

Original citation:

Knights, Mark. (2017) Explaining away corruption in pre-modern Britain. *Social Philosophy and Policy*.

Permanent WRAP URL:

<http://wrap.warwick.ac.uk/90314>

Copyright and reuse:

The Warwick Research Archive Portal (WRAP) makes this work by researchers of the University of Warwick available open access under the following conditions. Copyright © and all moral rights to the version of the paper presented here belong to the individual author(s) and/or other copyright owners. To the extent reasonable and practicable the material made available in WRAP has been checked for eligibility before being made available.

Copies of full items can be used for personal research or study, educational, or not-for profit purposes without prior permission or charge. Provided that the authors, title and full bibliographic details are credited, a hyperlink and/or URL is given for the original metadata page and the content is not changed in any way.

Publisher's statement:

This article has been accepted for publication in a revised form in *Social Philosophy and Policy* <https://www.cambridge.org/core/journals/social-philosophy-and-policy> This version is free to view and download for private research and study only. Not for re-distribution, re-sale or use in derivative works. © the author 2017

A note on versions:

The version presented here may differ from the published version or, version of record, if you wish to cite this item you are advised to consult the publisher's version. Please see the 'permanent WRAP URL' above for details on accessing the published version and note that access may require a subscription

For more information, please contact the WRAP Team at: wrap@warwick.ac.uk

Explaining away corruption in pre-modern Britain

Mark Knights

University of Warwick

In 1621 Francis Bacon, luminary of the English Renaissance and Lord Chancellor, was tried in Parliament for corruption. There were many things which made his case unusual – such as the revival of the impeachment process after 150 years of disuse and the degree of political factionalism that lay behind the accusations – but perhaps the most striking was Bacon's apparent readiness to admit his guilt. On 30 April 1621 he made his confession to the House of Lords: 'I do plainly and ingenuously confess that I am guilty of corruption; and do renounce all defence'. He confessed to each of the 28 articles against him and concluded by again admitting that there had been 'a great deal of corruption and neglect' in his conduct for which he was 'heartily and penitently sorry'.¹ Bacon acknowledged receiving £11-12,000 worth of bribes from suitors who appeared in court before him.

Such candour was almost unprecedented in the history of pre-modern corruption in Britain. Nearly every other person or institution accused of corruption mounted a reasonably vigorous public defence to assert their innocence or deny why their actions constituted corruption. Even Bacon, for all his apparent honesty, sought to offer Parliament extenuating circumstances and explanations for his conduct. And he privately believed himself the victim of a political 'game' rather than being genuinely corrupt. In an earlier letter to his patron, the (far more corrupt) duke of Buckingham, Bacon claimed 'I know I have clean hands and a clean heart'; and Bacon was ready to tell the King that with respect to the charge of bribery, he was 'as innocent as any born upon St. Innocent's Day, in my heart'. He said that when 'the books of hearts shall be opened, I hope I shall not be found to have the troubled fountain of a corrupt heart in a depraved habit of taking rewards to pervert justice; howsoever I may be frail and partake of the abuse of the times'.² In his more robust and defiant moments, Bacon argued that nothing he had received had perverted his legal judgement, since he had merely accepted a gift after he thought the legal case had ended and some of the money he had accepted came from those he gave verdicts against – which is partly why they complained against him!³ Even when resolving 'not to trick up my innocency (as I writ to the Lords) by cavillations and voidances' he referred to the money he had received as 'briberies and gifts', suggesting a confusion between these two categories

¹ James Spedding (ed.), *The Letters and the Life of Francis Bacon* (1874), vii. 252-262. For an overview of Bacon's case see John Noonan, *Bribes* (New York, 1984), chapter 12; Nieves Mathews, *Francis Bacon. The History of a Character Assassination* (New Haven, 1996).

² Spedding, *Letters*, vii. 213, 225-6.

³ *Ibid*, 236-8.

that, as we shall say, was widely shared. So even this unique case of admission of guilt was hedged, in private at least, by reasons to explain or deny his corruption.

This article will explore others in pre-modern Britain who were accused of corruption and who denied guilt and made defences, disavowals, justifications, protests, vindications or at least sought to explain away, rationalise or legitimise their behaviour, both to themselves and to others. Focusing on the strategies and arguments used by the allegedly corrupt has both historical and philosophical value. Very little work has been done on how people in the past responded to accusations and indeed we still lack a general history of pre-modern corruption, even though the data available to us is rich and Britain's stage of state formation at the time contains many parallels with modern, developing countries.⁴ We have quite a few case-studies of particular moments in the history of British corruption, but no study of how the forces of anti-corruption were neutralised so effectively that reform took several hundred years. The historical record may thus help us think about the speed at which anti-corruption can work in the face of denial and what arguments it can expect to encounter, even in the present.

The defences studied here are nevertheless a particular type of justification. They are from individuals, rather than institutions; and they generally deal with a particular type of corruption that conforms to the modern definition of 'the abuse of public office for private gain'. My focus is deliberate in order to show that this notion of corruption was not merely a nineteenth century invention, even if its contours were disputed before then (and remain contested). Given the resonance between past and present, the modern definition is also the meaning of corruption that is most likely to make sense to readers of this journal. However, it is worth noting at the outset that such a definition is a limiting one, relating to only a subset of responses to accusations, since the definition of corruption in the early modern period was very wide. Corruption in the sixteenth and seventeenth century was primarily used in relation to protestant notions of the corruption (institutional and theological) of the Catholic church and of original sin. Corruption also had a strong moral sense, applicable to the sexual mores of individuals and nations, and also to the indulgence in vice of other types.⁵ Political corruption could mean the abuse of office for private gain but equally it carried a more Machiavellian or republican sense, relating to the decay of a governmental system as a whole and to the lack of political virtues in the nation as a whole, rather than individuals.⁶ The moral and political senses come together in an image of 1740

⁴ This article is part of a larger project examining pre-modern corruption, to be published by Oxford University Press.

⁵ David Hayton, 'Moral Reform and Country Politics in the Late Seventeenth-Century House of Commons', *P&P* vol. 128 no.1 (1990), 48-89; Martin Ingram, 'Reformation of Manners in Early Modern England', *The Experience of Authority* ed. Paul Griffiths, Adam Fox and Steve Hindle, 47-88.

⁶ Bruce Buchan and Lisa Hill, *An Intellectual History of Political Corruption* (Basingstoke, 2014); J. G.A. Pocock, *The Machiavellian Moment* (Princeton, 1975); Pocock, *Virtue*,

satirising Sir Robert Walpole, who in the eyes of his critics systematically bribed politicians to become subservient to the executive and thereby subverted the principles of independence and love of the public good that should motivate them. The hoop being bowled between his legs thus has a list of vices: "Wealth", "Pride", "Vanity", "Folly", "Luxury", "Want", "Dependence", "Servility", "Venality", "Corruption" and "Prostitution". The pre-modern world was also deeply concerned with the corrupting influence of bad ideas, and hence was also worried about print that dispersed them. Finally, corruption was also used as a way of talking about disease and bodily decay – which in turn became available as a metaphor to describe political and economic corruption.⁷

Commerce and History: Essays on Political Thought and History, Chiefly in the Eighteenth Century (Cambridge, 1985).

⁷ Margaret Healy, *Fictions of Disease in Early Modern England: Bodies, Plagues, and Politics* (New York, 2001); Bianca Ryan-Lopez, 'Corruption and Infected Sin: The Elizabethan Rhetoric of Decay', UCLA PhD (2009).



