy in mind:

People of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the publick, or in some contrivance to raise prices. It is impossible indeed to prevent such meetings, by any law which either could be executed, or would be consistent with liberty and justice. But though the law cannot hinder people of the same trade from sometimes assembling together, it ought to do nothing to facilitate such assemblies; much less to render them necessary.³¹

Because of this tendency, Burke reminded his readers that the East India Company once kept a system of records "so great, so excellent, so perfect. . . that human wisdom has never exceeded it," because it forced total honesty on the part of the employees, thus forming "part of the guardianship, not only of the East India Company, but of all the powers of this Country."³² As a company with political power, the East India Company had no problem enforcing rules that would be inconsistent with the standard liberties of English subjects at home. Burke argued that the company's greater responsibilities demanded reduced liberties and its practices normalized them. By constructing his argument in this manner, he once again notes the standard from which the company later deviated.

In their efforts to ward off corruption in the places it would most likely occur, the East India Company's governors turned their business into "a government of writing and a government of record." Every aspect of company life—both that which was related to business and that which was not—found its way into record-books, diaries, or transcripts of meetings. Transparency was made an integral part of every employee's life. All the company's servants were forced to keep diaries "in which all their letters are re-entered. . . and are bound to produce these books on requisition," and that respected no boundary between private life and

30. For Burke's views on the American colonies, see his speeches on taxation and conciliation in *Select Works of Edmund Burke*, I: 157–289.

31. Adam Smith, in *An Inquiry into the Nature and Causes of the Wealth of Nations*, eds. R.H. Campbell and A.S. Skinner (Indianapolis, IN: Liberty Fund, 1981), I: 145 (l.x.c.27).

32. Burke, *Writings and Speeches*, VI: 295–96.

company business: “Although it should be mixed with affairs concerning their own private negotiations and transactions of commerce, or their closest and dearest concerns. . . these books are to be produced” on request. This was paralleled at the highest levels too, where the company “ordered that every proceeding in public Council shall be written” with “[n]o verbal debates: all shall be writing, and all shall be record.”³³

A system of habituated offices and long experience, which despite all monetary influence placed visible checks on power, could subsist for a long time without alteration. The recordkeeping imperative appreciates a fundamental truth:

in all evil practices no uniform method of proceeding will serve. Innocence is plain, direct and simple; guilt is a crooked thing. The job of iniquity to day may be covered by specious reasons; but when the job of iniquity tomorrow comes, the reasons that support the job of today expose the iniquity of tomorrow; the man falls into contradiction, confusion, and this hastens his detection. This is the method by which these things can come to be discovered.³⁴

Burke’s administrative ideal was one of openness, because things that are recorded and visible are harder to corrupt, and the discipline of recording events reinforces moral constraints on action. However, the company’s very success conspired to place it in danger; the marriage of enormous wealth and state power could not persist without lapsing into some corruption. He endeavored to show that as a system of governance, the East India Company’s at one time formed an exemplary ideal worth remembering.

Robert Clive’s victory over Siraj al-Daula (the French-supported nawab of Bengal) at the Battle of Plassey created an astounding opportunity for the British in India, both removing French competition and solidifying East India Company rule. But it also carved out a series of perilous temptations that neither Parliament nor the Directors of the East India Company recognized.³⁵ The means by which Clive had contrived his improbable victory were less than noble, prompting Burke to note that it is best to draw “a secret veil. . . over the beginnings of all governments,” and not dwell too long over the unsavory facts of a state’s origins.³⁶ His fear was that a frequent and open discussion of a state’s immoral past might both undermine faith in its disciplined rules, and worse still, encourage an imitation of vices inherent in the dark and bloody moments of a government’s

33. Burke, *Writings and Speeches*, VI: 296.

34. Burke, *Writings and Speeches*, VI: 297.

35. Whelan, *Edmund Burke and India*, 35, 37.

36. Burke, *Writings and Speeches*, VI: 316–17.

founding. Burke reasoned that for the sake of righting present wrongs, it was better to imagine a virtuous past even where none truly existed.

