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## Anticorruption in Seventeenth- and Eighteenth-Century Britain

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This chapter examines anticorruption in Britain and its colonies, following the late-sixteenth-century reformation to the reform movements of the nineteenth century, when the term “anticorruption” was coined.<sup>2</sup> There are a number of reasons why it makes sense to treat the topic across a period of nearly 250 years. The first is to emphasise that cultural, administrative and political changes took a very long time to effect: anticorruption was waged in bitter skirmishes that were part of a long battle drawn out over a very considerable timeframe. There was no sudden “anticorruption” moment, even if the pace of change did undoubtedly accelerate during some key periods, such as the 1640s–50s and the 1780s–1830s. Second, treating the topic over such a long period shows that although “early modernity” was an era of transition, there was not a simple linear process towards a modern, uncorrupt state. Corruption was not simply eradicated in the nineteenth century (as Chapter 18 by James Moore reminds us) and there were interesting fluctuations both in the scale and success of anticorruption over time. For instance, in the mid- and later-seventeenth century there were experiments with a parliamentary committee or commission used to oversee public accounts and bring corrupt officials to account; but this was abandoned in 1715 (redolent of the fitfulness and impermanence of institutional mechanisms, noted by Guy Geltner in Chapter 7 on Medieval Italy) and not resurrected until the 1780s, when it became a prime vehicle for reform. Seeing anticorruption in terms of waves of activity and success seems more realistic than a teleological trajectory that charts progress towards the triumph of anticorruption.

Third, as this chronology suggests, we should be wary about suggesting too abrupt a shift from a corrupt premodern world to a non-corrupt modern one, and about equating anticorruption solely with modernization. Jens Ivo Engel’s claim in Chapter 11 of this volume that “at the beginning of the modern era, anticorruption debates and reforms dominated the political agenda for the first time in history” seems at odds with the British experience. In the era of the Renaissance and Reformation, an anticorruption ethos (as opposed to state reforming measures) was driven by religious and humanist motives, but that did not mean that those forces were weak or ineffective. The rise of the state over the period under study led to shifting concerns about the abuse of public office and resources and to slightly

different priorities for anticorruption campaigners, with a developing desire to tackle systemic rather than individual corruption. But although the focus of concern shifted slightly over time, earlier movements against corruption could, at times, be equally vigorous and far-reaching.

Anticorruption, then, was not just a modern concern or symptom of modernity; it just took different forms at different times to meet changing circumstances in the dynamic religious, political, administrative, legal, economic, social and cultural spheres. What appears to us, from our twenty-first-century perspective, as “modern” was but one strand of a much longer thread of anticorruption discourse and practice. It is thus worth remembering that “reform” is a contraction of “reformation” and that whilst the shortening did signify a more secular and state-focused approach, it also contained many of the elements apparent in the Protestant Reformation two hundred years earlier (and of course even earlier, when reformation was a term deployed throughout late antiquity and the Middle Ages). Similarly, “corruption” was most usually applied—and continued to be used in this sense at least until the late eighteenth century—to sinfulness or religious abuses, whether doctrinal or related to church governance. It is equally problematic to see the nineteenth century as non-corrupt. Even though domestic politics and administration had been considerably reformed, it was not until after the passage of a raft of legislation, between 1841 and the 1883 Corrupt and Illegal Practices Act, that electoral corruption was greatly reduced. Moreover, corruption in the imperial sphere persisted, and indeed arguably increased in the nineteenth century, with colonialism itself a form of state-sponsored corruption that systematically exploited imperial assets.

The present chapter is divided into three sections, each treating different dimensions of anticorruption. The first offers a brief overview of the historiography for this period, examines the language of corruption and sets out the variety of motives behind anticorruption campaigns. The subsequent section seeks to understand the very many factors that impeded anticorruption campaigns and which help to explain why change was often so slow-paced. The final section assesses some of the effects of anticorruption campaigns, highlighting how important they were in the very definition of what constituted corruption and also how they shaped a set of ideals about governance that were adopted as part of British identity—a perception that still carries a good deal of weight today, despite recent scandals.<sup>3</sup>

## INTRODUCTORY OVERVIEW

Rather remarkably, there is currently no single work which maps the history of anticorruption in premodern Britain, though we have a number of fine studies of particular moments of crisis.<sup>4</sup> The outstanding study is Philip Harling’s work on the later-eighteenth and early-nineteenth centuries, which, together with an influential article by William Rubinstein, suggests that there was an extensive reform process, beginning in the 1780s, which over the next seventy years sought to curb the excesses of, and eventually dismantle, the “fiscal-military” state which had

created a system of pensions, patronage, reversions, sinecures and safe parliamentary seats for those in positions of political and social power.<sup>5</sup> In another article, Harling and Peter Mandler chart an accompanying, and in part explanatory, shift towards *laissez faire* economics, whilst Rubinstein sees a parallel shift in how wealth was created, from office to private enterprise.<sup>6</sup> Peter Jupp suggests a slightly different version of modernization in his overview of the later-eighteenth and early-nineteenth centuries, arguing that as the state expanded in the social, economic, military and imperial spheres, so new professional and bureaucratic mechanisms—amounting to a bourgeois revolution in government—developed to meet the challenges this process posed.<sup>7</sup>

