

Comparative Corruption, Past and Present

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In the study of bribery (as distinct from plain theft in government), this article takes note of the recent upsurge of social-scientific research and publication, where little attention has been paid to the historical background. The prevailing problem-solving approach can be usefully supplemented by looking at the phenomenon in other times and settings, especially to illuminate its cause, that is, the motivations giving it rise, spread, and significance. The periods chosen for examination are the first several centuries of the common era and the 19th century in Europe, and the 17th to 19th centuries in China.

Key words: corruption, bribery; motivation; values-shift; Europe, Rome, China

The phenomenon that interests me, “corruption” in its most common meaning, joins two parties in an exchange. One party requests the agents of a private or governmental authority either to do what they shouldn’t or not to do what they should. Whatever is requested is seen as desirable, whether it is permission or exemption of some sort.¹ For this, the agents as the other party get their francs, lire, marks or dollars; so both sides win. Nothing could be more reasonable. But Authority loses; its will is not fully effectuated. It reacts with condemnation.

How then can corruption be at the same time acceptable, as it sometimes is, out in the open and even officially sanctioned by laws and public announcements? There is my question. Historians should surely

¹ My definition is conventional (not the only one): see, e.g., James C. Scott, *Comparative Political Corruption* (Englewood Cliffs, Prentice-Hall, 1972) 4; Peter N. S. Lee, “The causes and effects of police corruption: a case in political modernization,” *Corruption and Its Control in Hong Kong. Situations Up to the Late Seventies*, ed. Rance P. L. Lee (Hong Kong, Chinese University, 1981) 170; Karl Acham, “Formen und Folgen der Korruption,” in *Korruption und Kontrolle*, ed. Christian Brünner (Vienna, Böhlau, 1981) 29f.; Donatella della Porta and Alberto Vannucci, *The Hidden Order of Corruption. An Institutional Approach* (Farnham, Ashgate, 2012) 3; or Zephyr Teachout, *Corruption in America: From Benjamin Franklin’s Snuff Box to Citizens United* (Cambridge, Harvard University Press, 2014) 2, 38.

have something to say about it, given the fact that so much of the evidence lies beyond the reach of modern social-scientific quantification, modeling, or theoretical analysis. Still, historians have paid it little attention, in contrast to the quite extraordinary interest in it among social scientists since the late 1980s (below, n. 50).

An attempt to understand corruption may conveniently begin with recent problems surfacing in English-speaking countries, in an area of commerce where much money is involved: military procurement. Most states must go shopping for their needs among a limited number of the more industrialized ones. So for example Tanzania applied to a well-known British firm, BAE. Its chief judicial officer who okayed the purchase contracts was discovered to have hidden a million pounds sterling in an offshore bank account. Another BAE customer, Saudi Arabia, bought hundreds of war planes and similar items over some twenty years from the 1980s, where some of the people on both sides of the negotiations were convicted of corruption by the U.K. or U.S., fined but not jailed. Further charges were considered regarding BAE sales to Chile, Romania, and South Africa; and fines were levied for the firm's practices in dealings with the Czech Republic and Hungary as well.

In defense of commerce, however, the prime minister pushed back with a reminder of the thousands of jobs at stake and the interests of still more thousands of investors in the company; so the government's suspending of its investigation into the alleged bribes was declared to be in "the national interest" (2007).² "Corruption" was OK. In the sequel, Britain's Serious Fraud Office (SFO), especially empowered to enforce a new wide law (2010) forbidding bribes whether offered or solicited, began but nevertheless suspended more than one investigation. The director could see that "the traditional law enforcement culture needs commercial sensitivity and awareness of the needs of business".³ It was his gentle

² See, e.g., the *Guardian*, Dec. 21, 2007, "How Blair put pressure on Goldsmith"; Feb. 15, 2008, "BAE: secret papers reveal threats from Saudi prince".

³ On the web, search "BAE and Tanzania" or "BAE payment to Tanzania," [Dec 21, 2010; Jul 19, 2011; Mar 20, 2012]; Alan Doig, *State Crime* (London/ New York, Routledge, 2011) 196-200, on the politics of the imbroglio leading up to Blair in 2007; details on the web in "Al-Yamamah", or "Bandar bin Sultan"; Alistair Dawler, "BAE protesters win SFO injunction," *The Independent*, March 2, 2010; Jeremy Horder and Peter Allridge, "Introduction," *Modern Bribery Law. Comparative Perspectives* (Cambridge, Cambridge University Press, 2013) 15f., on the international arms-sale business with its "pervasive corruption ... permanent and ubiquitous", and on the Serious Fraud Office with a severely diminished budget; see further Indira Carr, "Development business integrity and the U.K. Bribery Act 2010," in the same volume, 144, quoting

way of saying that, in the end, some corruption was acceptable.

Though the 2010 law actually ruled out any such consideration, at the same time the logic of democracy required government to defend “the needs of business”; for government itself was the elected representative of BAE’s employees and shareholders, all of them voters, to say nothing of the management levels and everyone else involved in the production of arms of all sorts. The balance was thus tipped in their own direction by those sectors of the population comfortable with corruption, despite other sectors that had pushed for the creation of the SFO and the Act 2010. An almost perfect balance was in play, allowing but forbidding corruption.

In another developed country but for non-military business, the U. S., someone who had thought of a non-smoking use of tobacco wanted to raise money for his venture in Virginia, and plied the governor with presents and requests for support: Would the governor please arrange a meeting between institutions in the state that could help, including his own staff members, and this new friend? The governor could and did. The presents he received were valued at \$175, 000. He was charged with acceptance of bribes. Convicted, he appealed; the U.S. Supreme Court reversed the conviction, the chief justice indeed seeing “tawdry tales” in the case but nevertheless “acts that a public official customarily performs ... conscientious officials ... facilitate ... for constituents all the time”. Such was or is the American custom. As to the one hundred and seventy-five thousand dollars’ worth of presents, we are left to see in that sum nothing but warm feelings, so long as there was no actual proof of quid pro quo (and there was none).⁴

The economist Robert Shiller adds his own comment on U.S. business practices: “People can be manipulative and deceptive. I guess we teach that to our children. But what we don’t emphasize is how an econ-
the International Chamber of Commerce 2011, that “facilitation payments [bribes] are permitted” to developed-nation investments in overseas trade “only if a managerial review indicates that they cannot be eliminated” (notice, the firm itself will decide); and the director of the SFO in 2010 on “commercial sensitivity” quoted in Michael Bowes, Eleanor Davison, and Nicholas Medcroft, “The prosecuting authorities,” *Lissak and Horlick on Bribery*, eds. Richard Lissack and Fiona Horlick (London, LexisNexis Group, 2011) 245. Notice the Guidance for prosecutions (248) ruling out any “considerations of national economic interest [or] the potential effect upon relations with another state”.

⁴ See Chief Justice Roberts’ opinion, SCOTUS 6.27.2016 McDonnell v. U.S.; “tawdry tales” in the Chief Justice’s opinion, June 1, 2017, vacating the previous conviction. For comment on the question adjudicated, see, e.g., Teachout, *Corruption* Chapter 14.

omy can actually incentivize that. ... We get into an atmosphere where everyone is doing it. So that is why we need—we [himself and George Akerlof, his colleague in a book they wrote] call them heroes—people who can stand up for what’s right in business. ... A business person can think, ‘I don’t want to do these other things, I’m a moral person,’ and to some extent there’s some latitude to do that, but you can’t do it too much or you’ll go out of business. ... I don’t fault people for accepting some compromise, you have to survive in business.”⁵

On record for the major part of the Anglophone community we thus have two Nobel Laureates, a prime minister, a director of the nation’s corruption-investigative force, the spokesman for the international Chamber of Commerce, and a chief justice, all with considerable publicity in essential agreement: “the common interest” is good business, and what is good in business is what is customary. The half-dozen who speak do so from a position of license; they speak for many; and there is confirmation from the many themselves, in the so-called free-rider consideration: “Why act, if your actions cost you more than they benefit you personally?” Why be a good citizen while the competition gets ahead of you? “If everyone thinks that everyone else is corrupt, then all but the saints will be engaged in malfeasance.”⁶

In this Atlantic Anglophone community, then, at the interface of government with private enterprise, one can sense two views about corruption co-existing. There appears to be ongoing movement from one view to the other in the direction of broader tolerance, too—a shift in values. How should so large a phenomenon as this be studied? Cannot comparison with some earlier period be illuminating, at least as a marker?

An approach might be chosen, perhaps through n-grams, into the mass media of any well documented period and its court-hearings, tax-records, and private papers. For the target area of behavior, various

⁵ Toward the end of an interview, “Mornings with Maria” [Bartiromo], Fox Business News, Oct. 8, 2015, Robert Shiller encapsulated the book he and George A. Akerlof had recently published, *Phishing for Phools* (2015). I use the transcript for subscribers to LexisNexis Academic accessed October 6, 2016 (www.lexisnexis.com/lxacui2api/api/version1/hgetDocCui?lni=5H3W-W351-JB20-G1JK&csi=373695&hl=t&h-v=t&hnsd=f&hns=tahgn=t&oc=00240&perma=true). The particular scandal Shiller took off from was the defeat-device in Volkswagen emission controls, in Germany.