While Burke opposed the abuses of empire, this must be weighed against his recognition that if he were to convict Hastings—let alone indict the Indian enterprise as a whole—he had to accept the legitimacy of British rule in India. Burke’s case against Hastings and the East India Company of his day was based in large part on the way in which they had deviated from the company’s “noble” founding. Clive had won India, yet in the process “forded a deep water upon an unknown bottom, he left a bridge for his successors over which the lame could hobble and the blind might grope their way.”³⁷ Noting these past crimes, Burke instead pointed to far worse ones in the present. His method was to overlook Clive’s sins in favor of holding up the beneficial structure he left behind; the goal was to use this semi-mythical past to mobilize moral outrage against the commercial rule of India. In doing this, the stage was set for a discussion of Hastings’s rise to power and the collapse of the company’s once tolerable order.

People are not always aware of their nation’s political traditions and how far a corrupt regime can fall from them. By creating an ideal narrative of the East India Company prior to the emergence of corruption and systemic abuse of power, Burke created a benchmark by which his audience could judge the merits of his case. His invocations of the company’s safeguards against unethical behavior also reminded his readers and listeners of what a reasonably well-governed political and economic order in the colonies should look like. This narrative could then be set against a tale of decline under Hastings. Burke recognized that the bonds of obligation and authority could only sustain a nation for so long without genuine love of country and feared what Britons might come to think of their nation if the abuses of the East India Company remained unanswered.³⁸ Burke’s importance for anticorruption measures today lay in his demonstration that sometimes it may take a moralizing leader to remind people of a country’s highest ideals and the responsibilities to them that fall upon those in power.

The Corruption of English Youth

Having constructed an idealized history of the East India Company, Burke then proceeds to detail how Hastings remade the organization in his own image. At

37. Burke, *Writings and Speeches*, VI: 317.

38. On this point, Burke’s claim that “[t]o make us love our country, our country ought to be lovely” can be read as a caution to those who would rely on blind patriotism to mobilize their people (cf. *Reflections*, 172).

the outset, it is worth noting that Burke's fear of unchecked and undivided power is present throughout his writings on India. In particular, he makes constant reference to the way in which money and power had become visibly interwoven and to the parallel blindness of his contemporaries to the baleful shadow this cast over India:

The East India Company is not, like the Bank of England, a mere monied Society for the sole Purpose of the Preservation or Improvement of their Capital; and therefore, every Attempt to regulate it upon the same Principles, must inevitably fail. . . . The India Proprietor therefore will always be in the first Instance a Politician; and the bolder his Enterprize, and the more corrupt his Views, the less will be his Consideration of the Price to be paid for compassing them.³⁹

While it may explain how the East India Company fell so deeply into corruption, Burke did not see the distance from England to India as any sort of exculpatory factor. If anything it added to his fury at individuals who should have known better than to allow commerce and politics to mix at such an unaccountable level. He was not alone in this. Remarking upon the same phenomenon, seven years earlier, Smith pointed out that

a company of merchants are, it seems, incapable of considering themselves as sovereigns, even after they have become such.... and by a strange absurdity, regard the character of the sovereign as but an appendix to that of the merchant, as something which ought to be made subservient to it.⁴⁰

Both Smith and Burke's worst fears were realized and in no small measure exceeded by events as they came to pass. Burke's charges pointed out a result unanticipated in Smith's account: that in a case like Hastings's administration of India, the power of state and business would be unified—albeit not for the company's profit, but rather aimed at personal gain.