The prosecutions or allegations which provoked many of the responses analysed below stemmed from blurred legal boundaries – and indeed, the silences of the law were often invoked as justification for why behaviour could be justified as licit. Over the course of the early modern period legislation was passed to try to deal with specific abuses but it was very piecemeal – the sale of office, for example, which was proscribed in 1555 and again, more extensively, in 1809 – and spasmodic, often enacted on the back of particular scandals or moments of ‘moral reform’. Indeed, the law often had large holes. The legislation about bribery was focused only on electoral and judicial crime; and the paucity of pre-modern legislation about what we would now consider corrupt behaviour meant a reliance either on a general catch-all charge of ‘high crimes and misdemeanours’ that could be pursued in parliamentary trials – such as the impeachment process revived for Bacon – or on

institutional regulations or on a notion of ‘breach of trust’, which emerged in the mid-seventeenth century.⁸ So a simple defence was that because the law did not specifically proscribe a certain activity, it could not be corrupt.

The defences set out below nevertheless go further than this and were in part an attempt to cope with, neutralise, and constrain the effects of public scandal – a phenomenon that complicated any corruption allegation.⁹ Scandal was magnified in public with the aid of a reverberating set of emotions such as anger and contempt; combatting scandal thus required arguments that countered such emotions and offered reasoned responses that could provide an alternative narrative. This, fortunately for the historian, meant that scandal had generally to be countered in public - in Parliament, in courts, in print – albeit aided with private persuasion in correspondence. Occasionally we have a private memoir or diary – though sometimes these too were intended for public consumption, perhaps at a later time.

In what follows I identify many different – though sometimes overlapping – ways of responding to accusations of corruption, though these can be grouped into six categories. The first group appealed to social mores that, it was claimed, were ubiquitous and hence innocent: friendship, patronage, gift-giving, reward for hard work. The second set of responses saw the behaviour under scrutiny as in some sense authorised - by those who exercised power or by custom. A third line of defence exploited the blurred boundary between what was public and what was private, or argued that private advantage was compatible with, or even necessary for, the public good. A fourth, more negative set of reactions voiced feelings of being unfairly picked upon and a conviction that attacks were politically motivated in order to advance the interests of individuals or groups. A fifth type of vindication highlighted the alternative morality or ethical value-system encountered in transnational trade and rule. A final set of arguments rested on technical issues of accounting – although apparently the most prosaic, such responses nevertheless raised interesting questions about how corruption could be prevented.

The following data, primarily from the seventeenth and eighteenth centuries, shows that corruption is not merely a modern phenomenon and that these older cases have plenty of resonances with refutations made today in economic or political scandals.¹⁰ Historical data is thus

⁸ See my ‘Anti-corruption and the notion of trust’ in ***.

⁹ For reflections on scandal see Ari Adut, *On Scandal. Moral Disturbances in Society, Politics and Art* (Cambridge, 2008)

¹⁰ A social science literature also explores how corruption can become routinized through rationalisations in business: Vikas Anand, Blake E. Ashforth and Mahendra Joshi, ‘Business as Usual: The Acceptance and Perpetuation of Corruption in Organizations’, *The Academy of Management Executive* (1993-2005), Vol. 19, No. 4, (Nov., 2005), 9-23; Amy Guerber, Aparna Rajagplan and Vikas Anand, ‘The Influence of National Culture on the Rationalisation of Corruption’ in Ronald Burke and Edward Tomlinson (eds.), *Crime and Corruptions in Organisations: Why it Occurs and What to do about it* (2011). There is much less on

‘philosophy teaching by examples’.¹¹ In evaluating the justifications, excuses and explanations contemporaries had – and we, as historians or philosophers today have - three choices: we can accept them as sincere and persuasive; we can reject them as self-interested pleadings that fail to convince; or we can exercise judgement about the degrees of individual culpability and breaches of societal norms. In all three circumstances a judgement was or is being made about what constitutes corruption. Both the state and its citizens have to be as clear as they can about how they define integrity, and judge whether there was/is an intention to break, subvert or manipulate moral codes. Thus it is not merely the law court, but also the court of public opinion, that decides such matters; and debates about the acceptability of defences against allegations are an important part of a process of public debate about where society has drawn, or does now draw, ethical lines. We can push this definitional point further and suggest a number of general maxims that are at play in the following cases:

- a) Normalisation of corruption occurs through rationalisations that re-interpret controversial behaviour in a positive light. The need to do so underlines the moral charge of corruption allegations and the need to counter it.
- b) The boundaries between corrupt and non-corrupt are not always clear, and were/are contestable. The law alone is often insufficient to determine corruption and inadequate in defining it.
- c) Social/cultural norms are powerful and blur the boundaries between licit and illicit behaviour.
- d) Corruption can be difficult to ‘call’ because it is a concept that is easily subjected to many challenges and redefinitions of a legal, moral, social and cultural nature.
- e) The courts, the state and the public are repeatedly called on to evaluate the merit of these challenges and to assign degrees of culpability. These ‘degrees of corruption’ are not often reflected in simple verdicts of guilty or not-guilty.
- f) Those accused of corruption rarely accept the allegation and those attacked as corrupt pretend, or sincerely claim, to have selfless virtues (defending friendship, advancing the public good, preserving custom, protecting individuals from witch-hunts and so on). What can appear as an evasion of public morality paradoxically tends to push against selfishness and greed, vices which are extremely difficult to justify directly in public. Nevertheless, defences articulate limits to the power and reach of the state and the public.
- g) Conceptions of corruption are, again paradoxically, both constantly shifting but also subject to repeated attempts to define and fix them. Debate over corruption helps to shift or clarify the nature of both contested norms and boundaries. Cumulatively, the attempts to prosecute corruption lead to a process of codification and consolidation of what any society finds acceptable at any one time.
- h) If corruption is thus shaped by processes of history and culture, successful anti-corruption will be an on-going dynamic in all societies and result from, and relate to, any nation’s past and its culture rather than follow a set of abstract and culturally-alien dictates.

rationalisation of public sector corruption but see Allen Gannett, ‘The Rationalisation of Political Corruption’, *Public Integrity* 17:2 (2015), 165-75

¹¹ The maxim is attributed to Thucydides.

To be sure, the pre-modern world was different to today. It was an age when fees rather than salaries were the norm; when social standing was as important as merit in opening doors; when there was no welfare state or pension system, and hence money had to be accumulated to provide for later infirmity. And yet the historical record is useful to think with. It forces us to confront why some things considered corrupt today were far more ubiquitous and defensible in the past, and hence what constitutes corruption. Moreover, other features of the past have resonances, echoes or even a legacy today: patronage, friendship and social norms still play a significant role in the business world and public life in the west; and the experience of earlier state formation and the genesis of standards of public office and commerce, into which corruption shines a light, have parallels even outside the Anglo-American heritage.

Moving from the abstract to the case studies will help to illuminate these points.

1. Social Norms

A number of social norms blurred the boundaries between licit and illicit behaviour so that those accused of corruption could, either ingenuously or disingenuously, appeal to these wider codes to excuse their actions. To return to Bacon, one of the most common claims was that what was said to be bribery was no more than a 'gift',¹² 'reward',¹³ 'gratuity',¹⁴ 'present'¹⁵ or 'kindness' from a 'friend'.¹⁶ These terms sought to neutralise the criminal sting of extortion that frequently accompanied accusations of corruption, since the transfers were *voluntary* acts legitimised by the national social conventions of the time.¹⁷ Over and over again we encounter this desire to insist that allegedly illicit goods were not the result of oppression but were freely given. The extent to which this blurring of boundaries between licit and illicit behaviour enabled individuals either to deceive themselves about their actions or not even to see the line they had crossed can be seen in the diary of Samuel Pepys.¹⁸ Pepys is interesting because he had a sharp awareness of corruption in others and was aware that some of the 'gifts' he received would not stand up to public scrutiny (he closed his eyes on one occasion so that he could say, if questioned, that he had not seen money fall out of the package he was opening), yet he habituated himself to referring to (and hence

¹² Felicity Heal, *The Power of Gifts: Gift Exchange in Early Modern England* (Oxford, 2014)

¹³ T[he] N[ational] A[rchives] SP 14/111/18 is an accusation against the earl of Suffolk 'Concerning Several Sums of Monies taken corruptly for rewards and gratuities'.