⁶ Quoted on the free-rider consideration, see Gernot Wagner and Martin L. Weitzman, *Climate Shock. The Economic Consequences of a Hotter Planet* (Princeton, Princeton University Press, 2015) 7f., 39; also quoted, about not being a saint, Susan Rose-Ackerman and Bonnie J. Palifka, *Corruption and Government: Causes, Consequences, and Reform*, ed. 2 (New York/Cambridge, Cambridge University Press, 2016) 490.

explanatory factors could be identified and given a name, each, indicative of certain values: toward “profit-seeking”, or “pro-social”, “practical”, “conscientious”, “law-abiding”, “pious”, “independent”, “socially integrated”, and so forth. The initial defining of such terms, however, can only be subjective. Individual data-items must then be counted under one term or another—these too, subjectively. In the end, quantification yielding a profile of prevailing values must thus fall well short of “science” in the usual sense of that word.⁷

An alternative approach, perhaps no better but more congenial to historians, would accept subjectivity in some chosen reporter(s) and allow evidentiary weight to be assessed over time. An obvious example serving historians of the U.S. would be Alexis de Tocqueville. He would certainly count as a good reporter, perhaps no other quite so much admired, covering many thousands of miles in his back-and-forth across the young Republic east of the Mississippi, talking to hundreds of persons, and writing up his impressions while they were still fresh but in an unhurried fashion, all in the 1830s.⁸ Now, by luck, there is a figure of just such claims to belief, ideally suited to my purpose: his name, Vincent Nolte (1779 - c. 1856). We have here someone deeply engaged in his times over decades and even wider reach, geographically, but strictly in the sphere of private enterprise and its interface with government. During this period he published a number of technical papers, market reports, and in 1847 two weighty volumes, inviting his readers’ assessment of his professional competence; in his old age he offered an autobiography to a readership that included many of the persons he described, still alive, again open to challenge. He certainly appears a credible witness, not only to his actions but to the thoughts governing them; and together, thoughts and actions shed light on a long history of corruption in his world.

From age sixteen to past seventy he was engaged in business as much in America as in Europe, and, thanks to his courage, honesty, and quite remarkable head for figures, during most of this long life he was the trusted agent of the very biggest merchant bankers in the

⁷ For illustration and discussion of the problems in social-scientific analysis of decision-making, see Ramsay MacMullen, *Why Do We Do What We Do? Motivation in History and the Social Sciences* (De Gruyter Open, Berlin/Warsaw, 2014) 19-26 and chapters 2-3 *passim*.

⁸ If any reminder is needed of Tocqueville’s credit, not least among historians, see, e.g., Isaac Kramnick’s “Introduction” to the Penguin Books edition of *Democracy in America* (2003).

West, from Gabriel-Julien Ouvrard in France, to Archibald Hope and sons in Amsterdam and especially the Barings in Exeter and London.⁹ These were great houses. Regarding two of them, Nicolas Biddle wrote in a jaunty moment, “I prefer my last letter from Barings or Hope/to the finest epistles of Pliny or Pope”. On a grand scale, Nolte’s *Memoirs* show him serving the men who bankrolled Napoleon’s army expenses; in less spectacular assignments, he represented the largest firms and himself, too, after he had earned the start-up money to become a merchant-banker on his own account.

Of all the qualities he offered to his employers, none was more essential than trustworthiness.¹⁰ Success depended on personal credit, most often involving delayed payment until Party ‘A’ had realized certain profits in order to return a loan from Party ‘B’. Credit was personal. Nolte’s focus was mostly on the cotton trade, but included sugar as well and eventually, arms, and for sums in the millions of dollars, francs, or pounds sterling. In his reporting, what interests me is the degree to which larger speculators lived in a world apart—such men as those he served or eventually such as he became himself, a “high roller”. They lived above small investors about whom they knew very little.¹¹ Each world had its own ideas of right and wrong in money transactions. Among the elite, shrewdness and secrecy in outmaneuvering competitors were admired, but there was a sharp distinction drawn between what was still hon-

⁹ *Fifty Years in Both Hemisphere, or, Reminiscences of a Former Merchant* (anon. trans. from German, London, Trübner & Co., 1854), henceforward abbr. as “*Nolte*”. It is a highly detailed account of more than 190,000 words. For his earlier years, matching the world of American merchant families around the turn of the nineteenth century, compare William Walton Woolsey and his sons in New York, in Ramsay MacMullen, *Sarah’s Choice 1828-1832* (New Haven, PastTimes Press, 2001) 130 and Chap. 3 passim; or in Britain, see Philip Ziegler, *The Sixth Great Power. A History of one of the Greatest of All Banking Families, the House of Barings, 1762-1929* (New York, Alfred A. Knopf, 1988) 29ff., and elsewhere; or in the splendid short biography by Margrit Schulte-Beerbühl, “Vincent Nolte: global player and bankrupt entrepreneur” (2017), <http://www.immigrantentrepreneurship.p.org/entry.php?rec=17>.

¹⁰ On Nolte’s pride in honorable dealings and repute, see 359, 368, 433; at 418f., “an honest man”, as Lafayette wrote, Nolte was later graciously received by Queen Victoria. A like reputation was key to Francis Baring’s success, see Ziegler, *Sixth* 30. For Nolte’s views of dishonest deals, *Nolte* 366; and for his right to his reputation of honesty and the “‘honestt trader’ codes of behavior,” see Schulte-Beerbühl at n. 105 (her article is unpaginated).

¹¹ For Nolte’s innocence of corruption to a late point in life, *Nolte* 389; in consequence, he could be “trapped”, 327f., 389f.; in contrast, passim, rascality in New Orleans and in Marseilles, a “society of swindlers”, 389.

est, and in contrast, what involved a breach of one's word or outright lies. Any advantage of the latter sort had to be called by its right name, plain "felony". In contrast, less-than-honorable entrepreneurs dealing with someone of the elite would not wish to get his hackles up or invite distrust; so, for example, they could talk about "judiciousness" to gloss over some manner of cheating or corner-cutting.¹² Periphrases and euphemisms bridged the distance, but at the same time made plain the gap, between Nolte's world and the larger one around and below.

High or low, the population opened to study by his *Memoirs* in six or eight great cities on both sides of the Atlantic, and the drawn-out period we can observe as well, are very considerable. The particularity of detail he offers, where it is easily checked, stands up to challenge, too; and money-related behavior is continually on display, often in transactions involving government agents. Thus he offers much that is relevant to my inquiry.

Of special interest is Nolte's eventual failure in business and his entanglement in British law and litigation. The suit he brought in his defense involved no small matter. A legal point of the first importance was at issue, and the sum concerned, really large.¹³ He had to apply to the British Court of Chancery for relief. It was there that Dickens' *Bleak House*, set in a time around 1830, imagines a trial stretching out almost beyond belief; but Nolte's experience only a few years earlier confirms Dickens' imagining. He found the advancement of his cause to be controlled by court officers of several ranks who could defer it again and again—unless they were well paid not to. Of the whole system, the Lord Chancellor Eldon himself had or pretended to have no clear understanding despite his decades on the bench.¹⁴ Being forcefully informed

¹² *Nolte*, 294, a Baring director's unequivocal judgment of "felony"; considerations of profit alone, though "judicious" (295), are part of the "art of overreaching", that is, deceiving, "and cheating"; "overreaching goes for cleverness" (297); but lying is "scandalous", 294.

¹³ The question was (*Nolte*, 340), whether the whole firm was responsible for the debts of a single partner; the sum Nolte sued for from his partner was £123,000, or today, roughly £10,381,000, *Nolte* 331. For reckoning today's equivalent, I use the "Historical UK inflation rates and calculator", @inflation.stephenmorley.org, showing an increase of 100 times in value, 1825-2016.

¹⁴ Chancery court delays, "extraordinary dilatoriness" in 1621, see Duncan Mackenzie Kerly, *An Historical Sketch of the Equitable Jurisdiction of the Court of Chancery* (Cambridge, Cambridge University Press, 1890) 155; Parliament-required guidelines for litigants posted in illegible scribbles and Latin, in 1641 (157); and a revealing declaration in 1725 by judges before a bench of Lords, "that the sale of an office which

of the facts, though he freed up Nolte's suit, the traditional arrangements were not otherwise disturbed.