Burke notes that the East India Company's acquisition of some political power in India was inescapable. Nevertheless, he argues that its employees' necessary complicity in indirect and direct financial gains could not help but lead the company as a whole to corruption. Graft, he accepts, is the sort of thing one expects from time to time in a bureaucracy. It had existed in the East India Company before Hastings's creation of a venal system, but these changes tremendously exacerbated the problem because instead of

39. Burke, *Writings and Speeches* V: 201.

40. Smith, *Wealth of Nations*, II: 637 (IV.vii.c.103).

bribery beginning at the lower ranks, high officials offered bribes to those below them:

I think that in a thousand cases for one it would be less mischievous to the public, and as full as little dishonorable to themselves, to be polluted with direct bribery, than thus to become a standing auxiliary to the oppression, usury, and peculation of multitudes, in order to obtain a corrupt support to their power. *It is by bribing, not so often by being bribed, that wicked politicians bring ruin on mankind.*⁴¹

Burke traces out the history of this, demonstrating that once Hastings made his way to the highest echelons of the East India Company, he predicated rule on implicating all those beneath him in his crimes, and the Company's old constraints began to disappear.

As noted above, Burke framed the original constitution of the East India Company as being relatively sound—a balanced and orderly structure of power designed to tame the worst inclinations of those in positions of authority through a combination of habituated offices and institutional transparency.⁴² Naturally, it was the first thing Hastings subverted “by making offices which had no reference to gradation, but which were superior in profit to those which the highest gradation might have required.”⁴³ But these were designed for his favorites or those who had bribed their way into positions of power. For the rest of the company, especially its rank and file, honesty was no reward. The company granted all lower offices in the organization “emoluments. . . so week [*sic*], so inadequate to the dignity of the character that it is impossible. . . for the subordinate parts of it to exist, to hope to exist. . . in a state of incorruption.”⁴⁴ Employees were left with two choices: penury with honor or unimaginable wealth through Hastings's new order.

The effects on the company's business were anything but salutary. The perverse incentives leading to graft siphoned off much of the treasure destined for England.

The Fact is, that the Principles and Oeconomy of the Company's Trade have been so compleatly corrupted by turning it into a Vehicle for Tribute, that, whenever Circumstances require it to be replaced again upon a Bottom truly

41. Burke, *Writings and Speeches* V: 548, emphasis added.

42. It is to some extent irrelevant if Burke's claim here was completely true. As a statesman, he was more than willing to engage in rhetorical excess and valorize the old Company in order to remind the nation how far Hastings had fallen from British political ideals.

43. Burke, *Writings and Speeches*, VI: 285.

44. Burke, *Writings and Speeches*, VI: 286–87. Burke seems to imply that wages were once relatively good in the early days of the East India Company, but with Hastings's arrival they were not raised to accommodate the changing times.

Commercial, hardly any thing but Confusion and Disasters can be expected as the first Results.⁴⁵

Burke wove several threads of reasoning together to build his case against Hastings. Having turned from shepherding the company's business to predation on the Indian populace for personal gain, Hastings and subordinates fostered an indifference to profit and loss that forced ever greater abuses to make up for the continually increasing presence of side-businesses and payoffs to individuals within his employ.⁴⁶ As a result, they became less and less a trading company, and took on far more evident qualities of a crime syndicate. Burke argued that political corruption led to much weightier moral abuses. Those who sold whole kingdoms could not be troubled to follow the terms of a treaty with natives. Understood contextually, he viewed bribes merely as stepping stones to real tyranny.⁴⁷

The destruction of the East India Company's institutional checks on power kept pace with these abuses. After undermining the leadership of the East India Company until his governing council consisted of only two trusted and thoroughly corrupt members, Hastings consolidated his power over a wide variety of other offices. The takeover of the judiciary and taxation system of Bengal was particularly important:

Without any previous step, at one stroke, the whole constitution of Bengal, civil and criminal, was swept away. The counselors were recalled from their provinces. Upwards of fifty of the principal officers of government were turned out of employ, and rendered dependent on Mr. Hastings for their immediate subsistence, and for all hope of future provision.

Moreover, the transparency and extensive recordkeeping that had once kept employees honest was eliminated, and Hastings' "plan of concealment was perfected."⁴⁸ Thriving in anonymity and silence, this corrupt structure could flourish.

