THE MORALIST

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Corruption

The study of corruption has haunted philosophers for millennia. Confucius, Plato, Aristotle and Buddha all wrestled with corruption both in terms of philosophical ethics and statecraft. Through the years, academic understanding of philosophical ethics flourished. Today, there are three highly developed branches of philosophical ethics: meta-ethics, normative ethics and applied ethics. Unfortunately, developing statecraft has proven much more elusive. It is this half of the great philosopher's equation with which modern anti-corruption is concerned. Anti-corruption is, after all, the application of ethics in governance and oversight in administration. Though seemingly separate,

Plato and Aristotle

philosophical ethics and statecraft are inextricably linked and anti-corruption is the thread by which they are bound. While anti-corruption is focused on statecraft, it was born from philosophical ethics. Therefore, the history of "anti-corruption," begins with the study of ethics.

Philosophical Ethics

Philosophical ethics, sometimes called moral philosophy, is generally divided into three branches: meta-ethics, normative ethics and applied ethics. It is easiest to understand these terms in comparison to each other.

Meta-Ethics

Meta-ethics is generally concerned with the essence of moral terms. Three general questions form the fundamental basis for meta-ethics.[1]

Question	Examples
1. What is the meaning of moral terms or judgments?	What does the word 'good', 'bad', 'right', 'wrong' mean—how do we define it? **What is the definition of 'corruption'?**
2. What is the nature of moral judgments?	Is the meaning universal or relative, of one kind or many kinds? **Is our definition of 'corruption' universal or relative?**
3. How may moral judgments be supported or defended?	How do we know if something is 'right', 'wrong', 'good' or 'bad'? **How do we know if something constitutes 'corruption'?**

Normative Ethics

While meta-ethics examines the meaning and definitions of moral terms, normative ethics examines actions or behaviors from an ethical perspective. In short, normative ethics investigates the questions that arise when considering how one ought to live and act. Normative ethics is generally divided into three dominate approaches: virtue ethics, deontology and teleology (sometimes called consequentialism). The distinctions between these theories are fairly clear: virtue ethics measures ethics by strength of character as reflected by virtuous acts and living; deontology measures ethics by how well one can follow rules (often divine rules); and teleology measures ethics by the final result (i.e. "the greatest good for the greatest number").

Virtue Ethics

Ancient scholars, from both the West and East, ascribed to some form of virtue ethics: Confucius, Plato, Aristotle and Buddha to name a few. Virtue ethics emphasizes character when evaluating ethical behavior. The acts of a moral person are not virtuous in and of themselves, but are simply a reflection of strong moral character. Moral character, like a muscle, emerges only after long-term continuous practice. A person's moral character is built upon years of demonstrated ethical judgment.

Deontology

Deontology literally means the study of duty and is based on the notion that people have an absolute duty to obey moral rules. There is no subjectivity and moral rules must always be obeyed without thought. Ethics is then measured by how well one follows the rules—especially a universal moral law. Deontology arose during the 18th century and is most closely associated with the philosophy of Immanuel Kant who gave the example that it is wrong to lie even when a lie might save a life.

Teleology (consequentialism)

Teleology or consequentialism looks at the consequences of one's actions to measure moral goodness. Although examined by Plato and Aristotle, teleological ethics is most closely associated with the Utilitarianism of John Stuart Mill—"the greatest good for the greatest number." The ethical measure of an action is determined solely by the final result.

Applied Ethics

Meta-ethics looks at the essence of ethical terms; normative ethics examines ethical action and behavior; in contrast, applied ethics is an ethical examination of a specific issue. For example, the ethics of stem cell research or euthanasia.

This cursory review of philosophical ethics provides the foundation to examination modern anti-corruption theory and practice. Nearly all of the philosophical debates are implicated in the infamous impeachment and trial of Governor-General Warren Hastings.

The Principal of Geographical Morality

It is not uncommon for some people to act differently when they are distanced from their social environment. Normally restrained individuals will sometimes engage in activities in distant cities or countries that they would never engage in at home. Such was the case of Warren Hastings who became Governor-General of Bengal representing the British East India Company in 1773. The East India Company was a privately held company that ruled large portions of India with private armies, administering the country and assuming governmental functions. During his 10-year reign as Governor-General, Warren Hastings engaged in cruelty, perversion and massive corruption,

East India Company

paying and receiving bribes with impunity. He ruled India according to his arbitrary will and not under the dictates of law; however, his administration resulted in huge profits for the East India Company.

Notwithstanding the profits to the East India Company, upon his return to England, Warren Hastings was charged with high crimes and misdemeanors by the notable statesman, moralist and philosopher Edmund Burke. That Warren Hastings engaged in corruption and bribery was never really in dispute. During the entire 7-year trial, Hastings never denied receiving payments. What was at issue was whether Hastings' actions in India should be judged by the moral standards of England.

Edmund Burke, who had initiated the charges against Hastings, argued that the laws of morality do not change with locality. Like Immanuel Kant, Burke argued that there is a universal morality that all men have a duty to follow.

> *"This gentleman [Hastings] has formed a geographical morality, by which the duties of men in public and private stations are not to be governed by their relation to the great Governor of the universe [or] by their relation to one another, but by climates. After you have crossed the [equatorial] line, all the virtues die...*

Against this geographical morality I do protest, and declare, therefore, that Mr. Hastings shall not screen himself under it, because. . .the laws of morality are the same everywhere; the actions that are stamped with the character of peculation, extortion, oppression, and barbarity in England, are so in Asia, and the world over."[2]

In his defense, Warren Hastings argued that it would be unfair to judge his actions in India against the moral standards applicable to public officials in Britain: "actions in Asia do not bear the same moral qualities as the same actions would bear in Europe."[3] Warren Hastings immersed his defense in a principal the Burke characterized as "geographical morality".

