



Westminster Hall during the trial of Warren Hastings. A contemporary print in the National Library of Scotland.

# THE IMPEACHMENT OF WARREN HASTINGS

*Papers from a Bicentenary Commemoration*

- Hastings affair arises in wake of  
'loss' of America

edited by  
Geoffrey Carnall  
and  
Colin Nicholson

- abuse of power theme p. 63  
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- 'solid principles of state morality'  
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EDINBURGH UNIVERSITY PRESS

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Edinburgh University Press  
22 George Square, Edinburgh

Set in Alphacomp Garamond by  
Pioneer Associates, Aberfeldy, Perthshire  
and printed in Great Britain by  
Redwood Burn Limited  
Trowbridge, Wilts.

British Library Cataloguing  
in Publication Data

The impeachment of Warren Hastings:  
papers from a bicentenary  
commemoration

I. India. Hastings, Warren

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II. Nicholson, Colin

954.02'98'0924

ISBN 0 85224 632 3

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## FOREWORD

Scotland had a great share in the acquisition and managing of the British Empire, and British India in particular; and in Scotland's capital, in the bicentenary year of the impeachment of Warren Hastings, it was very appropriate that that great event should be commemorated in a variety of ways. A conference devoted to it formed the culminating point, and it fell to me to have the honour of being invited to take the chair.

Hastings was the first Governor General of India, in an age when conquest and empire stood for not much more than plunder and rapine; the fact that he could be made to stand trial before Britain's highest court on charges of high crimes and misdemeanours, even if in the end unsuccessfully, left an indelible impression. It was a salutary warning to all his successors and their subordinates; it did much to make British rule, with all its sins of omission and commission, on the whole a rule of law, for which its Indian subjects could feel some respect.

Hastings has been saved by Macaulay's famous essay from fading out of British memory. But it was high time for us to learn more about him, and the papers presented at this conference showed him in a variety of revealing lights. Of particular relevance was the opening paper's disclosure that nearly all the factotums employed by Hastings on undercover business were Scotsmen. It was of particular interest also to listen to Dr O'Brien, a scholar who has himself held high office, and like Hastings' chief prosecutor Burke comes from Ireland, that older and often equally maltreated British possession. An audience drawn from in and out of the University showed itself

keenly responsive. It was an excellent idea of the organisers to publish the papers, which should be able to count on an equally warm welcome from a wider body of readers. It is to be hoped that the collection will find its way to India, and remind readers there of how very far their country has travelled, through many turnings and tribulations, since two hundred years ago.

VICTOR KIERNAN

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COLIN NICHOLSON is a Lecturer in the Department of English Literature. He co-edited *Tropic Crucible: Self and Theory in Language and Literature*, and was the editor of *Alexander Pope: Essays for the Tercentenary*. He edits the quarterly *Inter-Arts*, a journal of cultural connections.

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## ACKNOWLEDGEMENTS

The commemoration was greatly indebted to the support it received from a number of organisations and individuals. The Joseph Rowntree Charitable Trust made a generous grant which enabled the organisers to plan events on a more ambitious scale than would otherwise have been possible. Edinburgh University's Department of Extra-Mural Studies organised the bicentenary conference, and Miss Bridget Stevens of that Department did a great deal to make the occasion a success. The conference received financial support from the Institute for Advanced Studies in the Humanities. The play by Lion Feuchtwanger and Bertolt Brecht *Calcutta, Fourth May* was produced by Mr Donald Smith of the Netherbow Arts Centre, using the translation by Edwin and Willa Muir. Mr Peter Freshwater organised an exhibition in the Edinburgh University Library on Warren Hastings and British India: a printed catalogue of the exhibition may be obtained from the Library. Another exhibition was arranged in the National Library of Scotland by Mr Iain Maciver, and there was also an informative display in the Central Reference Library. The Central Mosque provided an exhibition on Islam to coincide with the commemoration, and the Edinburgh Filmhouse organised a short season of Indian films. The YWCA's Roundabout Centre held an Open Day to illustrate their community relations work in Edinburgh. Artists for Peace brought the commemoration to the attention of the general body of Edinburgh citizens by painting a splendid mural outside St John's Church in Princes Street. Many individuals gave the commemoration financial support, but special mention should be made of Messrs Moussa Jogee and Pramesh Mehta of the Indian Association, Mr James Thin, and Lord Swann.