Since the exacting requirements for length of service before promotion were effectively abolished, the possibilities for political corruption and immoral conduct were endless. Even before the days of Robert Clive, the average age of a new East India Company employee was sixteen.⁴⁹ Situated as he was at the pinnacle of power in India, Hastings's example could mold them—after all, "[h]e has had himself the means of heaping up immense

45. Burke, *Writings and Speeches*, V: 241.

46. Burke, *Writings and Speeches*, V: 430–34, 492.

47. Burke, *Writings and Speeches*, V: 394–401.

48. Burke, *Writings and Speeches*, V: 428–29.

49. Bass, "The Perversion of Empire," 220.

wealth; and, during that whole period, the fortunes of hundreds have depended on his smiles and frowns.”⁵⁰ Favored subordinates rose rapidly. To cite one representative case, Burke relates the story of a young man named Steven Sullivan who rapidly made his way from his initial appointment as a translator and secretary to full membership in the Supreme Council in three years, all the while never serving in any of the formal ranks and offices established in the company charter.⁵¹

Thrown into the middle of a system that no longer held its traditional structure, with little hope of real wealth, the first English youth employed in India were easily led into Hastings’s web of bribery; those who came later found themselves in an even more difficult and dangerous situation:

They have been sent there in fact. . . with a perilous independence, with too inordinate expectations, and with boundless power. They are schoolboys without Tutors. They are minors without Guardians. The world is let loose upon them with all its temptations; and they are let loose upon the world, with all the powers that despotism can give.⁵²

Giving in to the full possibilities of their position, these boys grew drunk on their power, and raced to amass wealth with a “desperate boldness” that knew few boundaries before leaving the colony as rapidly as possible.⁵³

Burke’s moral language is clear and, when linked to his ideals of good governance, provides powerful rhetorical support for Hastings’s indictment. In India, advancement required complicity in base acts. All those who would raise complaints found themselves cutoff from the vast train of bribery and, soon after, were sent home ruined. Hastings’s favor could make or break them, and instead of rewarding virtue, he lauded vice.⁵⁴ Once the moral universe is so inverted,

Men will not look to acts of parliament, to regulations, to declarations, to votes, and resolutions. No, they are not such fools. They will ask, what is the road to power, credit, wealth, and honours? They will ask, what conduct ends in neglect, disgrace, poverty, exile, prison, and gibbet? These will teach them the course which they are to follow. It is your distribution of these that will give the character and tone to your government. All the rest is miserable grimace.⁵⁵

50. Burke, *Writings and Speeches*, V: 434.

51. Burke, *Writings and Speeches*, V: 217–19.

52. Burke, *Writings and Speeches*, VI: 288.

53. Burke, *Writings and Speeches*, V: 426–27.

54. Burke, *Writings and Speeches*, VI: 290–91.

55. Burke, *Writings and Speeches*, V: 436.

At this point, we can see that for Burke, while the corruption of the East India Company had begun with the actions of a few debased men, he believed it had regressed into nothing short of an uncivilizing process, what we call systemic corruption.

Young men would come to India in search of wealth and observe the warped structure of power in place. There, both the normal moral order and proper incentive structures were inverted in much the same way as in the schools in Argentina today.⁵⁶ This would lead the new recruits into complicity with the company's unsavory affairs, which in due course became their unremarkable habits. All of them were short-term placeholders, "commercial mercenaries" without any station or fixed office.⁵⁷ In employment where all the normal principles of business are void, in a place without stable and virtuous habits, and absent the long-standing company requirements of openness and public record, what remains is a vicious cycle:

Tyrannous exaction brings on servile concealment; and that again calls forth tyrannous coercion. They move in a circle, mutually producing and produced; till at length nothing of humanity is left in the government, no trace of integrity, spirit, or manliness in the people, who drag out a precarious and degraded existence under this system of outrage upon human nature.⁵⁸