¹⁴ The word, in the sense of a monetary gift, was coined in 1540 [OED]

¹⁵ We shall return later on to consider 'presents' in relation to foreign or colonial cultures.

¹⁶ Naomi Tadmor, *Family and Friends in Eighteenth-Century England: Household, Kinship, and Patronage* (Cambridge, 2001).

¹⁷ Extortion was an established crime (first articulated in 1275) and many corruption cases were prosecuted as such.

¹⁸ What follows summarises part of Knights, 'Samuel Pepys and Corruption', *Parliamentary History* 33/1 (2014), 19-35.

also possibly thinking of) the money and goods that he received as ‘gifts’. Sir William Warren, who wanted naval contracts that Pepys could award, befriended him and Pepys noted that he had ‘a prospect of *just advantage* by his friendship’.¹⁹ Indeed, Pepys described the liberal Warren as ‘the best friend I have ever had in this office’. Yet to others, such friendship smacked of cronyism. When Pepys was attacked in print in 1679, half of the tract against him took the form of an invented dialogue with his friend and colleague Will Hewer and the rest of the tract sets out a long list of exotic and sometimes expensive gifts and ‘extraordinary fees’ that they had ‘unjustly taken’ from merchants, victuallers, ship owners and all sorts of seamen.²⁰ The tract thus saw extortion where Pepys had seen only customary gift-giving among friends.

Similarly gifts might be ‘rewards’ for extraordinary service or simply ‘gratuities’ acknowledging special social bonds or favour. Pepys talked of ‘those gratifications which both practice and the quality of my place might justify an expectation and acceptance of...when employed in matters of lawful favour to private men’.²¹ Thus in 1624 the earl of Suffolk’s defence argued that £3000pa coming from contractors to his friend Sir Thomas Howard ‘was proved to have been only an intentional gratuity to show their thankful acknowledgment of my Lord's favour towards them’.²² Yet the prosecuting counsel suggested that ‘if they would not have them termed extortions but gratuities, it was but to clothe a hare in a fox's skin, and that they were but cloaks lined with bribery.’²³ Re-description of key terms through a social lens was part of the polemical battle.

Pepys had a notion of a sharing ‘lawful profit’ that he could legitimately take, even from public contracts, and this seems to have been relatively widespread even 150 years later, as the 1809 trial of Valentine Jones, commissary general of stores for the armed forces both on the Leeward islands and at Westminster, makes clear. Jones had struck a corrupt bargain with a contractor who agreed to pay him a share of the profits. He allegedly received over £150,000 in ten months. But Jones’s defence argued that ‘though in point of law it is not to be justified, in point of practice we know, it has happened, that men who have meant to do honestly and fairly have become interested with those who have provided the supplies for the public service upon a feeling, however false, and upon a footing not to be justified, but believing that if they merely shared in the fair profits, they committed no offence’.

¹⁹ my italics

²⁰ *A Hue and Cry after P and H* [1679], 1-2, 6.

²¹ Pepys to the Brooke House Commissioners, 6 Jan. 1670, *The Letters of Samuel Pepys, 1656-1703* ed. Guy de la Bédoyère (Woodbridge, 2006), 81-2. See also Aaron Graham, ‘Auditing Leviathan: Corruption and State Formation in Early Eighteenth-Century Britain’ *English Historical Review*, 128/533 (2013).

²² *Historical Manuscripts Commission ... Salisbury: Volume 22, 1612-1668*, ed. G Dyfnallt Owen (London, 1971), 102.

²³ *Ibid*, 108.

The power of social conventions to blur the boundaries between licit and illicit actions is also evident in 1783 when Charles Bembridge explained that he had not revealed the large hole in the accounts of the recently deceased Henry Fox because to do so would have meant acting as informer against his immediate boss in the army pay office, Mr Powell. The latter in turn seems to have concealed the sum because of his obligations to Fox. Bembridge's counsel argued that his client could not be expected to 'turn a spy, and go and tell the auditor that his predecessor at his office, Mr Powell, intended to commit some offence... Will you suffer a man to be convicted of a crime for not doing that, which if he had done, all mankind must have hooted and hissed him for doing?'²⁴

Patronage and kinship also blurred the boundaries, creating tensions – or even double vision – in the coherence of individual's outlooks. Patronage was both an expected good – a system of preferring friends and relatives to positions of power and profit – but also a system vulnerable to abuse or simply to accusations of self-interestedness.²⁵ Tradesman Thomas Turner of Sussex could thus both benefit from the political, social and economic patronage of the duke of Newcastle and also express his disapproval in his diary of the latter's 'private Interest and connection of Friends'.²⁶ Lord Grey, one of the strongest advocates both of parliamentary reform, which sought to remove some of the glaring electoral corruption of the times, and of 'economical reform' (which included reducing the influence of the crown), was simultaneously accused of nepotism (a term coined in the late seventeenth century) amounting to £60,000 pa²⁷: a satire depicted him as a grey cat whose tail was segmented with all the favours and offices showered on his extensive family.²⁸

²⁴ *State Trials*, xxii. 56. He was convicted in a judgement that helped codify the law on misconduct in public office.

²⁵ For patronage see Linda Levy Peck, *Court Patronage and Corruption in Early Stuart England* (1990).

²⁶ Tadmor, *Family and Friends*, 232.

²⁷ In 1828 Ellenborough put the figure at £16,000 [*Three Early Nineteenth Century Diaries* ed. Denis le Marchant and A. Aspinall (1952), 25]

²⁸ BM Satires 16578 'Lork what a long tail our cat has got' (1831). The satire also has the £60,000 figure, detailing the emoluments for each of his relatives.