This model has recently been pushed further, and given a new twist, by Douglass North, John Joseph Wallis and Barry Weingast.<sup>8</sup> Although not primarily about anticorruption, their book suggests a transition to an “open access order,” equated with modernity, in which citizens secured impersonal political rights, more transparent institutions, free markets and a separation of the economic and political realms. Britain, they claim, was on the “doorstep” to such a transformation in the late-eighteenth century, and made the transition between 1800 and 1850.<sup>9</sup> A more subtle treatment of the same period, in a collection of essays edited by Joanna Innes and Arthur Burns, traces reform processes occurring in politics, the church and the empire, as well as medicine, gender and culture.<sup>10</sup> The essays again draw attention to the 1780s–1830s as a transformative era and examine reform as an “aspiration” and multi-stranded project that was envisaged by diverse people for diverse ends. Together, all these studies show that anticorruption was the language through which political struggle was conducted and that what emerged as a modern-looking anticorruption strategy was just one side of this contest.

The period after 1780, as Jens Ivo Engels, Mette Frisk Jensen and Andreas Bågenholm argue in this volume, is also seen as important in studies of Britain’s continental rivals (even though their political systems were often quite divergent), suggesting something of a pan-European “moment” (though their chapters also suggest varying speeds and intensities of reform).<sup>11</sup> The idea of a step change occurring in the later-eighteenth and early-nineteenth centuries has many merits, since there was a push for administrative reform and a delegitimizing of some of the social and cultural practices that blurred the boundaries between licit and illicit behavior; but there is also a real danger of ignoring earlier anticorruption moments and movements in order to prioritize movement towards a certain type of “modern anticorruption.” There were important earlier periods of cultural and systemic shift in Britain, during the Reformation and Puritan Revolution of the mid-seventeenth century.<sup>12</sup> The mid-seventeenth-century upheaval itself drew on older concerns. An important study of the early-seventeenth century, by Linda Levy Peck, thus argues that the reign of James I witnessed a period of intense anxiety about corruption at court.<sup>13</sup> Indeed, it was during this period that the form of parliamentary trial known as impeachment was revived (it had fallen into disuse in 1459 after repeated use in the late-fourteenth and early-fifteenth centuries) in order to prosecute a number of high-profile corruption cases.<sup>14</sup>

But it was the 1640s and 50s that perhaps best brought anticorruption discourse and initiatives together. Jason Peacey's recent survey of print culture and public politics during the civil wars and interregnum highlights the simultaneous and related developments of parliamentary accounting, a print revolution and the notion of accountability.<sup>15</sup> Even after the return of the monarchy in 1660, reform did not simply disappear. Gerald Aylmer's work examines many attempts to reform the administration and the "genesis of modern bureaucracy" in the period before 1780.<sup>16</sup> Both he and John Brewer point to the anticorruption measures taken in the excise branch of revenue collection well before 1780: qualifying entrance requirements; regulations preventing officers being stationed where they had personal ties in order to avoid conflicts of interest; and a rudimentary superannuation scheme.<sup>17</sup> In short, apparently rapid change in one period drew on changing attitudes that had been evolving over a long time and as a result of many different corruption scandals during a period of two hundred years.

In political theory, too, we can find well before 1780 a discourse that was often sharply focused on anticorruption.<sup>18</sup> John Pocock traced the transmission of Machiavellian notions of corruption and anticorruption into English political language in the seventeenth century, still evident in eighteenth-century ideas of the disinterested "patriot" who placed the public interest above his own.<sup>19</sup> Indeed, anticorruption campaigners were often styled "patriots," a word first used in English at the end of the sixteenth century and which developed in close parallel to anxieties about corruption.<sup>20</sup> David Wootton has also traced the emergence of the idea of checks and balances—integral to the Federalist controversy in the 1790s—back to the late-seventeenth century, when mechanical notions of the state as a piece of clockwork machinery that needed adjustment mirrored scientific developments in horology.<sup>21</sup> In turn, older notions of the state as an organic body politic in need of physical care survived well into the modern era. The idea of "purging" the state of corruption, still prevalent today, was commonplace in the seventeenth and eighteenth centuries, when satirists depicted corrupt figures vomiting and purging the religious and political impurities in their bodies.<sup>22</sup> In fact, the phrase "cancer of corruption," which has been routinely invoked in recent anticorruption speeches, originated in the 1590s (the metaphor was originally a religious one).<sup>23</sup>