Burke insists that even in times of war, prudent government naturally tends toward the elimination of vice.⁵⁹ His central insight here is that evil must hide; it cannot exist in the open. Hastings knew this well. For this reason, Burke masterfully demolishes Hastings's attempt to invalidate or obscure his own written records.⁶⁰

Burke argues that the end result of this train of corruption was that a succession of avaricious youth, with neither the discipline of prudent rule nor the public oversight of higher authorities to guide them, ran roughshod over their native charges, with results so horrifying that sometimes British "protection" was worse than foreign invasion. Burke spares no effort in constructing a litany of charges to support this claim. For the purposes of this inquiry, it suffices to say that Hastings called the law itself into the service of expropriation. At risk of repetition, this new East India Company engaged in

56. Compare to Moreno Ocampo, "Structural Corruption and Normative Systems," in Tulchin and Espach, *Combating Corruption in Latin America*, 57.

57. Mehta, *Liberalism and Empire*, 172 and Burke, *Writings and Speeches*, VI: 285–86.

58. Burke, *Writings and Speeches*, V: 533.

59. Burke, *Writings and Speeches*, VI: 396–97.

60. Burke, *Writings and Speeches*, VI: 299–300. Hastings eliminated most requirements for employees to keep written records of their dealings—a fact that significantly hampered Burke's efforts and obscured the level of corruption present in the Indian governor's sphere of influence.

a profound inversion of the moral universe, one that could not be confined to India.⁶¹

After all, one element of Hastings's defense, and a widely supported one, was that "actions in Asia do not bear the same moral qualities as the same actions would bear in Europe." Burke replied with vigor:

My Lords, we positively deny that principle. . . . these Gentlemen have formed a plan of Geographical morality, by which the duties of men in public and private situations are not to be governed by their relations to the Great Governor of the Universe, or by their relations to men, but by climates, degrees of longitude and latitude. . . . As if, when you have crossed the equinoctial line all the virtues die. . . . as if there were a kind of baptism, like that practiced by seamen, by which they unbaptize themselves of all that they learned in Europe, and commence a new order and system of things.⁶²

Elsewhere Burke notes that when "[a]ll the decent drapery of life is to be rudely torn off. . . . [o]n this scheme of things, a king is but a man; a queen is but a woman; a woman is but an animal; and an animal not of the highest order."⁶³ The message is simple: Hastings and those like him recognize no authority, and "there was never a man who thought he had no law but his own will, who did not soon find that he had no end but his own profit." Such individuals seek arbitrary power and naturally fall into corruption—and in due course create a system based upon nothing but the basest of desires.⁶⁴

Burke's ultimate fear was that such ideals would spread to institutions beyond the East India Company. For how could a company of young, wealthy men who occupied themselves by selling principalities fail to carry their corruption into politics at home?

Arrived in England, the destroyers of the nobility and gentry of a whole kingdom will find the best company in this nation, at a board of elegance and hospitality. . . . They marry into your families; they enter into your senate; they ease your estates by loans; they raise their value by demand; they cherish and protect your relations which lie heavy on your patronage; and there is scarcely a house in the kingdom that does not feel some

61. Burke, *Writings and Speeches*, V: 402.

62. Burke, *Writings and Speeches*, VI: 346. Uday Mehta points out that the core of Hastings's defense was a variant on the claim that "India had. . . a long history of despotism with no society to limit or support it," and that in "assuming despotic authority, Hastings claimed he was merely conforming to local customs and expectations." Others would follow him. *Liberalism and Empire*, 184–85.