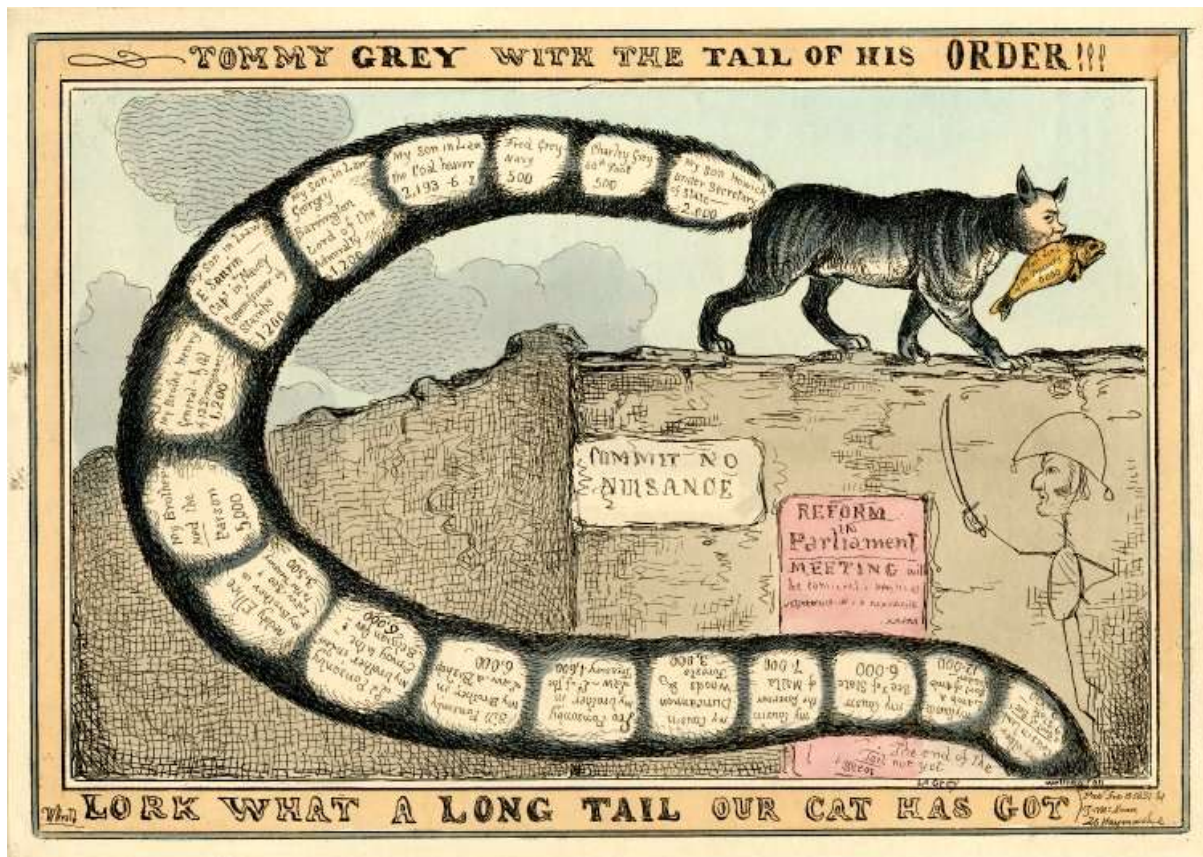


Fig.1 A satire of the nepotism of Earl Grey [BM Satires 16578

When resigning as prime minister in 1834, Grey protested that ‘neither he nor his family were a farthing richer for the public monies they had received’ – but only, as one commentator observed, because they were a bunch of spendthrifts.²⁹ He had, his critic affirmed, been ‘too eager to convert his high station into an instrument of gain for himself and his relatives’ and his influence was ‘diminished by a stigma of an all-grasping nepotism’. But Grey argued that he left office ‘with a fortune not more than sufficient to support my rank and station in society’ and that the relations and friends had been placed in ‘laborious positions’; in any case, he asked rhetorically ‘whether they are not parties likely and proper to have been selected for their situations, even if they had had no connexion with me?’³⁰ What to others seemed like nepotistic abuse of patronage was, to Grey, provision for a numerous family who were well qualified to serve in the places to which they had been promoted.

Such examples force us to try to define what social pressures or norms were or are acceptable. What were or are the boundaries of friendship or obligations to family? What did or does society define as ‘fair’?

2. ‘Authorised’ behaviour

²⁹ William Carpenter, *Peerage for the People* (1837), 374-5.

³⁰ Hansard, *HL Deb 09 July 1834 vol 24cc.1316-7*.

Pepys's patron the earl of Sandwich had told him at the outset of his career 'that it was not the salary of any place that did make a man rich, but the opportunities of getting money while he is in the place'.³¹ Such advice certainly seemed to 'authorise' Pepys's behaviour; and such authorisation also came from the monarch, from the logic of the structures of the state, and from customary practice.

The wishes of the monarch might thus justify behaviour that others condemned. Defending himself against allegations of purloining public funds, the earl of Cranfield argued that even if he had taken the sums alleged, they were less than what King James had meant him to have: 'I have not so much in my hands as your blessed father gave and intended mee', he told Charles I.³² Cranfield even hoped Charles would 'in a kinde of a Religious observation of your Blessed fathers actions and intentions' relieve him and put an end to his troubles.

Even when not coming from the monarch, semi-official approval might also seem to come explicitly or implicitly from the way in which the state was structured or customarily operated. The sale of office – an object of criticism across the pre-modern period - was a practice that the state implicitly and at times explicitly permitted and sometimes even encouraged. Although statutes of 1389 and 1555 banned the sale of certain categories of office (mainly to do with the administration of justice and the royal/state revenue), large numbers of posts remained outside their provisions and, depending on their nature, these could be sold as pieces of property that were seen to belong to individual office-holders rather than the state or the public.³³ London office-holders thus petitioned in 1697 against a measure to ban sale of office in the City on the grounds that it infringed property rights.³⁴ As late as the 1790s civil and military offices were publicly advertised for sale in the periodical press, as Fig 2 illustrates.

³¹ Pepys Diary 16 Aug. 1660.

³² Sackville mss Wardrobe 'My submission to his Majesty' 7 Dec. 1634, cited Prestwich, *Cranfield*, 500-4; TNA SP16/282 f.223.

³³ Army commissions were sold until as late as 1871.

³⁴ *HMC Lords 1695-7*, 512.

TWO HUNDRED and FIFTY GUINEAS
 will be presented to any Gentleman or Lady who has Interest to procure the Advertiser a Permanent Situation under Government, or in any of the Public Offices of equal Value, can be well recommended, and security given if required. Secresy may be depended upon.
 Address B. S. Chapter Coffee-house.

ARMY COMMISSION OFFICE,
 Suffolk-street, Charing-Cross.

THE FRIENDS and GUARDIANS of
YOUNG GENTLEMEN intended for the Army, are Respectfully informed, that at the above Office is kept an exact Registry of Cavalry and Infantry Commissions, on different Stations, now for Sale.
 N. B. Office Hours from Ten till Five. Letters addressed, post paid, will be duly answered.

Fig 2: Oracle and Public Advertiser, 20 Jan 1798

Custom and practice also seemed to sanction behaviour that might otherwise (and to others living at the time) seem reprehensible. The administrators of the naval dockyards fought a never-ending battle with those who saw it as their customary right to take away 'chips', pieces of wood that were (in theory at least) offcuts from naval work. The vigorous smuggling trade was another customary practice that the government nevertheless saw as a fraud that often involved customs officials being induced to turn a blind eye to illicit activity or even to being actively engaged in subverting the revenue system. In 1769 by Samuel Vaughan who was prosecuted for trying to bribe the Prime Minister to sell him an office in Jamaica, claimed that he could not alone swim against the tide of custom and practice: 'however Mr Vaughan might wish a reformation, and that, *as general as is the evil*, yet when the good of the community in this instance was taken into consideration, he might think himself justified in complying with the corrupt practice of the times'.³⁵

Such claims raise questions about how far official or superior sanction, or customary practices, could mitigate or even excuse allegations of corruption.

3. Public Benefits

³⁵ *An Appeal to the Public on behalf of Samuel Vaughan Esq* (1770), 100-1. See also *A Refutation of a False Aspersion First thrown out upon Samuel Vaughan* (1769).

Vaughan's appeal to the 'good of the community' is significant since he pushed the argument further, suggesting that by placing competent men in post, Vaughan was restoring 'regularity and dispatch', so that through his purchase of the post 'the PUBLIC as well as himself would be benefited'.³⁶ He was thus arguing that bribery was justifiable if it led to a greater good.