Indeed, if we turn our definition of corruption back to a meaning that prevailed for much of the premodern period—corruption as sin and moral failing, and as errors of church doctrine and organization—then the "long" Protestant Reformation stretching from the sixteenth through to the eighteenth century, can be seen as an anticorruption exercise.<sup>24</sup> The Protestant Reformation stressed both the Catholic corruption of the institution of the church (sharpening an association between anticorruption and anti-popery) and the dangers of the vices most associated with corruption such as avarice, luxury and self-interest (a term coined in the 1640s).<sup>25</sup> Similarly hypocrisy, another of the vices associated with corruption's inherent tendency to disguise and conceal, was, as John Jeffries Martin has shown, a Renaissance innovation and preoccupation.<sup>26</sup>

Anticorruption was thus often a form of moral reform, powerful precisely because the term corruption was loaded with moral disapprobation and because

(as John Watts notes in Chapter 6) the reformation and character of the individual was thought to be as important as the reformation of the system. Throughout the premodern period there were waves of moral reform or what was in the later-seventeenth century called “the reformation of manners”.<sup>27</sup> It is interesting to note that the two periods already identified as reformist, the mid-seventeenth and the late-eighteenth centuries, were both marked by religious movements stressing the importance of individual integrity and purity as well as institutional reform. The personal and the public thus seemed to move in tandem. Seventeenth-century puritanism and late-eighteenth-century piety and Evangelicalism were different beasts, but they shared a common animus against the corruption of the individual and of the world.

Taking these earlier perspectives seriously, therefore, questions how far the reform impetus of the era after 1780 can be seen as entirely novel and “modernizing” (no-one calls seventeenth-century puritans “moderns”!). Rather than a linear move towards an un-corrupt modernity, we might instead see undulations, periods of intense anticorruption debate and reforms punctuated by others which seemed less worried by it and less reformist, as well as periods (such as the 1730s) of intense rhetoric against corruption but very little state action. Put another way, instead of a transition after the end of the eighteenth century to a modernity in which corruption was a novel and key concept, we might see periodic, wave-like convulsions as having occurred much earlier, engaging with different forms of corruption and coming up with different solutions to those refined in the nineteenth century, even while contributing to the formation of that later mindset. We might also want to distinguish between, on the one hand, administrative and institutional reform and, on the other hand, social and cultural shifts—the latter taking much longer than the former even though they provided the societal framework in which the former could operate.

We can push these lines of argument further by examining the motives behind attacks on corruption, since looking at anticorruption in the late-sixteenth to the early-nineteenth century throws up a pattern of common factors across the period. These can be divided into the micro (personal), meso (sectional and group interests) and macro (larger forces).

#### FACTORS FOSTERING AND RESTRAINING ANTICORRUPTION

A variety of personal motives underlying anticorruption efforts can be found across the premodern period. Sometimes personal crusades seemed covers for self-interest and many anticorruption hunters had financial interests in uncovering the corruption of others. Sir Stephen Proctor, who was given licenses at the start of James I’s reign to collect money that he claimed was being corruptly siphoned off by local office-holders, also gained financially himself from the revenue he collected and aroused antipathies and jealousies accordingly. Proctor’s corruption-hunting was sharpened by his hostility to the crypto-Catholicism that he thought lay behind

some of the corruption of those employed by the state, but his attempt to further what he saw as the public good through his own advancement left him open to charges in parliament in 1610 that he himself was corrupt.<sup>28</sup> At the other end of our period, Colonel Gwyllym Wardle, who rose to prominence by exploiting Mary Clarke's 1809 revelations that the Duke of York had sold commissions in the army and other offices, was found to have paid Clarke for her damaging memoir and also to have himself had a corrupt background in army contracting.<sup>29</sup>

Other anticorruption campaigners and champions also had personal axes to grind, such as Sir Edward Coke, who, in 1621, was intent on pursuing Francis Bacon, his long-standing rival for high legal office. Meanwhile, others basked in the popularity that anticorruption attacks could bring, such as the early-nineteenth-century reformer Sir Francis Burdett. Other crusaders were motivated by offended personal integrity, revulsion at misappropriated public resources and/or an exalted sense of their own integrity. The Earl of Macartney, for example, sent to be Governor of Madras (1781–85) with a remit to cleanse the East India Company, boasted to Edmund Burke that he would:

[F]ind that I have acted the most impartial, unprejudiced part, like an honest man and a good Englishman. You will find that whether arising from pride, prudence or principle, I have strictly observed my covenants with the Company, and have never accepted the smallest present for my own benefit . . . The temptations here are undoubtedly very strong, but to my feeling the embarrassment of a man's circumstances, instead of being a motive of avarice, should serve as a monitor to Integrity.<sup>30</sup>

Sectional or group interests were often political or at least politicized, though it is worth underlining that anticorruption was often highly political, since it involved making choices about the type of polity that did or should exist. Anticorruption campaigns advanced political careers and causes by delegitimizing a rival person, group or ideology (whilst legitimizing others) and were fought out in the public sphere in a contest for public opinion, particularly when scandal was involved. But sectional interests mobilized against corruption were politically charged (a feature, as Claire Taylor shows in Chapter 1, stemming back to Classical Antiquity). They included factions (such as those ranged against the duke of Buckingham, favorite of two kings and monopolizer of patronage, in the 1620s, and against the earl of Clarendon in the 1660s) and the political parties that emerged in the later-seventeenth century (first perhaps evident in the impeachment of the duke of Leeds in 1695 for corruption in part because he was a figurehead for the Tories who the Whigs sought to supplant).

Such group interests, however, could also be religious in inspiration. William Prynne articulated the Presbyterians' desire for fiscal prudence in the 1640s and Evangelicals sustained anticorruption rhetoric in the later-eighteenth century. Economic groups also nurtured anticorruption campaigns and rhetoric. Rival mercantile groups used anticorruption as a weapon against each other in the West Indies in the eighteenth century and rival groups within the East India Company used anticorruption as a means of advancing their interests. Indeed, the longest corruption trial in British history, that of Warren Hastings, which lasted



for seven years between 1788 and 1795 (and even longer if one includes the preliminary accusations), was in part the result of conflict between rival factions within the Company, with Edmund Burke's attack being fueled by the evidence gathered by Philip Francis, who had been a thorn in Hastings' side since being sent to India in 1774. Besides disliking one another (and fighting a duel in 1780), they represented different visions of running the Company, with Francis ironically close to Lord Clive, whose self-aggrandizement through Indian riches had earlier scandalized parliament, but who then saw himself as cleaning up Company practices. Francis was sent to India as a result of legislation passed in 1773 to give the state a greater say in the regulation of the Company (it was this act that prohibited East India men from accepting presents or bribes from the natives).<sup>31</sup>

As this last example suggests, personal and group interests fed off larger macro factors. One important development which attracted a good deal of anticorruption attention was the growth of the fiscal-military state.<sup>32</sup> War in the 1640s, 1690s and 1780s provoked investigations into abuses and stricter public accounting.<sup>33</sup> Periods of war (against France and Spain in the 1620s; civil war in the 1640s; against the Dutch in the 1650s–70s; against France between 1689–1713; on a global scale in 1656–63; against the American colonists in the 1770s and early 1780s; and then against France after the Revolution, between 1792 and 1815) also generated considerable social and economic dislocations which accentuated popular hostility to high taxation and hence also to those thought to be corruptly gaining from popular misery. Another macro factor related to war—since warfare became increasingly global and colonial rivalries fueled conflict—was the growth of empire, evident at least from the late-seventeenth century onwards. In the West Indies planter, elites almost constantly jockeyed for power using the weapon of anticorruption, while in the East Indies the boundaries between private interests, the interests of the East India Company and the interests of the British state were constantly blurred. In both instances, those returning to Britain laden with what seemed like ill-gotten gains (the East India men were nicknamed Nabobs, from the Indian “nawab” meaning princely ruler) were frequently the target of satire, abuse and prosecution.<sup>34</sup>

Another macro factor that fostered and enabled a swelling of anticorruption campaigns was the freedom of the press, which was temporarily gained in the 1640s, renewed for a short period after 1679 and then established permanently after 1695 when the government's ability to censor print before publication was allowed to lapse. The press, either in pamphlet or periodical form (and in the eighteenth century also in visual satires), became an important weapon against the corrupt from the 1640s onwards. Print both exposed corrupt behavior but also acted as a sort of informal court of public opinion, particularly important in generating a popular scandal when more formal prosecution proved difficult. Thus the anonymous *Junius Letters* in 1768–72 harried government ministers, leading to the resignation of Grafton as prime minister.<sup>35</sup> Yet another macro factor at work in fostering anticorruption was a growing legal culture, which in the eighteenth century began to refine common law on issues of corruption at a time when statute provisions were often vague or non-existent.