Only a year prior (1825), those same arrangements affecting every part of Chancery's table of organization had been fully unfolded to the British people in a small book or big pamphlet by Jeremy Bentham, "finding the practice of the Court of Chancery replete with fraud and extortion". For this, the Chancellor himself from the start had "formed and began to execute a plan for screwing it up for his own benefit to the highest possible pitch". His aim had been "the more effectual corruption of himself and the other chiefs" and their subordinates, evidently some dozens of them. They thwarted attempts at reform; for "the Chancellor went to Parliament, and got the corruption established".¹⁵ Only after further efforts was "the Augean stable" made cleaner in the early 1830s by the Whigs under Henry Brougham's leadership.¹⁶

The lower ranks serving in the Chancery courts, the ushers and tipstaffs known by the metal cap on their rods of office, were entitled to their "gratuities", so-termed, and themselves "feudatories". They could, for example, by a law going back to 1729, charge six shillings for escorting a convict to prison—a mere six shillings, true, and strictly according to the posted list of fees but roughly £250 (\$333) in today's currency. It was a regular part of a good living. Higher ranks for their duties exacted £2,300 annually (£230, 000 today); toward the very top, the yield of "patronage" included the right to appoint to office, which would bring in sums reckoned today at \$250,000 -750,000. These fee figures also were publicly displayed.¹⁷ Over all, the servants of the court were its effective

related 'to the administration of justice' was not an offense at common law," in John T. Noonan, *Bribes* (New York, Macmillan, 1984) 389f. With Eldon in charge from 1801, "dilatatoriness increased" despite Parliament's repairs (Kerly 181); in *Nolte*, 337ff., Eldon expects what seemingly he doesn't see happening, and doesn't control; but the truth being explained, he responds, "Shameful! shameful!". Note Eldon called a "consummate hypocrite" by the Lord Chief Justice, in Frances Hawes, *Henry Brougham* (London, Jonathan Cape, 1957) 175, cf. also Bentham, *Indications Respecting Lord Eldon, including History of the Pending Judges Salary-Raising Measure* (London, John and H. L. Hunt, 1825) 42.

¹⁵ See especially the first third of Bentham's *Indications*, the quoted words from pp. 1 and 4.

¹⁶ Among many works on Brougham, Hawes' is most notable for insight and pace; as to Brougham's reform bill on Chancery, see 223f., with Wellington's term for it, "an Augean stable"; 221, "House of Fraud" in Sydney Smith's words; 236-40, on Brougham's attack on "old corruption" in 1832.

¹⁷ On this terminology, see Bentham, *Indications* 10f.; 12, "fees" also called

masters, with “everything at *discretion*, everything as they ‘*shall see fit*’”. Ambiguities and complexities in the law of course helped them; they steadily increased their charges. So wrote Jeremy Bentham; but as Frances Hawes put it, lawyers, too, in practice in Chancery introduced many “unnecessary intricacies of the law which added so much to their fees”.¹⁸

Just how “the King’s Conscience” (as the Lord Chancellor was called from Elizabethan times) somehow came to preside over such a large instrument of profit, one so close to the center of British law, and how its routines began to spread by uncontested imitation to other courts, is a large subject; but there is, in aid of initial entry to it, the fact that by the turn of the eighteenth century it had “long been a practice for the Chancellor to get New Year’s gifts as customary from officials”. It matters not whether that great judge, in some remote time, had at first asked, or instead, those lowlier persons had freely offered such tributes. In any case, among his staff, here lay the origins of corruption in his tolerance of ingratiating. Once intimated, tolerance turned into custom, and custom, into a right. It was insisted on by all those of whatever rank whose favor might be sought during a suit. Whatever was wrong about their demands, though from time to time perceived and publicized, seemed generally supportable. Profits increased only little by little, taking money from litigants who knew what to expect and, in the end, putting it into the hands of perfectly respectable persons, including ushers, clerks, barristers, solicitors, judges, and sinecurists nominated from among unpromising younger sons and indigent archbishops.¹⁹

“compensation money”, or “expedition money,” Kerly, *Historical* 156; specific values in Bentham, *Indications* 38, for the escort to jail; upper ranks, Kerly, *Historical* 174 (a Mastership at £6000 in 1725); others, in Bentham, *Indications* 13, £2,000 (today, £200,000) for bestowal of a sinecure, from which the beneficiary in turn could draw his profit, and up to £7,000 for higher positions (today, £700,000), “plunderings sanctioned by Parliament”; p. 37, £42 charged by a tipstaff to enter a plea; and so on, pp. 39-46. At the time of Bentham’s pamphlet, there were money-court cases totalling £40 millions (£40 billions today), cf. Kerly, *Historical* 271.

¹⁸ “Discretion,” quoted, Bentham, *Indications* 47, with many instances of calculated ambiguity and obfuscation, *passim*; and compare his emphasis (7) on the freedom to charge, in 1824, where lawyers leave a blank in affidavits to be filled in by court officers *ad lib.*, while at other points in proceedings they could profit from contrived confusion, cf. Hawes, *Brougham*, 202, quoted; and Kerly, *Historical* 158 and 266, for more on ambiguities.

¹⁹ The terminology (“long ... practice”, etc.) is all in Kerly, *Historical* 174; compare (156) the “right” to fees, which (178f.) are “permissible”, and in Bentham, *Indications* 17, “sanctioned by Parliament”, exaction (17) benefitting archbishops, by a law of 1743, and in other connections, being (25f.) “so long acted on, ... the court must be considered as

Such was the structure that Brougham in the 1830s determined to bring down, doing so head-on through the substitution of set salaries for all concerned. His success removed long-established custom as the justification for venality without too sharply endangering the livelihood of its beneficiaries. What was obvious to everyone at the time was the fact that corruption was indeed a bad thing and a scandal, as had been most emphatically proclaimed many times in the previous several centuries; but at the same time, it was a *bonum* as learned lawyers of the time would have said, and acceptable as a fact of life—indeed an absolute necessity for all sorts of good people in and out of parliament. The paradox confronted is obvious. Indirectly, it informs a scholarly treatment of Chancery by Duncan Mackenzie Kerly, so learned and detailed but also so apologetic, and still today the standard account.²⁰

In a period of less developed government, under the first Elizabeth, we can observe how only the administration of justice seems to have required gate-keepers at various points of operation, among whom corruption could take hold. Of course there were other needs of state inviting venality, for example, in ship-building or mining; but they could be adequately policed. Gate-keepers needn't exist at all, or they could be closely controlled. This was why (for example) Elizabeth resorted to the Fuggers of Augsburg in the 1560s to extract for her account the valuable metals of her realm.²¹ The Fugger family had unique experience in mining. To them, she could entrust such operations or withdraw them at will; and the German firm was known throughout Europe for its trustworthiness.

By the later fifteenth century it had already routinized what was not

having sanctioned it" (after only 13 years!); further (36), the infection of the Exchequer and, in Kerly, *Historical* 165, of the common-law courts.

²⁰ Kerly's book grows less and less detailed as he gets into the 1820s-1840s (chapter 13, "Reform"), addressing "scandal" and "abuses" (273f.) but only in protracted delays, not in corruption. He never mentions Bentham's treatise and barely refers to Brougham's remedial introduction of salaries (275); he focuses instead on lawyerly, jurisdictional matters, not administration and fee-structures. At the time he wrote he was only 25. The treatment of Hastings' corruption by most of the British elite of Hasting's own and the next generation seems also to have amounted to absolution, not to say reverence, see Noonan, *Bribes* 393f.

²¹ On British mining, see Wiliam Gershom Collingwood, *Elizabethan Keswick: extracts from the original account books, 1564-1577, of the German miners, in the archives of Augsburg* (Kendal, T. Wilson, 1912) passim; on the Fuggers and mining, see Martin Kluger, *The Fugger Dynasty in Augsburg. Merchants, Mining Entrepreneurs, Bankers & Benefactors* (Augsburg, Context Verlag, 2014) 45f., 60.

uncommon in Germany: the schooling of recruits for financial careers in the needed mathematics and accounting skills, as well as a knowledge of the local law and the best firms in the various countries which a family bank must deal with. By Anton Fugger's time (b. 1493, later to become the richest man in Europe), this training might consign a boy in his early teens to the paternal but strict oversight of a partner-firm anywhere in Europe—a boy such as Anton apprenticed in a half-dozen cities; his brother Jacob, in Venice and elsewhere. These two had sons and grandsons. From among these, the "Faktors" were recruited to represent the house in foreign cities where, most likely, they would be seen as choice sons-in-law, and so, marry up, even into the local nobility. The weaker boys had been weeded out before they could ever get up in the ladder; for the better ones, throughout their working lives from their early teens, training of course was professional. There was pride in that; but emphasis was always quite as much on character, morality, and religion, to secure the internalizing of values and trustworthy behavior, that is, behavior always predictable regardless of surrounding pressures. So Queen Elizabeth could anticipate no risk in hiring this firm—no corruption.²²

The Fugger training of its "Faktors" exactly anticipated and may be said indirectly to have shaped the teenage years of Vincent Nolte in Livorno and Hamburg.

At later junctures in British history when corruption was indeed on display on a very grand scale but tolerated by those in power, two names stand out. They are well known: Henry Fox and Warren Hastings. The first was essential to the king and his favorite son in the management of parliament; so Fox had to be given free access to the army's funds to help himself. The second, Warren Hastings of the East India Company, in the face of his accuser Edmund Burke, had won so many friends by selling them profitable offices, there was never a jury of his peers who could be found to condemn him.²³ In both cases, the powers

²² Reinhard Hildebrandt, "Diener und Herren. Zur Anatomie grosser Unternehmen im Zeitalter der Fugger," *Ausburger Handelshäuser im Wandel des historischen Urteils*, ed. Johannes Burkhardt (Berlin, Akademie Verlag, 1996) 154-56, 165-71; Markus A. Denzel, "Professionalisierung und sozialer Aufstieg bei oberdeutschen Kaufleuten und Faktoren im 16. Jahrhundert," *Sozialer Aufstieg. Funktionseliten im Spätmittelalter und in der frühen Neuzeit*, ed. Gunther Schulz (München, Harald Bold Verlag, 2002) 413-42 passim; Mark Häberlein, *The Fuggers of Augsburg: Pursuing Wealth and Honor in Renaissance Germany* (Charlottesville, University of Virginia Press, 2012), chapter 5; Kluger, *Fugger Dynasty* 29, 45f, 50, 60-65.