63. Burke, *Reflections*, 171.

64. Burke, *Writings and Speeches*, VI: 375.

concern and interest that makes all reform of our eastern government appear officious and disgusting; and, on the whole, a most discouraging attempt.⁶⁵

Late in life, Burke would link “Indianism and Jacobinism” together as related political evils, ones that inevitably work to undermine and destroy the existing communities with which they come into contact.⁶⁶ How could such individuals not find the concept of “cashiering kings” more than a little appealing?⁶⁷

Burke argued that by any British standard or commonsense morality, the East India Company had become an abomination. Having once voted for some elements of the company’s policy, during his speech on Fox’s East India Bill, Burke asked

whether, with this map of misgovernment before me, I can suppose myself bound by my vote to continue, upon any principles of pretended public faith, the management of these countries in those hands. If I kept such a faith. . . with what is called the Company, I must break the faith, the covenant, the solemn, original, indispensable oath, in which I am bound, by the eternal frame and constitution of things, to the whole human race.⁶⁸

Led by a tyrant who degraded their morals in India, England’s newly enriched youth returned home changed. Their disrespect for Indian traditions could not help but carry over into British society. Debased as they were, Hastings’s progeny could not be troubled with the simple notion of a common humanity; why should social niceties like the British Constitution slow their quest for power at home? Every incentive and pattern placed before them militated against accepting the idea that Indians had even the most minimal rights. Burke’s quest was to reawaken this basic sympathy, if not among the Company’s men, then in Parliament and the British nation at large.

The East India Company’s litany of abuses form an extreme, but nevertheless very clear case of what systemic corruption looks like. While most forms of corruption do not take on quite the violent or extractive character of British India, it is still instructive to observe how Burke attempted to raise the public awareness of both Hastings’s crimes and his sad victims. It is in replicating this dual move—both into the history of the East India Company, and outward to those affected by it—that I think modern anticorruption efforts can most profit, and it is to this I now turn.

65. Burke, *Writings and Speeches*, V: 403.

66. Burke, *Further Reflections*, 212–13; Mehta, *Liberalism and Empire*, 181.

67. Burke, *Reflections*, 103.

68. Burke, *Writings and Speeches*, V: 425.

Conclusion: The “Great Pattern” and Moral Mobilization

Potential anticorruption leaders face a number of problems similar to those Burke did. He had no illusions that the task of cultivating a sense of moral responsibility among those in Parliament would be easy. Too much ill-gotten wealth had made its way home from India; too many of Hastings’s compatriots and defenders were in the House of Commons, where their subversion of England’s ancient principles could continue unabated.⁶⁹ It was a struggle that Burke largely faced alone. In a letter to a family friend, he wrote

I know of no party which goes in a body upon this subject; they are all so distracted with personal considerations; and that perhaps may be among the causes of the Cry against myself in particular. . . . I have no party in this Business, my dear Miss Palmer, but among a set of people, who have none of your Lilies and Roses in their faces; but who are images of the great Pattern as well as you and I. I know what I am doing; whether the white people like it or not.⁷⁰

Burke’s reply to such corrupt behavior is that the East India Company has made England forget itself; his efforts were at least partly an effort to remind Parliament and the literate public of their moral heritage and how far the Indian adventure had departed from it.

Many activists face a similar problem today, yet they face—and often accept—not only moral relativism but a certain amount of conceptual relativism as well. For “if we rely wholly on local norms we end up risking a fundamental incommensurability between ourselves and the local normative and conceptual vocabulary,” and might entirely lose the language necessary for condemnation of wrongdoing.⁷¹ Where there is bribery or embezzlement, there are always victims and a more general subversion of the public good—facts, which as Gilman and Stuart point out, anticorruption agents around the world can agree upon.⁷² I submit that a moralized anticorruption language like that Burke employed, one that singles out perpetrators and identifies both the financial effects of their actions, and more importantly how they affect their victims, might allow for some greater capacity to ameliorate the problem of corruption.

How might this proceed? Burke’s unquestionable sympathy for India’s plight stood in stark contrast to the position taken by those at home. Many authors have

69. Whelan, *Edmund Burke and India*, 71–72.

70. Burke, Letter to Mary Palmer, 19 January 1786, *Selected Letters of Edmund Burke*, ed. Harvey C. Mansfield Jr. (Chicago, IL: University of Chicago Press, 1984), 381.