Given the range and extent of micro-, meso- and macro pressures behind anticorruption campaigns, the obvious question that follows is why these pressures were only partially successful and why reform was so piecemeal and took such a long time to achieve. I suggest that anticorruption was hindered by the following factors:

- a) Inadequate safeguards for whistle-blowers. Throughout the premodern period those who attempted to draw the attention of their superiors to malpractice frequently found themselves blocked, ridiculed or maligned as informers and were quite commonly themselves prosecuted on corruption charges in order to invalidate their claims. For instance, in the late-seventeenth century, Robert Crosfeild, an official in the victualling office who sought to expose the corruption in the navy, was arrested when he published his allegations;<sup>36</sup> and in the early-nineteenth century another naval officer, James Gilchrist, was also prosecuted in order, as he saw it, to try to silence him.<sup>37</sup> Significantly both Crosfeild and Gilchrist were described as “mad,” highlighting how certainly either extreme bravery, moral certitude or priggishness and/or a disregard for advancement were necessary to swim against the tide.
- b) Scandal was an inadequate mechanism for achieving reform unless handled carefully.<sup>38</sup> Scandal, particularly as it developed in the seventeenth and eighteenth centuries, tended to focus on individual misbehavior rather than promote wholesale structural reform—though some limited measures did occasionally result and, cumulatively, these could be important (the history of measures against electoral corruption, for example, was one of response to glaring acts of corruption, but no individual abusive campaign was sufficient to achieve systemic reform). The weight of public opinion generated by scandal was certainly important in creating a climate within which political reform operated and at certain moments even proved decisive in pushing for state reform (the early 1830s are an obvious example, when fear of serious unrest helped the reformist momentum at a critical moment). But public opinion was by no means a consistent or coherent force and scandalized public opinion was not in itself sufficient to achieve change: it needed to be channeled into political action.
- c) As George Bernard’s and André Vitória’s chapters also suggest, social, economic and cultural norms blurred the boundaries between licit and illicit behavior and between what was public and private, so that it was possible to defend or even legitimize practices that were being attacked as corrupt (though I do not go so far as Bernard’s claim that there was no notion of corruption). In particular, friendship, gift-giving, patronage and the notion of office as something private rather than public conferred some sort of legitimacy on the “favors,” “presents,” “gratuities,” “fees” and sale of office that others condemned as bribes, extortion and venality (an ambiguity highlighted by Claire Taylor in her discussion of Greek terms in Chapter 1).<sup>39</sup> In other words, there was a prolonged contest over what constituted corrupt behavior that was not simply the individual posturing of those attacked, but also



reflected areas of genuine moral ambiguity. These grey zones could become more black or white over time. Usury, for example, gradually became more acceptable over the premodern period, whilst sale of office became less so.<sup>40</sup> Private interest was condemned for much of the period, but came to be seen as compatible with, or even a driver of, the public good.<sup>41</sup> Because norms of behavior were embedded in social and cultural practices, these views took a very long time to shift. Friendship, for example, frequently blurred the lines between gifts and bribes, favors and cronyism. Friendship and social decorum was a key part of the defense made by Charles Bembridge in 1783 when he was accused of failing to reveal a large hole in the accounts of his patron and boss, Henry Fox, the Paymaster of the Army. The case is important because it established the law on misconduct in public office, but although the sentencing by Judge Mansfield carried a very clear injunction that friendship was no excuse for corruption, a single judgement could not change social behavior overnight.<sup>42</sup>

- d) Whilst a good deal of anticorruption ire was focused on the armed forces, the necessities of war and the inadequacies of the state nevertheless militated against easy and enduring reform. Whilst anticorruption rhetoric condemned those who profited from war, the state nevertheless relied on agents and financiers who could raise the liquidity and resources needed.<sup>43</sup> Moreover, the sale of army offices provided social cohesion and an informal mechanism for provision in old age or retirement,<sup>44</sup> whilst the confusion of war made it more difficult to make charges stick, especially when proper accounting was far more difficult under such circumstances. Indeed, the take-up of “modern” accounting practices took a long time to effect across the multiplicity of state departments.<sup>45</sup>
- e) Besides the internalized policing of the conscience, effective anticorruption control also required an impartial umpire able to enforce rules and the law. Legal definitions of, and restrictions on, corruption were either absent or weak. Although corruption was a recognized crime in terms of the dispensation of justice and the administration of the royal revenue, the legislation governing it was very incomplete: a law passed in Richard II’s reign was full of holes and another of 1552 was hardly more watertight. There was no statute governing bribery (significantly, the more commonly prosecuted crime was extortion, suggesting that it was abuse of office that merited punishment rather than the offering of money or other rewards). Outside of the arenas of perversion of justice and parliamentary elections, for which legislation did exist, bribery only gradually became a common law crime in the nineteenth century.<sup>46</sup> This meant the most important cases had to be dealt with by parliament on the ill-defined charge of “high crimes and misdemeanors”—an indictment also used against those accused of treasonable activity. Moreover, since parliament was a highly politicized forum in which to bring cases it was not a very good mechanism to deal with corruption. The process of impeachment was used relatively frequently during the seventeenth century, but it was

increasingly seen as a partisan tool and fell out of use for half a century after 1725 and then permanently after another set-piece corruption trial of Lord Melville in 1805. It is true, of course, that parliament was not the only arena in which to bring miscreants to book. Parliamentary commissions and committees of public accounts also triggered prosecutions (though before the 1780s they too could be extremely politicized), as did departmental investigations and procedures initiated by trading companies against their members for violation of their own regulations, but these were often ineffectual, limited, patchy and also open to partisanship.