²³ Walpole's name might seem a third and better choice. See, e.g., Philip Woodfine, "Tempters or tempted? The rhetoric and practice of corruption in Walpolean politics,"

that be were on corruption's side, leaving it to Bentham and Burke to cry out, "Shameful! Shameful!"

But now to return to Vincent Nolte at the end of his career: in the collapse of his own house and his consequent loss of credit, though without anyone having reason to doubt his honesty, he found himself obliged to scramble around for a living. Eventually he found his chance as a middleman in the supply of muskets and sabres to the French military. The service, he supposed, was like any other. Instead, as he learned, certain gate-keepers, certain officials authorized to make purchases for the armed forces, routinely sold their acceptance of the articles offered to them by a network of half-hidden suppliers. Without a bribe, no access to the customer. Corruption permeated the system from its very top to its lowest reaches. It was with these rascals that Nolte—believing himself, and in fact showing himself, to be still and always honest—had to do business. It was a fact of life in France as it was in England, that "a poor man *has* no honor".²⁴ The bitter dictum was Dr. Johnson's, himself well acquainted with the face of poverty.

My next point of comparison is found long ago in Rome, beginning in Cicero's day. Comparability requires the discovery there of corruption appearing first among some little group of very poor men, whose obligingness to everyone above them gains them a post at the doorstep. There they can hold out a hand, humbly, being rewarded by anyone wishing entry; and by saving their rewards they can make a stairway into a better life—until in the end they find acceptance for their practices among all those lofty lords above them. Their acceptance may even take the form of law.

The acting out of this story advances only at a very slow pace, over a period of three or four centuries, in a state quite the size of Britain or

Corrupt Histories, eds. Emmanuel Kreike and William Chester Jordan (Rochester, University of Rochester Press, 2004); but he was not so spectacularly benefiting himself. On Fox's pay-off, >£4,000 annually, see even the faithful Whig Macaulay excoriating Fox, the first Baron Holland of Foxley, as the epitome of "tyranny and corruption", in the *Edinburgh Review* of 1841, *Literary and Historical Essays* (Oxford, Humphrey Milford, 1923) 518f. As to Hastings, see Noonan, *Bribes*, Chapter 14, esp. 412 and 416, on his distinguished support group; further, Fred Anderson, *The Crucible of War. The Seven Years' War and the Fate of Empire in British North America 1754-1766* (New York, Vintage Books, 2001) 174f., or Vinod Pavarala, "Cultures of corruption and the corruption of culture. The East India company and the Hastings impeachment," *Corrupt Histories*, eds. Emmanuel Kreike and William Chester Jordan (Rochester, University of Rochester Press, 2004) 296, 301-07.

²⁴ Samuel Johnson in Boswell's *Life*, April 22, 1777, with italics added.

France. In Cicero's day, Rome was already an empire, even as an oligarchy. In the real business of life which was war, plunder, and the seizing of other peoples' land, the dominant clans had long been able all to unite as a single armed force; more often, they could pass around positions of command without any one of their number, let alone any individual chieftain, gaining a settled ascendancy. In domestic affairs, when they served as judges they had little business to attend to and wide discretion in their verdicts. Of written law there was a minimum; of customary law, most dealt with property. There were no police or public prosecutors to initiate action or enforce regularity; disputes between citizens or claims of damage were initiated instead as personal suits, where connections and backers, that is, clan power, played the most important part. In sum, there was hardly a place for corruption because government itself was so small, and so much of alternative authority was supposed to rest, and generally did rest, in the hands of private individuals and a few score of families.

Certainly, gifts and connections gave rise to favoritism and unfairness in jurisdiction and to charges of bought witnesses and judges. About such matters in the last half-century of the oligarchy, our best informant by far is Cicero. In combination with other evidence scattered about in his letters and in historians of the time, his speeches show governmental corruption rife in Rome at the height of its power, even endemic; but so long as only foreigners were the ultimate target of exploitation, it was devil-take-the-hindmost!²⁵

As an illustration of the distinction: the notorious governor Verres of Sicily was sent into exile for the sums he and his tax collection and judicial hearings had extorted from Romans resident in Sicily, while on the other hand, though resorting to wholesale bribery and worse, Pompey the Great and associates like Aulus Gabinius could escape punishment in the courts for what they had wrung from Eastern kingdoms. Everyone agreed such things were an outrage, but what could you do? At least they posed no threat to the common good.²⁶

²⁵ The best known speeches concern, as targets or clients, Gaius Verres, Aulus Gabinius, and Gaius Rabirius Postumus. Of the latter two figures, Mary Siani-Davies, "Ptolemy XII Auletes and the Romans," *Historia* 46 (1997) 322f., 328ff., traces a tale of bribery, intimidation, and murder in the capital in their support of a candidate for the throne of Egypt, for a stupendous price.

²⁶ Classicists have trouble seeing the difference between a practice known in Cicero's society, generally condemned, and the same practice centuries later pervasive and officially tolerated. See, e.g., Richard J. A. Talbert, "Corruption and the Decline of Rome by

As for the dangers inherent in conquest, where subordinates enjoying some office might have siphoned off its rewards, the oligarchs relied instead on open bidding by private companies to do their work for them. If the work was dishonest, another company could be hired to collect taxes, work the mines and quarries, and so forth.²⁷ Where there were abuses (as there were), they could be controlled by the patron-client system. The evidence recalls Elizabeth I and the Fuggers. Like the Fuggers, Romans of real wealth who used it in any way actively (as most did) did so with the help of accounting procedures every bit as advanced in Cicero's day as in Europe of the sixteenth century, whether in areas of production or transport or any other economic activity.²⁸ So checking up on crooked servants was not difficult.

And in the drawn-out, institutionally conservative transition from

Ramsay MacMullen, "Phoenix 45 (1988) 86; Frank W. Walbank, ["Review"] of the same book, *Liverpool Classical Monthly* 14 (1989) 110f.; Jasper Griffin, "Greeks, Romans, Jews & others," *New York Review of Books* 36, 4 (1989) 8; or Peter A. Brunt, protesting that even the worst emperor would never tolerate corruption (!), cf. Ramsay MacMullen, "Tracking value changes," *Aspects of the Fourth Century A. D. Proceedings of the Symposium Power & Possession: State, Society, and Church in the Fourth Century A. D. ... Leiden 1993*, eds. Henri Willi Pleket and Arthur M. F. W. Verhoogt (Leiden, Leiden University, 1997) 126.

²⁷ See most recently illustrations in Stefano Genovesi, "L'amministrazione dei metalli di proprietà dei principi in età augustea: fonti archeologiche a confronto," in *Interventi imperiali in campo economico e sociale. Da Augusto al Tardoantico*, eds. Alfredina Storchi Marino and Giovanna Daniela Merola (Bari, Edipuglia, 2009) 30f., 41ff., and passim, showing extraction of metals in the western empire directly by the army or indirectly by licensed consortia; and on quarries, in these same *Interventi*, Cristina Serafino, "Cave, miniere, salari: il caso de Mons Claudianus," 47, 49, and passim, showing close centralized accounting.

²⁸ Granted, of course, the fundamental difference of Roman, pre-capitalist enterprises: see Giuseppe Pucci, "La produzione della ceramica aretina. Note sull'industria nella prima età imperiale romana," *Dialoghi di archeologia* 7 (1973) 261, 276, 280; illustrative of the nature of manufacture even on a huge scale, yet in tiny units easily controlled, see the records of the forty-odd master-potters' cluster producing up to a million vessels in a year, in Albert Grenier, "La Gaule romaine," *An Economic Survey of Ancient Rome*, ed. Tenney Frank 3 (Baltimore, Johns Hopkins Press, 1937) 543, 560. Generally on accounting practices, see Peter Temin, *The Roman Market Economy* (Princeton, Princeton University Press, 2014) 180-89 passim; specifically in a major industry, grain-dealing, insights in Gilles Bransbourg, "Les taux d'intérêt des Sulpicii," *Les affaires de Monsieur Andreau, Économie et société du monde romain*, eds. Cathérine Apicella, Marie-Laurence Haack, and François Lerouxel (Bordeaux, Ausonius, 2014) 130-33; and on the wealthy, beyond their landed estates, active as entrepreneurs, see illustrations in Ramsay MacMullen, *Corruption and the Decline of Rome* (New Haven, Yale University Press, 1988) 251f.