71. Mark Philp, “Conceptualizing Political Corruption,” in Heidenheimer and Johnston, *Political Corruption*, 47–48.

72. Gilman and Lewis, “Public Service Ethics,” 518.

remarked upon the way in which Burke's rhetoric was viewed as excessive, often even to the point of comedy.⁷³ Indeed, during some of his speeches, the record notes some members of Parliament laughing at his accusations of wrongdoing.⁷⁴ Engaging such people in questions regarding the morality of empire was at best a problematic affair. One can imagine his opponents asking: what has Parliament to do with the woes of strangers? Yet while in the end Parliament acquitted Hastings of his crimes, Burke had so thoroughly destroyed his reputation that Hastings retired into private life. The trial also signaled the death of the East India Company's colonial mandate; in time a professionalized British imperial government replaced it.

In addressing this question of how to rekindle a sense of morality or at least mobilize moral outrage against the East India Company's abuses, Burke became in equal parts prosecutor, historian, and moral philosopher in a seemingly endless series of Parliamentary reports and speeches. The problem, in short, was that

it is an arduous thing to plead against abuses of power which originates from your own country, and affects those whom we used to consider as strangers. . . . But we are in general, Sir, so little acquainted with Indian details; the instruments of oppression under which the people suffer are so hard to be understood; and even the very names of the sufferers are so uncouth and strange to the ears, that it is very difficult for our sympathy to fix upon the subjects.⁷⁵

Both circumstances in England and the distance from there to India conspired against extending the British moral recognition to the Indians. We see a similar problem today in that many victims of corruption are barely aware that things could be any different, or that they might be entitled to fair treatment. Burke responded to the problem by forcefully laying out the case against the abusers repeatedly, and his efforts at moral demonstration are ones that I submit anticorruption activists can employ to real effect.

To counter Hastings's invocation of "geographical morality," Burke turned to a universal standard, a specific sort of natural rights language.⁷⁶

73. For examples, see Samet, "A Prosecutor and a Gentleman," 398–400; George Kateb, "Aestheticism and Morality: Their Cooperation and Hostility," *Political Theory* 28 (February 2000): 27; and David Bromwich, *A Choice of Inheritance: Self and Community from Edmund Burke to Robert Frost* (Cambridge, MA: Harvard University Press, 1989).

74. Two examples can be found in Burke, *Writings and Speeches*, V: 419 and 470–71.

75. Burke, *Writings and Speeches*, V: 403–04.

76. Here I do not wish to enter into the long-standing debate between Burke scholars over the status of traditional rights or religious natural law in his writings. For the purposes of this paper, it suffices to note that natural rights are indivisible from tradition in his thinking. See J.G.A. Pocock, "Burke and the

The rights of *men*, that is to say, the natural rights of mankind, are indeed sacred things; and if any public measure is proved mischievously to affect them, the objection ought to be fatal to that measure, even if no charter at all could be set up against it.⁷⁷

Humanity is born in subjection to a higher morality, and while the traditions through which it is expressed might vary somewhat from place to place, it does exist. Good laws are guided by it; it is the thing that gives all decent human conventions and compacts force. Those who violate this are not merely in error:

It is a contradiction in terms, it is blasphemy in religion, it is wickedness in politics to say that any man can have arbitrary power. Judges are guided and governed by the eternal laws of justice to which we are all subject. We may bite our chains if we will, but we shall be made to know ourselves, and be taught that man is born to be governed by law; and he that will substitute will in the place of it is an enemy to God.⁷⁸

However, in order to avoid the problem of “metaphysical abstraction,” all rights require concrete specification; despite the existence of a common humanity, we cannot speak of some abstract natural right in a vacuum.⁷⁹ As noted earlier, in order to apply this to the case of Warren Hastings, Burke engaged in an elaborate and detailed exploration of the history of Britain’s contact with India and their moral failings there.