Anticorruption was most effective when the micro-, meso- and macro factors outlined above coincided. Both the mid-seventeenth and the later-eighteenth/early nineteenth centuries witnessed wars (civil and external) on such an unprecedented scale that they required a thorough review of established practices in order to cope with new challenges; but both periods were also ones of moral reform that sought to establish norms of personal responsibility and accountability. Moral reform helped to enforce rules of behavior internally at the same time as institutional scrutiny imposed it from without. Both eras similarly witnessed a profusion of printed debate and the mobilization of groups and individuals who campaigned against corruption. Both moments witnessed rapid expansions and extensions of the state so that it was seen as very obtrusive into everyday life, and also considerable social tensions between those enjoying lucrative positions of power and those who felt they were being asked to pay too much for them in a way that was not properly accountable. And they also tended to see reform occurring simultaneously across the political, economic, social and religious spheres, as part of a systemic approach. Indeed, the language of the “system” as a way of talking about associated or related things or a set of persons working together as a network—a term so charged in the hands of radical journalists such as William Cobbett and Richard Carlile in the early-nineteenth century who condemned corruption as a set of interrelated practices—was first popularized in the mid-seventeenth century.<sup>47</sup>

The two periods, of course, had their differences. The seventeenth century revolutions began the process of building the fiscal-military state while the later eighteenth and early-nineteenth centuries saw its dismantlement and the evolution of the liberal. And the greater reach and size of the state and empire in the later period necessarily meant that the “system” was more complex and geographically extensive than ever before, as well as being interlinked in a way that required a more wholesale, methodical and rationalized (some would say, utilitarian) approach. But the similarities between seventeenth- and nineteenth-century reformations/reforms are marked and a number of later critics saw their activities in the light of earlier anticorruption movements. William Hone, for example, the early-nineteenth-century radical publisher of anticorruption satire, deliberately modelled his defenses, when tried by the government in 1817, on John Lilburne, the outspoken critic of the corruptions of the mid-seventeenth century regimes and one of the leaders of the Levellers who produced manifestoes demanding accountability and press freedom whilst displaying considerable animus against those with corrupt vested interests, such as lawyers.<sup>48</sup>

## THE IMPACT OF ANTICORRUPTION

There were nevertheless interesting changes across the premodern period that shaped anticorruption rhetoric and practices. One of the most important concerned the conception of office-holding. As social historians of the state have emphasized, early modern office was an intensely personal form of authority, resting as much on the social standing and cultural brokerage of the holder as it did on the formal legal nature of the office.<sup>49</sup> To be sure, office-holders were restrained by humanist ideas, prominent in the Ciceronian writings which enjoyed such a prominent place in premodern education, and also by Christian ideals, which stressed the importance of justice and equity.<sup>50</sup> Nevertheless, we can also point to developments that further shifted the responsibility of the office-holder from God or the King to the public or the state. One was the growing readiness, from the mid-seventeenth century onwards, to see office in terms of a legal trust. By 1650 officers were thus conceived, at least by some, as being entrusted by the people or the state to fulfil certain duties; they had discretion but were to exercise authority for the good of the public and were not to exceed or breach the trust given to them. The evolution of the notion of entrusted power—along with notions of what constituted the abuse of this trust and of the remedies for such abuse—took place over the next two centuries to shape the nineteenth-century or “modern” model of bureaucratic office-holding, which is outlined in Chapter 11 by Engels, thereby perfectly demonstrating the need to see later changes in a much longer context. What began as a seventeenth-century innovation (itself drawing on Classical ideas) culminated in a nineteenth-century mindset.

The legal notion of trusteeship was important because it contained within it ideals that we now associate with probity in public life: impartiality and disinterestedness; a duty of care to the people; discretion to act but within the limit of acting for the good of the public; accountability and transparency; and integrity of character.<sup>51</sup> Considering public officers as trustees thus helped to provide a mechanism for accommodating the discretion necessary for efficient and good governance with the systemic accountability and responsibility that was also demanded. Trust thus helped to resolve the dilemma, identified by John Watts, for the later medieval period of how to hedge in the discretion and personal attributes that were so essential to the proper functioning of a dynamic society in which interpersonal relations were still highly important.