Pepys had earlier justified his own profit if the public also gained. In 1664, after receiving £50, he noted 'there is not the least word or deed I have yet been guilty of in his behalf but what I am sure hath been to the King's advantage and profit of the service, nor ever will I'.³⁷ Again in 1670 he observed:

no gratuity, though voluntarily offered, hath ever met with my acceptance where I found not the affair to which it did relate accompanied with the doing right or advantage to his Majesty.³⁸

The idea that private advantage might confer public benefit is most associated with Bernard de Mandeville's *Fable of the Bees* (1704 and subsequently revised). So it was fitting that when Mandeville's patron, Lord Chancellor Macclesfield, was impeached in 1725 for selling offices in the Court of Chancery, the latter invoked a set of arguments that mirrored his client's ideas:

The Publick is concerned only in the Goodness of the Officer, not how advantageous to him the Grant of the Office is, nor in the Inducement to which he that appointed him had to put him in: whether Friendship, Acquaintance, Relation, Importunity, great Recommendation or a Present.³⁹

Macclesfield pursued this defence further, when defending his appointments of court officers: 'is it material how well I loved him, how nearly he is related, who it was that persuaded me to prefer him, or what he gave me on that Account, whether before, or after he was put in? ...If the Publick can have all the Benefit it can have, where is the Immorality? Where is the crime, if I have an Advantage too?'⁴⁰ Macclesfield was arguing that there was

³⁶ *Ibid*, 99.

³⁷ Pepys Diary, 5 Jan. 1664

³⁸ Pepys to the Brooke House Commissioners, 6 Jan. 1670, *The Letters of Samuel Pepys*, 82.

³⁹ *The Tryal of Thomas Earl of Macclesfield, in the House of Peers, for High Crimes and Misdemeanours* (1725), 229.

⁴⁰ *Ibid*, 229.

no conflict of interest between private and public advantage.⁴¹ The House of Lords nevertheless found him guilty and imposed a hefty fine.

An appeal to the public interest was also –successfully - made by the nabobs who returned from India having made their fortunes. In these cases there were two ‘public interests’ that could be invoked: those of the East India Company and of the British state. Lord Clive, who gained great wealth in India, developed a reasonably coherent distinction between legitimate, honourable gifts and corrupt, dishonourable ones that turned, in part, on this sense of putting service to the public interest first. If the national interest was served, and the Company interest was not harmed, then presents were allowable:

When Presents are received as Price of Services to the Nation, to the Company and to that Prince that bestowed those Presents; when they were not exacted from him by Compulsion; when he is in a state of Independence and can do with his money as he pleases; and when they are not received to the disadvantage of the Company; he holds presents so received not dishonourable: But when they are received from a dependent Prince, when they are received for no Services whatever, and when they are received not voluntarily, he holds the Receipt of such Presents dishonourable.⁴²

On 21 May 1773, when a vote of censure was imminent, he again declared that he was guilty only of advancing the Company’s fortunes and that he had ‘laid a strong and lasting foundation for [its] prosperity and welfare’.⁴³ This was sufficiently convincing for the House of Commons to pass a motion praising Clive for having rendered ‘great and meritorious Services to this Country’, even when at the same time they acknowledged that he had received ‘presents’.⁴⁴

When Thomas Rumbold (who had been Clive’s aide-de-camp) was the subject of a parliamentary bill of pains and penalties in 1783 for his allegedly corrupt administration as governor of Madras (1778-81), he similarly argued that all the actions that he had taken, which were condemned as evidence of corruption, were in fact intended for the good of the East India Company. Despite claims that he had ‘acted in direct opposition to the Company’s interest’ he promised to ‘prove all these measures to have been wise, honorable, and just arrangements, for the Company’s interest’. If orders from London were against the Company and national interest, Rumbold argued, he must have discretion to deviate from

⁴¹ He was also appealing to the prevalent notion that an office was a piece of private property that was disposable by the possessing individual so long as its holder met basic standards of competence.

⁴² *First Report from the Committee appointed to enquire into the Nature, State, and Condition of the East India Company* (1772), 148.

⁴³ *London Evening Post*, 25–7 May 1773. There is an account of the debates about Clive in Christopher Reid, *Imprison’d Wranglers. The Rhetorical Culture of the House of Commons 1760-1800* (Oxford, 2012), chapter 8.

⁴⁴ *Commons Journals*, xxxiv. 331.

them; indeed, this was 'meritorious disobedience'. Such arguments appeared to win the day and the bill against Rumbold was allowed to fall. He went on to develop an interesting argument about the relationship between motives and behaviour:

the argument of innocence operates reciprocally between the motives, and the acts: If the motives imputed [for corruption] are disproved, I infer, by fair, and sound principles of reasoning, that his real motives were blameless, at least, if not meritorious; it's not therefore likely, that his measures themselves will dishonor him: On the other hand, if the measures are to his honor, the motives to them are not likely to have been criminal.⁴⁵

Warren Hastings had even more success with the appeal to public interest and a presumption of innocent motives. His defence was multi-faceted but included the notion that his governorship of India had greatly enhanced the national interest. He denied 'that he ever entertained any of the base or corrupt Views or Designs or was actuated by any such Motives' as had been alleged against him. On the contrary, he 'did steadily and uniformly, according to the best of his Judgement, and the means within his Power, pursue and endeavour to advance the Interests of the East India Company and the British Nation'. He had only accepted presents, he claimed, for the benefit of the East India Company, which both knew of them and desperately needed money in India to pay for troops, and his extraordinary service on behalf of the British interest outweighed any questionable acts he might have committed, including the taking of bribes.⁴⁶ Any errors were simply under the pressure of 'uniform Difficulty and Exigence' and therefore any 'Imperfections' should be 'imputed to Error and Infirmary, and not to any corrupt or criminal Intention'.⁴⁷ Hastings, too, was acquitted.

One of the most difficult areas to evaluate was thus how far private and public interests were compatible. It is still a morally fraught question on which divergent views are held.

4. Unfairness and Political Motives

Another difficult area is how far to take into account the political motivations behind attacks on corruption. Whistleblowers, for example, suffered an unfairness in their treatment that they (often rightly) saw as stemming from political motives to neutralise their activities and credibility. In the early seventeenth century Sir Stephen Proctor was appointed corruption-finder general by the government, but in 1610 found himself accused in Parliament of corruption by the very interest groups whose behaviour he had targeted. Proctor said he

⁴⁵ *The defence of Sir Thomas Rumbold* (1783), 15.

⁴⁶ *The Answer of Warren Hastings to the Articles exhibited ...against him* (1787), 4-6,

⁴⁷ *The Answer*, 254.

was a political victim who had been 'geven over into ye hands of particular & merciless enemies'.⁴⁸ James Gilchrist, a purser during the Napoleonic Wars, was similarly prosecuted for corruption when he himself was attempting to expose the corruption that he saw as endemic in the Navy. Gilchrist wrote a torrent of letters to those in authority and discerned a 'conspiracy' to silence him.

The notion of corruption involved the breach of equity and fairness; but those accused of corruption could also appeal to these values. Rumbold said that whereas Bacon, Middlesex and Macclesfield had directly been accused of corruption, he faced mere 'insinuation' and that the antipathies towards him arose from prejudices 'against every Eastern Governor who has made large acquisitions to his English fortune'. The charge of corruption was thus, he thought, unfairly being used to smear his name: 'it's the insinuated guilt of corruption, that criminates, at the mercy of prejudice, every act, and every word of the culprit. If a bad motive is wanted, Corruption supplies the defect ... *Insinuated corruption* is never to end'.⁴⁹ Moreover, Rumbold said, he had been treated differently to others who had only been reprimanded or re-employed after their dismissal; and the evidence against him had been obtained by bribing informers. Rumbold claimed that if he was guilty, so were others who were not being prosecuted. Nor was it fair, he said, that guilt could be inferred from riches: 'The corrupt acquisition even of Indian wealth never, till this day, was inferred from the wealth itself; or the owner of it compelled by an accuser to account for it.'⁵⁰ The prosecution had to *prove* his misconduct; and Rumbold considered himself 'as a Political victim'.⁵¹ The prosecution came to nothing.