This historical effort was necessary for Burke because he claimed there is no way to strip away a society’s myriad cultural practices to get at an essential human nature. While there *is* a common moral law,

[t]hese metaphysic rights entering into common life, like rays of light which pierce into a dense medium, are, by the laws of nature, refracted from their straight line. Indeed in the gross and complicated mass of human passions and concerns, the primitive rights of men undergo such a variety of refractions and reflections, that it becomes absurd to talk about them as if they continued in the simplicity of their original direction.⁸⁰

Ancient Constitution: A Problem in the History of Ideas,” *Politics, Language, and Time: Essays on Political Thought and History* (Chicago, IL: University of Chicago Press, 1989).

77. Burke, *Writings and Speeches*, V: 383.

78. Burke, *Writings and Speeches*, VI: 351.

79. Conniff, “Burke and India,” 301. Also on this point, Burke wrote, “I cannot stand forward, and give praise or blame to any thing which relates to human actions, and human concerns, on a simple view of the object as it stands stripped of every relation, in all the nakedness and solitude of metaphysical abstraction. Circumstances. . . give in reality to every political principle its distinguishing color, and discriminating effect.” *Reflections*, 93.

80. Burke, *Reflections*, 153.

Burke was no social contractarian; for him, there was no useful way to imagine a natural state. Quite simply, “[a]rt is man’s nature.”⁸¹ For Burke, humanity has a common nature, but within society, each individual develops uniquely.⁸² Morality, then, is bound together with a people’s habits and customs—in a sense they are the only means we have of apprehending human nature in the first place,⁸³ and the basic lens all individuals carry with them in forming judgments. If there are “no discoveries to be made, in morality. . . nor in the ideas of liberty,” these prejudices become the embodiment of the natural law and carry with them a “latent wisdom” not lightly discarded.⁸⁴ Properly habituated persons admire those things they should—that is, they respect truth, beauty, and the good of their particular society. Burke’s fear was that in discarding such habits and replacing them with the idea that we “should tolerate all opinions,” people would be left with no good reasons to respect any opinion. In this respect “equal neglect is not impartial kindness.”⁸⁵

I do not mean to say that anticorruption activists should necessarily invoke a natural law standard. On the contrary, the Burkean notion of a broadly common human nature but specific and different cultural forms would force a different approach. This understanding of local rules comporting themselves to a natural standard fits well with the anticorruption activist’s need to speak in a language local people will understand, but that nevertheless avails itself of a higher standard with which to shame corrupt individuals and engage the public in the effort. Scholars and activists involved in anticorruption efforts need every possible means of mobilizing support. Burke’s crusade against the East India Company provides us with an exemplar of how this might occur.

Such an effort would require a prominent public figure with the power of investigation—it need not be an elected representative, I suspect a judge or media personality could act in the same way, if their positions were independent enough and reputation for honesty were sufficiently well known. After identifying a prominent case of corruption, instead of focusing solely on the details of the crime against the state and merely fostering a faint concept of scandal, this individual could mobilize moral outrage. This could be done by highlighting the actual victims of corruption and showing how far from the society’s best ideals the person had fallen in the process.

81. Burke, *Further Reflections*, 169.

82. Joseph L. Pappin III, *The Metaphysics of Edmund Burke* (New York: Fordham University Press, 1993), 120–21.

83. Bromwich, *A Choice of Inheritance*, 44–45.

84. Burke, *Reflections*, 181–82.

85. Burke, *Reflections*, 254.

As a final caveat, I do not mean to claim that a single moralizing prosecutor can single-handedly undo or overturn systemic corruption. As the empirical literature shows, anticorruption efforts require a wide range of administrative and judicial reforms. The explicitly moral language of this targeted demonstration might force otherwise unreflective individuals into recognizing the nature of corruption in society. Providing an apathetic or disengaged public with a face for its anger and a visible source for its problems might reduce a seemingly insurmountable problem to something more humanly manageable. Even if such an effort did not secure any actual convictions, it might nevertheless raise public awareness and hopefully make civil society far less prone to tolerating corruption in the future—and that in and of itself would be an accomplishment.