oligarchy to monarchy, the private practices of senators and the rest of the upper classes were imported into the imperial government. They were quite up to the job. Without pause or check, Augustus' business became in fact the business of the Roman empire, just as his household became the empire's administration—which, then, very naturally replicated what he and his class were familiar with, as sound practice. As in any enterprise with a labor force above a dozen, he and his successors delegated all menial tasks to their slaves, some highly trained, and all, kept on a tight leash. Witness at the center, in the palace staff, one individual being detected with his hand out to petitioners and ambassadors, asking them for too much. Augustus ordered his legs broken. Another too-greedy servant a half-century later was warned with grim humor by Vespasian, that he could continue his practices provided he passed on his take to the emperor. Such anecdotes show us control of the gatekeepers, but we may take them as indications of how irregularities in scribal or accounting duties could be handled as well.²⁹

The monarchy as Augustus shaped it can be thought of as an armature of many, many patron-structures, including and topped by the grandest of all, his own, through which by ties of influence and dependence his wishes could usually reach indirectly into areas other than military, everywhere. Everywhere, however, the Haves independently as patrons ran things in their cities and the surrounding villages—in some provinces, before as after Cicero, for centuries, even legally owning whole villages. City senates were their club, and there they met and disposed of still more business. The less need, then, for big government at the center, with its openings to corruption; instead, *they* were government. Within their world a million little decisions were made every day, and some big ones too. According to their values, having influence and using it for one's friends and dependents was not only honorable but openly to be celebrated. If monetary rewards were somehow involved, they were not spelt out. To demand or offer cash was beneath one's dignity.³⁰

Corruption certainly had a place in the empire. In the capital itself as in other Italian cities and provincial ones on the Italian model, elected

²⁹ Slaves controlled, in MacMullen, *Corruption* 126, 146.

³⁰ MacMullen, *Corruption*, 95, 112f., 119, the shape of the influence pyramid; 42, 47, 49, 89f., 93, 101, 105-13, and 132, offering evidence of cronyism among urban elites, sometimes for corporate benefit; 86, 126, habitual gift-exchanging but (127, 132) money makes an act or relationship base and scandalous; and on the role in city senates, 115ff., 121.

magistrates were assigned small staffs of public slaves to help out the personal slaves they brought into office with them. These *decuriae* expected tips, legitimated by custom and amounting to so much that members by Cicero's time were no longer all drawn from servile ranks but some of them, ex-slaves, and then humble free citizens who had bought in, in the certainty of making a profit. They could successfully defend their purchase into the law courts as a piece of property to sell or bequeath. A few centuries passed, and they might be commemorated as civic notables. They had risen from humble gatekeepers into higher positions of decision-making, getting tips at this latter level as well, according to fee-lists known and posted up on the wall. These too were accepted by the courts. The *decuriae* didn't seem to do much harm, having no access to large sums or authority.³¹

The army, however, was a quite different matter. Its inner workings, at least below the commissioned ranks, were all notoriously corrupt. The lower ranks had to buy off the savagery of the sergeant, who in turn paid the captain to look the other way. So long as most postings were on the frontier, the soldiers' needs couldn't be supplied from the shake-down of civilians. When, however, a detachment was assigned to a governor in some provincial capital, the pickings were better. From the first century on, for reasons of economy in transport and distribution, they were more and more often billeted in or near cities.³² There, they were always a problem. By the mid-third century, as urban postings became more common, soldiers were used increasingly in jobs that combined authority with discretion, as police or in recruiting to the army or compulsory road-building, transport, even in accounting duties, and especially in tax-collection, where the best opportunities for extortion could be found.³³ Yet they remained in the servant class, as that was defined among the Haves.

³¹ MacMullen, *Corruption* 124f.

³² Urban postings, MacMullen, *Corruption* 146, 209-17; Ramsay MacMullen, "Cultural and political changes in the 4th and 5th centuries," *Historia* 52 (2003) 480f.; and MacMullen, "Soldiers in cities of the Roman empire," *Revue des études militaires anciennes* 3 (2006) 123-30.

³³ Army life and venality, Ramsay MacMullen, *Soldier and Civilian in the Later Roman Empire* (Cambridge, Harvard University Press, 1963) 84-89; further illustrations, e.g., in Stephen Mitchell, "Requisitioned transport in the Roman empire: a new inscription from Pisidia," *Journal of Roman Studies* 66 (1976) 115f.; in MacMullen, *Corruption* 129, 193; or in Richard Alston, *Soldier and Society in Roman Egypt. A Social History* (London/ New York, Routledge, 1995) 79f.

As their interaction with civilians became more frequent, their venality became familiar; their demands, customary (Lk 3.14). Thus the slow permeation of Roman corrupt practices can be traced from the camps where it had been longest at home, into scenes and social strata where it was once condemned. It advanced at a rate abruptly accelerating post-250. In a very marked expansion of the central government, it simply took over. That armature or pyramid of patrons-structures which so often supported rebellions was largely displaced by a more dictatorial form of monarchy, the "Dominate" as it has been called, ruling through an army-turned-bureaucracy where corruption had had its home. How then could the emperors of this later period hope to master the army's customs?

The attempt was indeed made, in hundreds of edicts in succeeding centuries condemning corruption.³⁴ Their very number, however, invited confusion; still more, their grandiloquence and elegant circumlocutions. In consequence, anyone authorized to apply them could plead the need for interpretation—and at a price.³⁵ Evidence for the result is spread out across pages and pages of imperial edicts so liberally and in texts so reliably translated, they require only summary review.³⁶ They invite comparison with procedures in the British chancery courts, in reliance on repeated little violations of duty to win eventual acceptance of a routine; in the public posting, then, and legal enforcing of bribes at points of intersection between the officials and the subject population, for example, at interprovincial boundaries and on courtroom walls; in the multiplication of regulations, ambiguities, and contradictions to invite arbitrary interpretation; in the ever-more-inventive fees and payments demanded at the point of any transaction, requiring receipts to move forward or to avoid repeated exactions; in the payments demanded from lower ranks of government by their superiors, for permission to rise, and in the collusive relations of all ranks with each other, locked to-

³⁴ Expansion of government, see MacMullen, *Corruption* 144f.; on the later emperors' condemnations of corruption, see Stephen Mitchell, "Requisitioned transport in the Roman empire: a new inscription from Pisidia," *Journal of Roman Studies* 66 (1976), Index, s.v. "bribery," "corrupt solicitation," and "extortion".

³⁵ Ramsay MacMullen, "Roman bureaucratise," *Traditio* 18 (1962) 369f., 377, and MacMullen, *Corruption* 143, 147.

³⁶ Pharr, *Theodosian Code*, makes almost unnecessary the support and detail provided by other documents; but they may be useful, cf. MacMullen, *Corruption* Chapter 3 §4 and Chapter 4, profiting from inscriptions on stone or bronze, passages from petitionary speeches or protests presented to the emperors or to some big-city audience, mentions in private correspondence, and in short, in every category of the written record.

gether in a contractual embrace; in the treatment of bureaucratic ranks as properties to be bought and sold, priced according to the yield expected from them; and in the end, in the emperor's and his most exalted officials' acceptance of this whole system, and their conniving in it, trying nevertheless to set a cap on this or that bribe but unable to maintain the cap in the end.

And both condemnation and toleration of bribery, co-existing, can be seen even in the Christian church, considered as a population and as an institution by itself. It had its own government, of course. It was opposed to corruption and it said so. The well-known reminder noted above (Lk 3.14) was not forgotten in Augustine's day. More roundly, Augustine declared a career in the emperors' service to be in and of itself wicked, a bondage to Babylon.³⁷ Yet by his time, the church had risen to more than respectability thanks to Constantine and that great convert's successors. Drawing recruits from the highest social ranks, they are found behaving in just the same ways as their like in the non-Christian population, that is, exchanging gifts all the time not just as courtesies but as targeted ingratiation; for, at this level, it was known that the emperor's intimates in both the eastern and western capital would support a request only in return for exquisite works of art or costume, big bags of money, choice articles of luxury.³⁸ As to the generality of the faith, their bishops and clergy might expect to be paid for baptisms, weddings, and last rites; and candidates for episcopal ordination might have to purchase it. Lowlier clerics supplemented their income as a commonsense

³⁷ Quoting Lk 3.14, Ambrose and Maximus of Turin, see MacMullen, *Corruption* 266 n. 93; and Aug., *Enarr. in Ps.* 51.6 (*CCSL* 39 p. 604), on the intrinsic wickedness of a government-salaried career.

³⁸ On the appetite for money and gifting in the early church, see, e.g., José Fernandez Urbiño, "Poder y corrupción en el episcopado del siglo IV," *Studia Historica. Historia antigua 24: Cristianismo y Poder en la Antigüedad* (Salamanca, Ediciones Universidad de Salamanca, 2006) 161ff.; in the 4th century, 167-77 passim. In the Western empire, for ingratiation in Augustine, see Ramsay MacMullen, "What difference did Christianity make?" *Historia* 35 (1986) 339ff.; on bishop Alypius, 339 n. 59, with Noonan, *Bribes* 84-87; and Pierre Batiffol, *Études de liturgie et d'archéologie chrétienne* (Paris, Lecoffre, 1919) 175f., where an heiress seeks a favor from the emperor's sister in 404. In the Eastern empire, see MacMullen, "What difference" 339, on Basil; 340, on Chrysostom's problems, and MacMullen, *Corruption* at nn. 133f. in chap. 3; on Cyril, the letter of an archdeacon Epiphanius (*PG* 84.826-29) describing the Alexandria church being stripped bare (828C, *nudata*) to provide *benedictiones* and *eulogiae*, blessings and commendations, totalling a gigantic sum for the core courtiers of Theodosius II, his sister, the local archbishop, and others. At stake was Cyril's bishopric. For full treatment see Batiffol, *Études* 156, 169-74; later treatments in MacMullen, *Corruption* 165f.

thing to do, and efforts to put an end to the practice, they resisted in their own aggrieved fashion.³⁹ The example of others' conduct, whether lay or ecclesiastic, availed against teachings.