Posing as victim of unfair, often politically motivated prosecution, was a common strategy. Dudley Carleton's son thought the attacks on Cranfield in 1624 were certainly politically motivated by the contending factional disputes that riddled the early Stuart court and Parliament: 'The world cries "Down with him"; there has been no man in England these two hundred years whose ruin has been so thirsted after by all sorts of people'.⁵² John Aislabie, the Chancellor of the Exchequer who was caught up (not without cause) in the investigations into the South Sea Bubble, complained that he been made a scape-goat, '*sacrific'd* to appease the Fury of the mis-guided Multitude'. Similarly Theodore Hook, whose negligence in office in Mauritius enabled the corruption of his juniors, declared 'I cannot but consider myself hardly dealt with' when he was prosecuted and other defaulting officers were not. Hook was a Tory polemicist and thought he was 'sacrificed to the virulence of Whigs and Radicals, excited against me by the suspicion which is current that I

⁴⁸ BL MS Lansdowne 167, f.83 Proctor to Sir Julius Caesar, 12 Dec. 1610

⁴⁹ *The defence of Sir Thomas Rumbold* (1783), 14.

⁵⁰ *Ibid*, 19.

⁵¹ *Ibid*, 68.

⁵² *Calendar of State Papers Domestic 1623-5*, 214, 14 Apr. 1624.

have been a successful writer against them'.⁵³ Since nearly every allegation of corruption had some political motive, in the sense that it benefited the accuser, either individually or institutionally or through group-advantage, in some way this was a common and often not an unreasonable counter-claim even if it did little to confer innocence. It reminds us that corruption was a politically charged weapon that won personal or group advantage and that this made, and makes, it much more difficult for the state and public to decide on guilt.

It was not just groups within the state that sought advantage, for the state itself was accused by some East India men of seeking to use corruption as the tool to seize its assets. The author of one pro-Company tract, Joseph Price, sought to show

that the introduction in which those vile insinuations are contained, was fabricated in this country, and calculated to serve a particular purpose ... an idea had been taken up by the Minister of the day, to claim the territory held by the East India Company, in behalf of the Crown. To facilitate this arbitrary measure, it was necessary to make use of every means to blacken the East India Company, and their servants abroad, in the eyes of the nation.⁵⁴

In this version of the defence, institutions could be as victimised as individuals. Price thought it was unfair that all East Indiamen 'have been proscribed in the lump', with the corruption of a few made to apply to the corruption of all.⁵⁵ 'In all societies, some few individuals will run riot' and the barrel should not be condemned because of a few bad apples.⁵⁶

5. Geographical Morality

The defences made by Clive, Hastings and Rumbold raise another important issue: as Britons expanded their empire they also encountered places and peoples whose cultural differences with the metropole either offered temptation or a set of values that were in tension with those at home, or where colonial society and mind-sets put pressures on behaviour and reshaped expectations and self-restraints. Colonial cultures were thus used to justify or excuse what critics, who sought more universal standards, saw as corruption. Such issues came to the fore during the trial of Warren Hastings, which saw a clash between what chief prosecutor Edmund Burke saw as universal but also British values and those which he

⁵³ Bill Newton Dunn, *The Man who was John Bull. The biography of Theodore Edward Hook 1778-1841* (1996), 182.

⁵⁴ Joseph Price, *The Saddle put on the Right Horse; or, an Enquiry into the Reason why Certain Persons have been Denominated Nabobs* (1783), 51.

⁵⁵ *Ibid*, 41.

⁵⁶ *Ibid*, 18.

claimed Hastings had systematised in India after adopting Asian habits.⁵⁷ Burke summarised Hastings' defence as a claim that 'actions in Asia do not bear the same moral qualities which the same actions would bear in Europe', a moral relativism that he condemned as 'geographical morality, by which the duties of men, in publick and private situations are not to be governed by their relation to the great Governour of the Universe or by their relation to mankind, but by climates ...[where] all the virtues die'.⁵⁸ Hastings's defence had indeed claimed it would be unfair to judge the governor general's actions by the standards applicable in England:

the general Nature and Quality of many Measures now the Subject of Charge against him, considerably depend upon the Manners, Customs, Principles and Laws, peculiar to the Countries in which such Measures were adopted, and cannot therefore, as he conceives, properly be judged of by the same Rules and Principles as would determine the Quality of like Actions in the Country where he is now called to answer for the same'.⁵⁹

Burke, by contrast, thought that 'the laws of morality are the same everywhere; and that there is no action which would pass for extortion, of peculation, of bribery and of oppression in England that is not an act of extortion, of peculation, of bribery and oppression in Europe, Asia, Africa and all the world over'.⁶⁰

The differences of culture prompted related lines of defence. One was that the accused remained men of integrity because they might easily have acted a great deal worse, given the extraordinary temptations on offer and the very different environment, in which traditional restraints were absent. In defending the early East Indiamen, Joseph Price argued that

so far were they from exercising acts of cruelty and barbarity on individuals, to accumulate wealth, that they neglected to take what, by the law of arms, and the constant and universal custom of that country, had become their right.⁶¹

Lord Clive had earlier made a similar point when attacked in 1772 (though the precise record of the speech appears obscure and it might even be apocryphal). He allegedly told an investigating parliamentary committee:

The Battle of Plassey [which established the British territorial hold on Bengal] had placed me in such a situation, the prince was dependent on my pleasure, an opulent

⁵⁷ Padideh Ala'i, 'The Legacy of Geographical Morality and Colonialism: A Historical Assessment of the Current Crusade Against Corruption', *Vanderbilt Journal of Transnational Law*, Vol. 33, No. 4 (2000): 877-932

⁵⁸ *Works of the Right Honourable Edmund Burke* (1827), vii. 104.

⁵⁹ *The Answer of Warren Hastings*, 257.

⁶⁰ *Ibid.*

⁶¹ Joseph Price, *The Saddle*, 21

city lay at my mercy, its rich bankers bid against each other for my smiles. I walked through vaults which were thrown open to me alone piled on either hand with gold and jewels. Mr Chairman, at this moment, I stand astonished at my own moderation.⁶²

Colonial power often pushed political and economic interests together, opening the way for accusations that authority was used corruptly to advance private economic interests. One answer was a racial one, suggesting that it was better to line the pockets of relatively civilised Britons than those of uncivilised and more oppressive natives. Francis Sykes, Resident of Murshidabad, felt no objections should be held against his considerable profits: 'It was this, whether it should go into a blackman's pocket or my own'.⁶³ The idea that Asians were naturally despotic extortioners meant that Britons must be better rulers, especially if they defined corruption in terms of administration misconduct that could then be purged, even if that left (and strengthened) colonial subordination.

An alternative, though complementary, response to the colonial intertwining of political and economic interests was provided by Paul Benfield, who argued his profit was simply the result of good business. Burke thought Benfield at least as, if not more, corrupt than Hastings, 'a criminal who long since ought to have fattened the region kites with his offal'.⁶⁴ Yet Benfield claimed he was simply a man of business, without any political interests or influence. He admitted that he had accumulated 'a greater money resource than perhaps any other European in that country ever possessed' and that he had enjoyed many government contracts; but these were due 'neither to predeliction, nor favour, but merely to the lowness of the proposals [ie the contract tenders] which he offered.' Benfield claimed he was simply 'a fair merchant and banker, pursuing his business with attention, assiduity and industry'.⁶⁵ Not only was there a geographical morality but also a business morality that pretended to be insulated from political power even as it craved such influence.