Although we can find occasional usage of the word “trust” to describe office in the early-seventeenth century, the language of trusteeship became far more commonplace after February 1642 when Charles I responded to propositions made to him by Parliament in an attempt to avert civil war, stating that God had entrusted royal authority in the king “for the good of our people,” talking of “the trust reposed in Us by the law” and referring to “places of Trust” that he had filled by his nominations to office.<sup>52</sup> His words were immediately seized on by Henry Parker, a polemicist for the parliamentary cause, who argued that the king had admitted that the Crown’s authority was a “speciall trust” of the people, which had to be performed “for the peoples good” and that “all rule is but fiduciarie,” with limitations and remedies when breached.<sup>53</sup> Parliament, too, picked up on the

new importance of the rhetoric of trust, passing a resolution on 17 February 1642 that the buying and selling of “places of trust” was a cause “of the Evils of this Kingdom.” There was thus a legalization of the language of anticorruption through the deployment of the notion of fiduciary trust.

This notion of office as entrusted power, responsible to the people, began to take hold, enriched by the fiduciary theories of John Locke and Algernon Sidney but operating even before they published at the local level. A 1654 Hertfordshire remonstrance against the county treasurer, William Hickman, and his agents, found them “corrupt in their trust” and turned them out of their places:

[G]ood Governors and just and upright men in Office and places of Trust are not only the Foundation but the props and pillars of a Commonwealth; so the contrarie, [if] corrupt men are put in Office or Trust, Men self-seekers, covetous, contentious, dishonest, or uncivil in their charge or carriage towards the People.<sup>54</sup>

And a sermon to an assize in 1708 laid the obligations out:

[A]ll Authority and Power, is a Trust reposed by God and Men, in the hands of some for the benefit of others; for the controlling of Evil-doers, and for the helping such to right, who suffer wrong: And that Right be maintained according to Law and Equity, is what Men justly expect, and claim from those who have the Authority and Power; who are concern'd in Honour and Conscience not to fail such reasonable expectation and demands.<sup>55</sup>

The notion of entrusted power also became important in the colonial sphere. The late-seventeenth-century charters of Connecticut and Rhode Island declared they were grants “in trust” for the benefit of the settlers there, whilst the notion of breached trust was important in the case that the American patriots made in the 1760s. John Adams argued in 1765 that “rulers are no more than attorneys, agents, and trustees, for the people” who could revoke the authority if their “interest and trust is insidiously betrayed.”<sup>56</sup>

To be sure, this process of conceiving of public office as a limited trust was not one achieved overnight and rested on strengthening notions of office as an object of public interest rather than private concern. In 1725, the Lord Chancellor, the earl of Macclesfield, was impeached for selling offices in the court of Chancery and a significant part of his defense was that offices were entirely private matters, so long as competent officials were appointed to them:

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.<sup>57</sup>

Macclesfield was nevertheless convicted of corruption. A similar defense was made in 1769 when proceedings were begun against a Jamaican planter, Samuel Vaughan, for attempting to buy office. Vaughan published a vindication in which he argued that “if the duty of the office is well discharged, the public have no business to enquire into it.”<sup>58</sup> But Judge Mansfield, whose ruling in the Bembridge case has already been mentioned, cited the Macclesfield precedent and condemned attempts to buy office

as corruption: “I take it to be a very necessary consequence that, wherever it is a crime to take money, it is a crime to give it; because the corruption is reciprocal. It is corrupt in the receiver, it is corrupt in the tempter and giver.”<sup>59</sup> So when Mansfield argued in the Bembridge case in 1783 that “a man accepting an office of trust, concerning the public, especially if attended which profit, is answerable criminally to the King for misbehavior in his office,” he was developing a line of argument that had a long gestation, another demonstration that the reform movement of the 1780s drew on much older roots.

Another important part of the notion of office as a trust from the public, rather than the crown, concerned members of parliament (MPs). A sustained critique of royal influence over the members of the House of Commons was evident during the 1670s and 1680s, but it endured beyond the revolution of 1688 and survived as a potent concern for much of the eighteenth century. If MPs were also entrusted with popular power, it was argued, they abused that trust when they accepted offices and rewards from the crown, since these encouraged them to represent royal rather than public interests. A mass of publications from the late-seventeenth century onwards championed the virtues of the disinterested magistrate, MP or local officeholder who put the public interest before his private one and who steered a resolutely independent line of action, resistant to court blandishments.<sup>60</sup> The perceived corruption of the constitution through excessive royal influence, and the breach of popular trust, was a key anxiety underlying many reforms from the late seventeenth century onwards as well as the parliamentary reform movement that culminated in the 1832 reform act.<sup>61</sup>