A final comparison—to be drawn between the later Roman and the Chinese empires—is inviting if only because of their similar size in their populations and government, and the most convenient sources can be found in the late Ming and earlier Ching period. Corruption as endemic can be first observed informally, so to speak, in that great novel, literally “Golden-Lotus-Vase-Plum-Blossom”, available in several translations. The most readily accessible is probably the four-volume work of Clement Egerton.⁴⁰ It reveals (1.141, 217, and *passim*) a world of ingratiating among the well-to-do quite taken for granted, daily, indeed *de rigueur* in ordinary social contacts, universally pervasive, and most especially on birthdays and other personal anniversaries. From such settings it had spread into the judicial system, to the chambers of magistrates wielding judicial power, where bribes are shown to us as a fact of life—either bribes anticipatory, with the general aim of securing future favor from some official, or *ad hoc*, to influence a magistrate as he considered some specific charge. Then as still today, we must allow for the influence of Confucianism and *guanxi*, according to which one owed one's first duty to one's kin; and other categories of relationship may outweigh what one owes to the state.⁴¹

The protagonist of the story, Hsi Men Qing, is shown to us playing the system. He is the heir of a rich merchant, continuing in his father's business very profitably but, in his private life, recklessly dissolute; and like others of his fortune (1.193f., 196, 211; 3.16-21) he was willing to

³⁹ For the evidence in both halves of the empire, see MacMullen, “What difference” 340f.; *Corruption* 166f., 241f., mostly regarding sale and purchase of promotion, but simony as well.

⁴⁰ *The Golden Lotus. A Translation from the Chinese Original, of the Novel Chin P'ing Mei* (London, Routledge & Kegan Paul, 1972) -- the Chinese author unknown. There are considerable differences in translations, whether French by André Levy (2004) or by Bernard Miall (1940) or David Tod Roy (1993-2011) -- compare, e.g., the description of the protagonist's villainous hold over officials (André 1.58), Roy chap. 1, Egerton 1.7. Historical material relevant to corruption is found in other novels by Rance P. L. Lee, “Incongruence of legal codes and folk norms,” in *Corruption and Its Control* (cit. above, n. 1) 83.

⁴¹ On Confucianism and government, see, e.g., Rance P. L. Lee, “Incongruence” 78f., or Chung-yuang Jan, “History and context of public administration in Taiwan,” *Public Administration in East Asia. Mainland China, Japan, South Korea, and Taiwan*, eds. Evan M. Berman, M. Jae Moon, and Heungsuk Choi (Boca Raton FL, CRC Press, 2010) 504f.

spend handsomely on local officials so as to insulate himself against any troublesome check. If they were his social inferiors he could offer big loans to them and tie them down; the same hold could be extended to anyone influential; if he wished to ingratiate himself among his social superiors in government, he knew the ceremonies, the lavish scale, the abasement required, and if the moment were some official's birthday, then by appropriate presents he could hope to inspire an affectionate response to himself as to a dear young friend, even a foster son. So, among these richer folk, business went forward lubricated by presents of money or articles of luxury (1.247-50, 360; 3.178). As to Hsi Men Qing's more humdrum concerns, getting cargoes past customs inspectors at a low rate, bribes worked there also (3.52, 92). To get past soldiers serving as "gatekeepers" to a local magistrate (3.268) or in the capital (3.276, 281) as well, or past gatekeepers screening the visitors and petitioners to the imperial court, again, you had to pay.

To see attempts to control such proclivities, we have a seventeenth-century officials' handbook, updated in later editions, which eased the communication of Manchu officials with Chinese speakers. In an Introduction, John K. Ferguson picks out "One special fascination in this volume": it is, in the phrase-lists, "the attention devoted to the evils of bureaucratism—the innumerable terms for malfeasance, defalcation, forgery, wrong reporting, bribery, collusion."⁴² True; and in other respects as well, the manual is very illuminating, allowing us to listen in on conversations spread over a good two centuries between the two language-populations of bureaucrats as they went about their jobs hand-in-hand. They must make clear to each other what they were supposed to do, and were in fact doing, as supervisors of clerks beneath them at various levels and in all parts of the empire. Misfeasance of any sort must be identified and controlled. No misunderstanding of bad or good behavior was to be allowed, in continuing inspections of all personnel, of their records and their repute within their office; and they were to be rewarded or punished accordingly. Every possible kind of interaction they might be involved in was to be exactly described (2,500 and more illustrative situations, civilian and military!) and exactly how each ought to be handled, including of course financial accounting.⁴³ Therein, government

⁴² Fairbank, in E-tu Zen Sun, *Ch'ing Administrative Terms. A Translation of the Terminology of the Six Boards with Explanatory Notes* (Cambridge, Harvard University Press, 1961) xv; thereafter, E. Z. Sun, on these government handbooks (xix) from the 17th century into the 18th, and so to 1742 with the first edition, which she translates.

⁴³ Sun, *Ch'ing Administrative Terms* 97f.

monies were to be “recorded under four headings: ‘balance forwarded,’ ‘new receipts,’ ‘present balance,’ and ‘expenditures’”. The practice recalls the Fugger books.

All these rules must surely make it impossible for any cancer to invade the bureaucratic body undetected. Yet the world of Hsi Men Qing lived on, concealed beneath euphemisms or under official-sounding names for little extra charges. Even brazen corruption is ventured, by minor government servants offering money to their own superiors in hopes of moving up in the queue for promotion or for other favors. Two value systems are on display, quite at odds with each other.⁴⁴

But we must remind ourselves that without the level of minor servants making up the vast majority of the empire’s government, China could never have been governed at all! It was largely on gifts from those servants that the local magistrate, their superior, depended to meet his own personal expenses and those of his office—expenses which were innumerable and otherwise quite inadequately repaid to him. As to those lowly clerks of his, on even more wretched salaries or none at all, they were obliged to extort from the common people, beyond all other payments, a host of fees for their own daily needs. Confusions in law and its ambiguities invited their discretionary handling of business, giving them opportunities for extortion. Becoming “customary”, a practice was declared legal, not bribery (which was forbidden); fee-lists were posted, everything was open and official; and in the end “custom” licensed an ever-more more inventive variety of special exactions, the total of which ended up yielding a reasonable living. As a result, to buy a clerkship, almost as many appointees came forward as entered office by annual examinations. The bloating of the lower ranks was extraordinary. Cutting back of the numbers in one single province, and not one of the largest, in 1826 reduced their total by 23,900 without producing any terrible paralysis. A conservative estimate would surely put the total of clerks in all 22 provinces above a million, perhaps double that, essential to government even if the central authorities judged them to be too many, and all, dependent on extortion “grandfathered in”.⁴⁵

⁴⁴ Euphemisms, see Sun, *Ch’ing Administrative Terms* 45, 67, and passim; extra charges, 63, 110; promotion and favors, 3, 59.

⁴⁵ On low or non-existent salaries, see Chong-chor Lau and Rance P. L. Lee, “Bureaucratic corruption and political instability in nineteenth-century China,” *Corruption and Its Control in Hong Kong* 115; Adam Y. C. Lui, *Corruption in China During the Early Ch’ing Period 1644-1660* (Hong Kong, University of Hong Kong, 1979) 2ff.; fees “illegal” but “socially sanctioned”, 6; in the upper ranks, enough to support a wealthy

Leaving a better discussion of modern China to its historians, there remains the problem confronted by any government at odds with common ideas of right and wrong: how can it get at them? They are shaped in the home, in the child's growing up, in the workplace, not at the hustings. The best that scholars and expert advisers can offer today amounts to little more than tinkering with governmental gestures, adjustments, and material incentives.⁴⁶ Real change in society at large must await the moment when "everybody is doing" something that was once thought unthinkable; and it is only that anonymous "everybody" who will choose the moment.

If this last difficulty is rightly judged, one way to surmount it might be to identify, reward, and empower some still-existing community of shared values opposed to corruption. This seems to be the choice of strategy in a China beset by "rampant and apparently uncontrollable

household and life style (2); details, passim, on payments demanded by the lowly assistants to local magistrates (chapter 2), while (chapter 3) payments in the capital, by high officials, were on a different scale; further, T'ung-tsu Ch'ü, *Local Government in China Under the Ch'ing* (Cambridge, Council on East Asian Studies, 1988) 20, where by 1745, 37% of local magistracies were bought. They are called "irregular (18) but (14) essential to the whole administration, dependent on fees customary or irregular (26). As to clerks (and "runners", far fewer and not for desk work), this rank was engaged with the people face to face, authorizing or certifying everything from salt-tax payments to property sales or famine-relief hand-outs (chapter III); their charges were (46f.) "openly authorized and codified", legal if not of recent imposition (52) and sufficient (43) for a living. Add (38f.) that clerks hired more of their kind, as copyists, doubling or much more than doubling their own numbers. Further, on fee-lists, the complexity and confusions of law, the 1826 cut-back, and clerks' abysmal pay, with many other details, see T'ung-tsu Ch'ü, *Local Government* 27, 37, 39, 64ff., and passim.