Global commercial ventures therefore raised, and continue to raise, questions about the morality of adopting the practices of other nations and about how far government contractors could, and can, operate insulated from political considerations.

6. Accounting issues

⁶² This is often cited but I have been unable to track the original source.

⁶³ BL Add. MS 29,133, f.349, Sykes to Hastings, 28 Jan 1773, quoted by Peter Marshall, *East Indian Fortunes. The British in Bengal in the Eighteenth Century* (Oxford 1976), 205

⁶⁴ Source; 'Heads of Objections to be Enquired into before it will be adviseable to take Paul Benfield Esquire again into the Company's Service', MS, copy in I.O.R., General Court Minutes, B/260, 30–1 in P. J. Marshall and William B. Todd (eds), *The Writings and Speeches of Edmund Burke, Vol. 5: India: Madras and Bengal: 1774–1785*.

⁶⁵ *Case of Mr. Paul Benfield* (1781), 1, 10-11.

Finally, a common defence against allegations of corruption was to say that mistakes in the accounts were unintentional, the result either of practical difficulties or genuine error for which punishment was inappropriate. The late seventeenth-century paymaster of the army, Richard Ranelagh, thus argued that the very large hole in his accounts – amounting to some £900,000 – was the result of the inherent confusions caused when large armies fought overseas and had to be supplied through large numbers of intermediaries. Discrepancies between the numbers of soldiers being paid and the actual number on the ground could thus be explained by death, displacement, the churn of war, and the inadequate records available to the paymaster, not deliberate falsification.⁶⁶ Government departments were slow to adopt mercantile practices of double accounting, which might have made such defences less easy to make, and the growing complexity and extent of the state's finances often obscured the extent to which corruption had occurred. Over a century after Ranelagh had lodged his appeals, Theodor Hook, Treasury and Accomptant General of Mauritius (appointed for patronage reasons, without any qualification for the post) argued that the accounting errors which led to the embezzlement of £12,000 were not his fault. His only crime was 'a remissness in the superintendence of people in an office over where I had no control' and he claimed he had committed 'no intentional criminality'.⁶⁷ Such cases seek distinctions to be made between logistical difficulties and incompetence on the one hand and pre-meditated corruption on the other.

Corruption might also be mitigated by government needs. In seeking to reform, the government needed to know the vulnerabilities of their own systems and hence needed the expert knowledge, even of those of doubtful morality. Thus Edmund Burke, the hammer of corruption when practiced by East India men, strenuously defended Charles Bembridge, who (as noted earlier) was successfully prosecuted for misconduct in office, and even had him reinstated him. Burke needed Bembridge's expertise in order to reform the Pay Office which had 'been rather like a private office of account than a public administration' and publicly praised Bembridge's 'disinterestedness' in helping him. Burke spoke in his favour during three parliamentary debates, even lauding him for having 'the highest character for integrity', a defence that earned him a reprimand from fellow MPs for trying to 'screen from punishment a notorious delinquent'.⁶⁸ Explaining away corruption in auditing accounts was sometimes necessary for even the most ardent anti-corruption reformer.

⁶⁶ BL Add MS Add. MS 36,859-36,865, Minute-books of the Commission for examining the Public Accounts, 1702-04.

⁶⁷ Dunn, *The Man who was John Bull*, 182-3.

⁶⁸ *State Trials* 22, 66-7; *Parl. History* xxxiii, 801 seq, and 900-24; Sir Nicholas Wraxall, *Historical Memoirs of my Own Time* (Philadelphia, 1845), 400-4. Burke seems to have considered the attack on Bembridge as a proxy attack on himself and 'compared himself to an Indian savage, roasted by one of his countrymen and served up as a dish, or as an entre-met'.

Conclusion

This article has analysed many assertions of innocence, and argued that these involved strategies that redefined or re-described allegedly reprehensible or illegal acts as benign, socially acceptable, in the public interest, unfairly or politically motivated, the result of different ethical and moral cultures or simple logistical and accounting errors. Each tactic sought to deny the fundamental charge of being vicious: self-interest, greed, oppression, exploitation and venality were re-described in a more neutral way or even said to be part of virtuous behaviour that either promoted the public good or at least did not harm it. The attempts to provide a self-vindicating justification may also stem from a desire, in the religious, to quieten the conscience or, in the more secular, a refusal to accept the guilt and shame others sought, through scandal, to impose on them.⁶⁹ Guilt stems from a sense of transgressing moral and legal rules, and shame from a sense of defect of character, so refuting both the rules and vindicating one's character enabled those accused, who tended to be wealthy and of a relatively high status, to cling on to or reassert their 'honour' and rightful place in society.

The cases discussed raise important questions about what, in the past and present, are legitimate excuses or mitigating circumstances for actions alleged to be corrupt. Depending on how far such excuses or mitigations are accepted, an individual might be considered more or less culpable. We might thus identify *degrees of corruption* that consider a range of factors, including social, moral, customary and legal norms as well the motives of those bringing the accusations, together with the extent of personal intent to profit at the expense of others, whether that profit was excessive or obtained by undue pressure, and the degree of the individual's breach of ideas of trust and equity. In judging corruption, we might also want to evaluate how far individuals or systems were at fault: in a corrupt system even men with honest intentions might be forced to be complicit. All this involves more than thinking about what social scientists call 'petty' and 'grand corruption'. Each corruption case is composed of a mixture of personal, institutional, societal, moral, legal and cultural factors, each of which needs to be carefully weighed and evaluated. Although corruption seems a black and white crime, with a simple verdict of guilty or not-guilty – and the way the charge of corruption blackens everything about an individual or system is a large part of its power - there are degrees of culpability that have to be carefully calibrated. These calibrations will change over time, as what is deemed mitigation at one time will be dismissed or minimised at another; they will depend on national context and culture; and they will involve the public as well as the law.

⁶⁹ Herant Katchadourian, *Guilt: the Bite of Conscience* (Stanford, 2010); Patricia Greenspan, *Practical Guilt: Moral Dilemmas, Emotions, and Social Norms* (Oxford, 1995). At its extreme, a lack of guilt, rationalisation of behaviour, denial and attempt to blame others may constitute the personality disorder of psychopathy but, whilst this may be true for some individuals, I am more interested here in cultural than medical or psychological factors.

Given that corruption has deep historical roots and that its contexts shaped how it could be attacked and defended, a study of corruption in the past also raises questions about whether the morality of anti-corruption, and indeed morality more generally, is culturally specific and changes over time and space. If the definition of corruption is fluid, and even to some extent shaped by the politicised forces attacking it, or if corruption cases highlight different notions of culture across cultural and geographical space (as for example, occurred in pre-modern India where British traders encountered huge temptations and a different culture), are corruption and anti-corruption simply loose and relativistic concepts that have relatively little analytical or ethical utility? Might it not be better, as the anthropologist Olivier de Sardan has suggested, to analyse corruption within the 'corruption complex' of any one society?⁷⁰

Historians have not been unaware of these questions. Joel Hurstfield argued that we cannot anachronistically apply modern standards to the past, nor rely on polemical and politically-motivated accusations as a gauge to measure how much corruption existed. The word corruption had, Hurstfield thought, 'become the stock-in-trade of political controversy ... it is the easiest charge to make and the most difficult charge to refute' and he suggested that 'the frontiers of corruption are themselves vague and undefined', with an evolving and shifting meaning which 'leaves us without any independent criterion of value to the historian'. Using the word corruption before the mid-nineteenth century, he insisted,

is full of hazards...it ignores the economic and social structure of a past age; it underrates the problems of financing and administering government in a relatively under-developed community ... If we decide to treat the use of public revenue for private gain as corruption, then we must not only consider men like Sir Robert Cecil and Sir Robert Walpole but a vast miscellany of people, most of them not in the public service, who diverted public revenue into private purses. It is for reasons such as this that I believe that the word corruption, with its high moral overtones, all too often obscures rather than illuminates the issues which confront historians.⁷¹

Ironically, and perhaps because his views stemmed from his work on leading state officials and the institutions over which they presided, Hurstfield's arguments reflect the mindset of those accused of corruption with whom this article is concerned: they frequently rejected the term as inapplicable to them, not so much because it was anachronistic but because it obscured the legitimate reasons for their behaviour. In other words, the historian's denial of the utility of the word corruption has in part absorbed the denials of the accused.