As a second line of defense, Warren Hastings' acknowledged that his administration may have been corrupt but he argued that his exceptional service and unparalleled success far outweighed any personal benefit that he may have received. In short, he argued that in a cost-benefit ratio, the benefit to Britain far outweighed the cost (i.e. what Hastings himself may have accumulated).

Burke's response to Hastings' defense was contempt and righteous indignation. Burke declared that:

"the laws of morality are the same everywhere, and that there is no action which would pass for an act of extortion, of peculation, of bribery, or of oppression in England, that is not an act of extortion, of peculation, of bribery, or oppression in Europe, Asia, Africa and all the world over."

The debate between universal morality and geographical morality raged on for more than seven years. Finally, in 1795 the House of Lords acquitted Warren Hastings of all charges.

The Era of "Old Corruption" [4]

The trial of Warren Hastings was greater than the men involved. Since the early 18th century, the British government had been enmeshed in political corruption to such an extent that the period became known as the era of "Old Corruption." Consequently, the seven year trial of Warren Hastings was less an indictment of the man than it was an indictment all the "Old Corruption" that had permeated British government. The acquittal by the House of Lords may have been a simple case of "no man casting the first stone;" regardless, Edmund Burke and his emotional appeal to moral indig-

nation roused the public against corruption and in support his "economical reforms."[5]

While the "Old Corruption" had been severely derided on moral grounds throughout the years, little had changed. By 1780, however, the old system was impeding the economic evolution of laissez-faire capitalism. While Edmund Burke rallied public support against the "Old Corruption" of which Warren Hastings was the embodied symbol, he intertwined his anti-corruption crusade with his "economical reforms." Anti-Corruption became a tool of fostering economic change.

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As a result of Burke's eloquence anti-corruption became entangled in the moralism that had engulfed the trial. Burke's moralism entwined religion, virtue ethics, the individualism of laissez-faire capitalism and the principal of universal morality. In short, corruption and the rent-seeking behavior of Warren Hastings, was a sin and an individual moral failing. Consequently, anti-corruption activities focused on the individual. In the Moralist view, the cure to corruption could be found in universal morality, indoctrination and law enforcement. This black and white view of corruption folds very nicely into the deontological arguments of Immanuel Kant. Consequently, we get universal moral laws such as "zero tolerance to corruption." From a deontological and Moralist perspective, the moral law must be obeyed even when it is in the greater good to contravene the law.

The Moralist view dominated anti-corruption efforts for nearly 200 years. In fact, grass roots anti-corruption advocates around the world still predominately ascribe to the Moralist perspective. Since the Moralist view incites an emotional response to corruption, a few academics have even argued that it should be promoted in order to invigorate civil society organizations and incite a public response to corruption.[6] With public support behind it, the Moralist perspective has also dominated government responses to corruption.

While the Moralist reigned supreme with their populist approach to anti-corruption, academicians were less inclined to embrace this view—there was simply no empirical evidence to support it. In the meantime, business had to develop practical approaches. Thus fissures appeared in the study of anti-corruption.

Practical Development of Anti-Corruption

While the Moralist had a clearly defined belief structure concerning corruption and corresponding cures, the academic response was anemic. For them, anticorruption was an enigma wrapped in a conundrum. Something, however, needed to be done. The practical response came almost immediately from the East India Company. In India the Company purged nearly all of Hastings' cronies and cohorts and implemented new, morally acceptable, policies. Interestingly, because the Moralist approach was heavily predicated upon Christian morals, nearly all Indian (Hindu) administrators were dismissed. Further, in 1806 the East India Company College was established near London to

Chinese Imperial Examination

train administrators. The College was modeled on the Chinese imperial examination system that had been in place in China for more than 1200 years (since 605 AD).

The Chinese imperial examination system had been established to select the best potential candidates to serve in government administration. The East India Company adopted the system for the same reasons. Then in 1855, following the Northcote-Trevelyan Report, the last vestiges of the "Old Corruption" patronage system in Britain were replaced by a Civil Service Commission again modeled on the Chinese.

The meritocracy of China, Britain and America provided a practical solution to overt corruption and significantly improved efficiency. Unfortunately, the phenomena of corruption continued to tear at the social structures.

1- Garner, Richard T.; Bernard Rosen (1967). Moral Philosophy: A Systematic Introduction to Normative Ethics and Meta-ethics. New York: Macmillan. p. 215.

2- Burke Speeches, volume 4, page 354 as quoted in Edmond Burke: The Enlightenment and Revolution by Peter James Stanlis, p. 34.

3- The Works of the Right Honorable Emund Burke (Boston, Little, Brown & Co. 1889) as quoted in The Legacy of Geographical Morality and Colonialism: A Historical Assessment of the Current Crusade Against Corruption by Padideh Ala'i, Vanderbilt Journal of Transnational Law, October 1, 2000.

4- The End of "Old Corruption" in Britain 1780 – 1860, W.D. Rubinstein, Nov. 1983.

5- Edmund Burke speech on Economical Reform, House of Commons, 11 February 1780.

6- Edmund Burke, the Warren Hastings Trial, and the Moral Dimension of Corruption by Brian Smith, Georgetown University, 2008.