⁴⁶ See, e.g., the advice, "A re-engineering of procedures that leads to an important reduction of the opportunities of corruption should be at the core of a reform strategy", offered by Irène Hors (www.oecd.org/dev/poverty/1899689, search "All 10 versions") 8; Alan Doig and Stephen Riley, "Corruption and anti-corruption strategies: issues and case studies from developing countries," *Corruption & Integrity. Improvement Initiatives in Developing Countries*, eds. Sahr Kpundeh and Irène Hors (UN Development Programmes 1998) 47; or Susan Rose-Ackerman, *Corruption and Government. Causes, Consequences, and Reform* (Cambridge, Cambridge University Press, 1999) 85, explicitly excluding consideration of moral attitudes. Exceptional are Walter Little and Eduardo Posada-Carbó, "Introduction," *Political Corruption in Europe and Latin America*, edited by these two (London, Macmillan and St Martins, 1996) 14, looking straightway at moral systems; Michael Johnston, *Syndromes of Corruption. Wealth, Power, and Democracy* (Cambridge, Cambridge University Press, 2005) 191; Porta and Vannucci, *Hidden Order* Chapter 3; and Evan Berman, "Public administration in East Asia: common roots, ways, and tasks," eds. Evan M. Berman, M. Jae Moon, and Heungsuk Choi (Boca Raton FL, CRC Press, 2010) 8-12 and passim.

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corruption” in recent years. President Xi Jinping has turned to the CCP itself, as its party secretary addressing the Youth League, beginning to prune back its membership to their best core, and retiring the too-powerful “Tigers”.⁴⁷ Moreover, instead of relying on symptomatic relief, Xi has chosen a means of reinforcement recalling Mao’s time. Popular opinion must be brought into play dramatically through shaming.⁴⁸ It is a strategy aimed beyond material interest and calculation; rather, at internalization, at esprit de corps, loyalty, honor, and the like, based on assumptions about human motivation that the Fuggers would have half-approved of, and Vincent Nolte.⁴⁹ Other points of comparison suggest themselves from the preceding pages, too: the importance of focused training of the young; of the crucial choice of communities to provide support and approval, either for a disciplined, open life or instead, for a life in the shadows; either aspirations to rise into the ranks of the elite, or to be reconciled with their world only through euphemisms, ambiguities and appearances; and in the end, somehow to reconcile both light and shadow under the law.

China’s straits, matched in a great many other countries, suggest a final question: why is corruption so rife today, therefore so consequential and incessantly in the news? To ask this is to open a view on a mass of research publication barely hinted at in my footnotes. In itself it constitutes a significant event in modern intellectual history, datable to the late 1980s and subsequently. It is hardly less interesting than the global epidemic that accounts for it.⁵⁰ How has corruption made a place for

⁴⁷ On China as “beset”, see, e.g., John Bryan Starr, *Understanding China. A Guide to China’s Economy, History, and Political Culture*, ed. 3 (New York, Hill and Wang, 2010) 379. Noting it is “difficult for the party to oversee its own top officials”, see Ke-yong Dong, Hong-shan Yang, and Xiaohu Wang, “Public service ethics and anticorruption efforts in mainland China,” *Public Administration in East Asia. Mainland China, Japan, South Korea, and Taiwan*, eds. Evan M. Berman, M. Jae Moon, and Heungsuk Choi (Boca Raton FL, CRC Press, 2010) 113f.; but successes are noted beginning in 2012-2013 against such figures as Guo Boxiong, Xu Caihou, Gu Janshan, and Wang Janping, all “tigers” in the common image.

⁴⁸ As a window on shaming in the Cultural Revolution, see especially Wang Zhongfang, *Forged in Purgatory* (Taipei, www.ichinaforum.com/forgedinpurgatory, 2011) 23f., 50-54, and passim, for my knowledge of which I thank Nicholas Chen.

⁴⁹ For “internalization”, “esprit de corps,” and similar terms appearing in modern discussions, see, e.g., Porta and Vannucci, *Hidden Order* 59 or Scott, *Comparative Political Corruption* 11; Hors, *Fighting corruption* 25f.; Kurer, *Einleitung* 84; or Das, *Public Office* 2.

⁵⁰ See, e.g., Robert Ralh Neild, *Public Corruption. The Dark Side of Social Evolution* (London, Anthem, 2002) 210, describing corruption as an “epidemic across much

itself beyond mere toleration, beyond the paradox of being both good and bad? That was my opening question.

Perhaps an answer should be sought not simply in the sharply rising claims of global business, ever more insistent.⁵¹ Equally marked has been the emergence of democracy as the now-prevailing form of government everywhere. This was the point of my remarking on “the logic of democracy”, near the beginning of my discussion; for, if the state is the citizen body, then all citizens have an equal title to buy into its operations for whatever price is agreed on, and to share in any rewards resulting. Surely this is only fair. What can be wrong about it where there is no consul’s will, no king or emperor or prime minister in opposition, no one but one’s competitors to protest?

Bibliography

Acham, Karl, “Formen und Folgen der Korruption,” in *Korruption und Kontrolle*, ed. Christian Brünner (Vienna, Böhlau, 1981)

Anderson, Fred, *The Crucible of War. The Seven Years’ War and the Fate of Empire in British North America 1754-1766* (New York, Vintage Books, 2001)

Batiffol, Pierre, *Études de liturgie et d’archéologie chrétienne* (Paris, Lecoffre, 1919)

Bentham, Jeremy, *Indications Respecting Lord Eldon, including History of the Pending Judges Salary-Raising Measure* (London, John and H. L. Hunt, 1825)

Berman, Evan, “Public administration in East Asia: common roots, ways, and tasks,” eds. Evan M. Berman, M. Jae Moon, and Heungsuk

of the world”; further, Doig and Riley, “Corruption” 48f., an “upsurge in interest” in the 1990s; Joseph LaPalombara, “The structural aspects of corruption,” *Corruption & Democracy. Political Institutions, Processes and Corruption in Transition States in East-Central Europe and in the Former Soviet Union*, ed. Duc V. Trang (Budapest, Institute for Constitutional & Legislative Policy, 1994) 35, “endemic” in democracies; its “exponential growth”, in Oskar Kurer, “Einleitung,” *Korruption und Governance aus interdisziplinärer Sicht. Ergebnisse eines Workshops des Zentralinstituts für Regionalforschung ... 2001* (Neustadt an der Aisch, Degener, 2003) 7; “a sharp revival of academic concern with political corruption” in the 1990s, Woodfine, “Tempters” 190.

⁵¹ As suggested by Dong, Yang, and Wang, “Public service” 102, on “the emergence of a new paradigm of ethics in public service in the response to the opening to the world ... economic globalization”, “beginning in the 1980s and 1990s”, where “businesses obtained legal status” and used their wealth “to corrupt public officials” throughout the East.

Choi (Boca Raton FL, CRC Press, 2010)

Bowes, Michael, Eleanor Davison, and Nicholas Medcroft, "The prosecuting authorities," *Lissak and Horlick on Bribery*, eds. Richard Lissack and Fiona Horlick (London, LexisNexis Group, 2011)

Bransbourg, Gilles, "Les taux d'intérêt des Sulpicii," *Les affaires de Monsieur Andreau*, Économie et société du monde romain, eds. Cathérine Apicella, Marie-Laurence Haack, and François Lerouxel (Bordeaux, Ausonius, 2014)

Carr, Indira, "Development business integrity and the U.K. Bribery Act 2010," *Modern Bribery Law. Comparative Perspectives* (Cambridge, Cambridge University Press, 2013)

Ch'ü, T'ung-tsu, *Local Government in China Under the Ch'ing* (Cambridge, Council on East Asian Studies, 1988)

Collingwood, William Gershom, *Elizabethan Keswick: extracts from the original account books, 1564-1577, of the German miners, in the archives of Augsburg* (Kendal, T. Wilson, 1912)

Denzel, Markus, "Professionalisierung und sozialer Aufstieg bei oberdeutschen Kaufleuten und Faktoren im 16. Jahrhundert," *Sozialer Aufstieg. Funktionselemente im Spätmittelalter und in der frühen Neuzeit*, ed. Gunther Schulz (München, Harald Bold Verlag, 2002)

Doig, Alan, and Stephen Riley, "Corruption and anti-corruption strategies: issues and case studies from developing countries," *Corruption & Integrity. Improvement Initiatives in Developing Countries*, eds. Sahr Kpundeh and Irène Hors (UN Development Programme 1998)

Doig, Alan, *State Crime* (London/ New York, Routledge, 2011)