⁷⁰ J. P. Olivier de Sardan, 'A moral economy of corruption in Africa?' *The Journal of Modern African Studies*, 37, 1 (1999), pp. 25-52. I am grateful to Mark Philp for this reference and for discussions on this theme more generally.

⁷¹ Joel Hurstfield, *Freedom, Corruption and Government in Elizabethan England*, chapter 5 and 7, quotations at 139, 159-60.

Attempts to confront these challenges and to see corruption from the perspective of the mass of the people, rather than from that of the elite, led anthropologist James Scott to develop a notion of 'proto-corruption': behaviour that would now be called corrupt but which was not seen as such in the past. He argued that corruption was defined by the law, which evolved over time; but that there were practices that were only later made illegal which could be analysed and compared across time and space:

patterns of corruption can be related to the character of the political system and to the nature and rate of socio-economic change in a way that suggests meaningful parallels not only between western and non-western nations but also between regimes that have long since disappeared and regimes that thrive today.⁷²

Yet Scott is in some ways close to Hurstfield, since he too suggests that 'much corruption is in a real sense a product of the late eighteenth and nineteenth centuries. Only the rise of the modern nation-state, with its mass participation, broadly representative bodies and elaborate civil service codes, signalled the transformation of the view of government office, and even kingship, from a private right into a public responsibility'.⁷³

Both Hurstfield and Scott make very important points that we have to see corruption in the context of its times and that corruption has not had a fixed and universal meaning; but both miss the rather essential point that corruption was a concept and word used by those living in the pre-modern state. Given that 'corruption' was not, then, an anachronism, and was widely used to describe a host of different types of moral, social, political and religious decay, we have to recover its meanings, even if, from the perspective of modern political science, corruption is not a particularly sharp analytical tool. Dismissing corruption as irrelevant and anachronistic, or re-categorising pre-modern forms as something else, distracts us from the use that contemporaries made of the term. It is true that corruption can be a slippery word, meaning different things to different people at different times. Hurstfield consequently thought that 'the word corruption is not helpful in the historical context unless the historian has first made up his own mind about the meaning of the term and has evidence that, in fact, corruption has occurred'.⁷⁴ And yet it is precisely because corruption was a word and concept used in the past that we cannot dismiss it. Rather, because it was a keyword with rhetorical power and the capacity to mobilise individual and

⁷² James c. Scott, *Comparative Political Corruption* (NJ, 1972), 3.

⁷³ Scott, *Comparative Political Corruption*, 7.

⁷⁴ Joel Hurstfield, 'Political Corruption In Modern England: The Historian's Problem', *History. The Journal of the Historical Association* 52/174 (1967), 16-34. Hurstfield's views are largely re-stated in George Bernard's 'A Water-Spout Springing from the Rock of Freedom?' Corruption in Sixteenth- and Early Seventeenth-Century England' in Ronald Kroeze, André Vitória and G. Geltner (eds.) *Anticorruption in History: From Antiquity to the Modern Era* (Oxford, 2017, forthcoming). Aaron Graham calls his book *Corruption, Party and Government in Britain 1702-13* (Oxford, 2015), but largely avoids the term in the text.

state action, we should be interested in uncovering its different meanings and how it was both used and refuted.

What is striking about many of the arguments analysed in this article is how keen defendants were to redefine corruption to make behaviour that others found reprehensible compatible with prevailing customs and mores. In bringing accusations, for whatever reason, contemporaries did identify a boundary that they thought had been crossed – a boundary that was as much moral and political as legal (given the paucity of legislation dealing with corruption outside of electoral law). *Anti-corruption* thus helped to define the boundaries of ‘corruption’. Similarly, refutations of corruption helped to destabilise those attempts at clearer definition and sought to redefine behaviour that some saw as corrupt in a more benign or even positive way. The material examined in this article is thus part of a linguistic and conceptual struggle over the nature of corruption, and this was a struggle that was often political and had political (and certainly had personal) consequences. Charting this struggle is to chart the evolution of the concept and language of corruption. Such a contest over definition matters because it did not simply concern the principal actors, but had a wider resonance: corruption cases and discourse became a persistent feature of the burgeoning print culture of the period, which periodically produced waves of press debate from the 1640s onwards. Public discussion about what constituted corruption was thus a key part of the discourse of the pre-modern era.

As we have seen, corruption was a contested term with ill-defined boundaries. Indeed, such cases suggest that the definition of corruption has always been, and will always be, disputed and in flux. Part of the value of the term ‘corruption’ to its users may in fact be that it is at once ambiguous and available to and contestable by all, providing a reconfigurable and highly politically charged conceptual space in which different versions of ideal forms of government can be imagined – in part through the negatives articulated by those attacking what they perceive to be corrupt. The process of denial and explanation is thus part of this on-going and shifting argument over what constitutes corrupt behaviour. The denial of corruption indicates how far such discussions were, and are, inherently part of a larger discussion about socio-cultural practices and norms. A culture of gift-giving and other social institutions such as friendship, patronage and sale of office, together with an evolving notion that the public interest could be advanced through the promotion of private interest, inherently blurred the lines between public and private, licit and illicit behaviour. This suggests that the defences against corruption need not be seen as just wily, conscious subterfuges (though on occasion they may have been that) or conscious ‘legitimation strategies’, to use the phrase of Mark Granovetter, but sprang from the cultural logic of the times and might reflect different conceptions of what constituted corrupt behaviour.⁷⁵

⁷⁵ Mark Granovetter, ‘The Social Construction of Corruption’, in V. Nee and R. Swedberg, *On Capitalism* (2007).

Part of the argument that corruption is an irrelevant concept for the pre-modern past stems from the idea that Weberian or Benthamite ideals of public service were peculiarly nineteenth century conceptions. But by looking at the denials of corruption, and the responses they provoked, we can in fact discern a history of the evolution of nineteenth century notions over the course of several hundred years. Ideals of transparency, accountability, integrity, disinterestedness and impartiality did not appear out of the blue in the early nineteenth century. Rather they were the result of much longer clashes over the meaning of corruption and the product of a particular cultural and political history, even if some of those ideals resonated with similar process of bureaucratisation, state formation and Enlightenment occurring in other European countries. And if that is right, it means that the historical story is essential to understanding not only how 'corruption' evolved as a concept but also how successful anti-corruption in any nation will result from, and relate to, its past and its culture.⁷⁶

⁷⁶ See also my 'Old Corruption: What British History can tell us about Corruption today', report for Transparency International, downloadable at <http://www.transparency.org.uk/publications/old-corruption-what-british-history-can-tell-us-about-corruption-today/>