“Entrusted power” (together with the importance of acting primarily in the public interest), accountability, press scrutiny and avoiding conflicts of interest all became, from the seventeenth century onwards, important parts of the anticorruption platform. The development of each of these strands was contested over a long period of time, with moments of quickened pace and even some reverses. Yet it is also the case that these ideals of how power ought to be exercised became themselves part of important anticorruption fictions. The genre of utopian writing, begun in the early sixteenth century, revolved around the idealized fictions of non-corrupt societies and implicitly critiqued or satirized the corruptions of the early modern world. The utopian impulse in the mid-seventeenth century is particularly rich in exploring the possibilities of preventing corruption and later proto-novels did likewise: *Gulliver’s Travels* (1726), for instance, provided a vehicle for its author Jonathan Swift to satirize the corruptions of early-eighteenth-century society and politics. The year 1711 witnessed the birth of another literary fiction: John Bull, the personification of the everyman Briton. This character took on a life of his own, rapidly taken up as a polemical tool that could be deployed against an array of different subjects, and was used to depict the British subject as oppressed by the weight of the corrupt regime that over-taxed and oppressed him, and also as the epitome of plain honesty who could be outraged by corruption.<sup>62</sup> In graphic satire after satire, John Bull also embodied the virtues of naïve honesty, the public good and accountability even if (or perhaps because) he seldom exercised authority personally.<sup>63</sup>

This virtuous, patriotic and anti-corrupt idealized figure of the eighteenth and nineteenth century helped to create a notion of Britain as a place that opposed and resented corruption. When Edmund Burke attacked Hastings in 1788 he claimed that the British nation would disown his system of corruption because,

[I]f any one thing distinguishes this nation eminently above another, it is the dignity attached to its offices, from this, that there is less taint of corruption in them; so that he who would, in any part of these dominions, set up a system of corruption, and attempts to justify it on the score of utility, that man is staining, not only the general nature and character of office, but he is staining the peculiar and distinguishing glory of this country.<sup>64</sup>

The idea of British “purity” had long been bolstered by the Protestant Reformation, in which Britons saw themselves as having thrown off popish corruptions and internalized the merits of conscience, selflessness and self-restraint. In the domestic sphere, such representations could assist anticorruption. In the imperial sphere, however, they lent weight to the idea that Britons were superior to the races over which they found they had dominion. In the late-eighteenth and early-nineteenth centuries, the idea of colonial natives as corrupt peoples in need of civilizing and restraining began to acquire ever more momentum, a fiction that not only justified empire but also legitimized its extension.<sup>65</sup> Anticorruption, then, was a way for Britons to imagine themselves and the nation, a way of constructing a narrative about their identity and their past, present and future.

## CONCLUSION

Anticorruption played a very large part in determining what constituted corruption. Across the premodern period anticorruption took on many different guises, attacking religious impiety, perceived attempts (by the crown or by partisans) to unbalance and undermine the constitution, the embezzlement of public money, the sale of office, the abuse of the justice system, illicit plunder from imperial ventures, sexual immorality and even the diffusion of corrosive ideas and beliefs. Anticorruption thus helped to define the nature of religious, political, economic, imperial, sexual, legal and cultural corruption. Anticorruption and corruption were linked together in a synthetic process that was continually evolving. One of the reasons why modern anticorruption campaigners find it so hard to agree on a common definition of corruption is not only because corruption has always been a multi-stranded and pejorative term, but also because anticorruption has always also been evolving and creating swirling contests and debates about the boundaries between licit and illicit behavior. Out of the scandals, campaigns and contests, repeated frequently over a long period of time, came slightly reconfigured expectations among both people and state, as well as new or tighter rules that also increased anticorruption’s role in policing them.

But no matter how many small victories were achieved, anticorruption could never achieve closure. Figure 12.1 shows a satiric image from 1784 featuring





**Figure 12.1.** The “champion of the people” cuts off one of the heads of the hydra, labelled “corruption,” but a new one will grow.

Source: Thomas Rowlandson, *The Champion of the People* (1784) © Trustees of the British Museum.

Charles James Fox, one of the leaders of the Whig party who was at times a vigorous anticorruption campaigner (though also at times seen as the embodiment of corruption), slicing a head, labelled corruption, off a hydra.<sup>66</sup> Corruption was frequently depicted in premodern graphic satires as a multi-headed hydra which grew new heads as soon as the old were cut off. The hydra was an allusion to Classical mythology; but it also drew on the biblical story from Revelations of the seven-headed beast that, significantly for Protestant Britons, carried the whore of Babylon, the name often given to the Catholic Church.<sup>67</sup> From the sixteenth century onwards, then, Britons saw themselves as locked in a battle with corruptions in church and state. In that contest, the forces of anticorruption helped to define the “abuse” they were attacking.