Dong, Ke-yong, Hong-shan Yang, and Xiaohu Wang, "Public service ethics and anticorruption efforts in mainland China," *Public Administration in East Asia. Mainland China, Japan, South Korea, and Taiwan*, eds. Evan M. Berman, M. Jae Moon, and Heungsuk Choi (Boca Raton FL, CRC Press, 2010)

Egerton, Clement, *The Golden Lotus. A Translation from the Chinese Original, of the Novel Chin P'ing Mei* (London, Routledge & Kegan Paul, 1972)

Fairbanks, John K., "Introduction," in E-tu Zen Sun, *Ch'ing Administrative Terms. A Translation of the Terminology of the Six Boards with*

Explanatory Notes (Cambridge, Harvard University Press, 1961)

Fernandez Urbiño, José, “Poder y corrupción en el episcopado del siglo IV,” *Studia Historica. Historia antigua 24: Cristianismo y Poder en la Antigüedad* (Salamanca, Ediciones Universidad de Salamanca, 2006)

Genovesi, Stefano, “L’amministrazione dei metalli di proprietà del princeps in età augustea: fonti archeologiche a confronto,” in *Interventi imperiali in campo economico e sociale. Da Augusto al Tardoantico*, eds. Alfredina Storchi Marino and Giovanna Daniela Merola (Bari, Edipuglia, 2009)

Grenier, Albert, “La Gaule romaine,” *An Economic Survey of Ancient Rome*, ed. Tenney Frank 3 (Baltimore, Johns Hopkins Press, 1937)

Griffin, Jasper, “Greeks, Romans, Jews & others,” *New York Review of Books* 36, 4 (1989)

Häberlein, Mark, *The Fuggers of Augsburg: Pursuing Wealth and Honor in Renaissance Germany* (Charlottesville, University of Virginia Press, 2012)

Hawes, Frances, *Henry Brougham* (London, Jonathan Cape, 1957)

Hildebrandt, Reinhard, “Diener und Herren. Zur Anatomie grosser Unternehmen im Zeitalter der Fugger,” *Ausburger Handelshäuser im Wandel des historischen Urteils*, ed. Johannes Burkhardt (Berlin, Akademie Verlag, 1996)

Horder, Jeremy, and Peter Alldridge, “Introduction,” *Modern Bribery Law. Comparative Perspectives* (Cambridge, Cambridge University Press, 2013)

Jan, Chung-yuang, “History and context of public administration in Taiwan,” *Public Administration in East Asia. Mainland China, Japan, South Korea, and Taiwan*, eds. Evan M. Berman, M. Jae Moon, and Heungsuk Choi (Boca Raton FL, CRC Press, 2010)

Johnston, Michael, *Syndromes of Corruption. Wealth, Power, and Democracy* (Cambridge, Cambridge University Press, 2005)

Kerly, Duncan Mackenzie, *An Historical Sketch of the Equitable Jurisdiction of the Court of Chancery* (Cambridge, Cambridge University Press, 1890)

Kluger, Martin, *The Fugger Dynasty in Augsburg. Merchants, Mining Entrepreneurs, Bankers & Benefactors* (Augsburg, Context Verlag, 2014)

- Kramnick, Isaac, "Introduction", in Alexis de Toqueville, *Democracy in America* (London/ New York, Penguin Books, 2003)
- Kurer, Oskar, "Einleitung," *Korruption und Governance aus interdisziplinärer Sicht. Ergebnisse eines Workshops des Zentralinstituts für Regionalforschung ... 2001* (Neustadt an der Aisch, Degener, 2003)
- LaPalombara, Joseph, "The structural aspects of corruption," *Corruption & Democracy. Political Institutions, Processes and Corruption in Transition States in East-Central Europe and in the Former Soviet Union*, ed. Duc V. Trang (Budapest, Institute for Constitutional & Legislative Policy, 1994)
- Lau, Chong-chor, and Rance P. L. Lee, "Bureaucratic corruption and political instability in nineteenth-century China," *Corruption and Its Control in Hong Kong. Situations Up to the Late Seventies*, ed. Rance P. L. Lee (Hong Kong, Chinese University, 1981)
- Lee, Peter N. S., "The causes and effects of police corruption: a case in political modernization," *Corruption and Its Control in Hong Kong. Situations Up to the Late Seventies*, ed. Rance P. L. Lee (Hong Kong, Chinese University, 1981)
- Lee, Rance P. L., "Incongruence of legal codes and folk norms," in *Corruption and Its Control in Hong Kong. Situations Up to the Late Seventies*, ed. Rance P. L. Lee (Hong Kong, Chinese University, 1981)
- Little, Walter, and Eduardo Posada-Carbó, "Introduction," *Political Corruption in Europe and Latin America*, edited by these two (London, Macmillan and St Martins, 1996)
- MacMullen, Ramsay, "Roman bureaucratise," *Traditio* 18 (1962)
- MacMullen, Ramsay, *Soldier and Civilian in the Later Roman Empire* (Cambridge, Harvard University Press, 1963)
- MacMullen, Ramsay, "What difference did Christianity make?" *Historia* 35 (1986)
- MacMullen, Ramsay, *Corruption and the Decline of Rome* (New Haven, Yale University Press, 1988)
- MacMullen, Ramsay, "Tracking value changes," *Aspects of the Fourth Century A. D. Proceedings of the Symposium Power & Possession: State, Society, and Church in the Fourth Century A. D. ... Leiden 1993*, eds. Henri Willi Pleket and Arthur M. F. W. Verhoogt (Leiden, Leiden University, 1997)

MacMullen, Ramsay, *Sarah's Choice 1828-1832* (New Haven, PastTimes Press, 2001)

MacMullen, Ramsay, "Cultural and political changes in the 4th and 5th centuries," *Historia* 52 (2003)

MacMullen, Ramsay, "Soldiers in cities of the Roman empire," *Revue des études militaires anciennes* 3 (2006)

MacMullen, Ramsay, *Why Do We Do What We Do? Motivation in History and the Social Sciences* (De Gruyter Open, Berlin/Warsaw, 2014)

Mitchell, Stephen, "Requisitioned transport in the Roman empire: a new inscription from Pisidia," *Journal of Roman Studies* 66 (1976)

Neild, Robert Ralh, *Public Corruption. The Dark Side of Social Evolution* (London, Anthem, 2002)

Nolte, Vincent, *Fifty Years in Both Hemisphere, or, Reminiscences of a Former Merchant* (anon. trans. from German (London, Trübner & Co., 1854)

Noonan, John T., *Bribes* (New York, Macmillan, 1984)

Pavarala, Vinod, "Cultures of corruption and the corruption of culture. The East India company and the Hastings impeachment," *Corrupt Histories*, eds. Emmanuel Kreike and William Chester Jordan (Rochester, University of Rochester Press, 2004)

Porta, Donatella della and Alberto Vannucci, *The Hidden Order of Corruption. An Institutional Approach* (Farnham, Ashgate, 2012)

Pucci, Giuseppe, "La produzione della ceramica aretina. Note sull'industria nella prima età imperiale romana," *Dialoghi di archeologia* 7 (1973)

Rose-Ackerman, Susan, *Corruption and Government. Causes, Consequences, and Reform* (Cambridge, Cambridge University Press, 1999)

Rose-Ackerman, Susan, and Bonnie J. Palifka, *Corruption and Government: Causes, Consequences, and Reform*, ed. 2 (New York/Cambridge, Cambridge University Press, 2016)

Scott, James C., *Comparative Political Corruption* (Englewood Cliffs, Prentice-Hall, 1972)

Serafino, Cristina, "Cave, miniere, salari: il caso de Mons Claudianus," in *Interventi imperiali in campo economico e sociale. Da Augusto al Tardoantico*, eds. Alfredina Storchi Marino and Giovanna Daniela Merola (Bari, Edipuglia, 2009)

Siani-Davies, Mary, "Ptolemy XII Auletes and the Romans," *Historia* 46 (1997)

Starr, John Bryan, *Understanding China. A Guide to China's Economy, History, and Political Culture*, ed. 3 (New York, Hill and Wang, 2010)

Sun, E-tu Zen, *Ch'ing Administrative Terms. A Translation of the Terminology of the Six Boards with Explanatory Notes* (Cambridge, Harvard University Press, 1961)

Talbert, Richard J. A., "Corruption and the Decline of Rome by Ramsay MacMullen," *Phoenix* 45 (1988)

Teachout, Zephyr, *Corruption in America: From Benjamin Franklin's Snuff Box to Citizens United* (Cambridge, Harvard University Press, 2014)

Walbank, Frank W., "Review" [of Macmullen, *Corruption*], *Liverpool Classical Monthly* 14 (1989)

Wagner, Gernot, and Martin L. Weitzman, *Climate Shock. The Economic Consequences of a Hotter Planet* (Princeton, Princeton University Press, 2015)

Woodfine, Philip, "Tempters or tempted? The rhetoric and practice of corruption in Walpolean politics," *Corrupt Histories*, eds. Emmanuel Kreike and William Chester Jordan (Rochester, University of Rochester Press, 2004)

Ziegler, Philip, *The Sixth Great Power. A History of one of the Greatest of All Banking Families, the House of Barings, 1762-1929* (New York, Alfred A. Knopf, 1988)