## INTRODUCTION

While the impeachment of Warren Hastings for misrule in India is still remembered as one of the great political trials in British history, its importance is perhaps not now sufficiently recognised. For many years it was widely perceived as a slanderous attack on the great men who pioneered the British Empire in the East, while – perhaps because of Burke’s involvement in the affair – it seems never to have appealed to the radical and anti-colonialist public. No one has really warmed to it. And yet it was a quite remarkable exercise: a major attempt to institute a public inquiry into the conduct of British officials in a colonial administration, undertaken on clearly stated principles of racial equality and international justice. From the point of view of the managers of the impeachment, states in India were entitled to the same consideration as states in Europe; people in India were entitled to the same protection as people in Britain. In a world which is attempting, however fitfully, to attain a greater measure of justice between nations, the Hastings impeachment is a significant precedent, and deserves the fullest examination.

Of course, the extent to which the charges were made out remains a matter of controversy, as is clear from the present book. But uncertainties about the status of much of the evidence adduced by the managers, questions about Edmund Burke’s own financial interests in India, and the bewilderment inseparable from any attempt to come to terms with the complexities of the seven-year-long trial, should not be allowed to obscure the element of humanitarian concern informing it. An appeal was made to the same assumptions as those that governed the campaign to put an end to the slave trade:

all human beings have fundamental legal rights, whatever their vulnerability and current weakness may be. Both the slave trade and the East India Company had powerful support in the British Establishment, but it so happened that the humanitarian case against them had a crucial champion in the Prime Minister himself, William Pitt. It was he who made one of the most cogent and powerful speeches ever heard in Parliament on the slave trade. This was on 2 April 1792, when he reminded his colleagues that every argument in favour of the African traffic could have been applied by the Romans to justify their trade in British slaves. 'There', he imagines a senator saying, 'is a people that will never rise to civilization - there is a people destined never to be free - a people without the understanding necessary for the achievement of useful arts; depressed by the hand of nature below the level of the human species . . .' In India, that seat of an ancient civilisation, there was no question that the 'violent acts of injustice, tyranny, and oppression' attributed to Warren Hastings were unacceptable. Pitt insisted, in a speech delivered on 9 May 1787, that the House of Commons was 'called upon by every motive of honour and consistency, by their regard for the national character as well as their own', to ensure that the impeachment was brought before the House of Lords.<sup>2</sup>

Pitt took no part in the impeachment itself: that was left to such opposition figures as Burke, Fox, Sheridan, and the young Charles Grey. Burke himself had been longest involved in campaigning against the Warren Hastings administration, and it was he who kept up the momentum of the prosecution to the very end. He was possessed by a conviction of the destructiveness of East India Company rule, its youthful servants coming in

one after another; wave after wave; and there is nothing before the eyes of the natives but an endless, hopeless prospect of new flights of birds of prey and passage.<sup>3</sup>

In contrast to this alien rapacity, Burke celebrates the beneficent achievements of Indian civilisation, such as the great irrigation works in the Carnatic, displaying

the ambition of an insatiable benevolence, which, not contented with reigning in the dispensation of happiness during the contracted term of human life, had strained, with all the reachings and graspings of a vivacious mind, to extend the dominion of their bounty beyond the limits of nature, and to perpetuate themselves through generations of generations, the guardians, the protectors, the nourishers of mankind.<sup>4</sup>

At the outset of the impeachment, Burke set up a similar antithesis

between the great systems of law that had been developed in the Indian subcontinent, and the arbitrary power exercised by Warren Hastings and his creatures. His panegyric of Islam as a religion of law is particularly eloquent. But having said this, one cannot avoid the reflection that no one had done more to awaken interest in and respect for Indian culture than Warren Hastings, as is shown by Dr Brockington in his paper in the present volume. In comparison with such crassly ethnocentric publicists in the following century as James Mill, these enemies are at one. Hastings and Burke could both have subscribed to the intention informing the last book written by the historian William Robertson: *An Historical Disquisition concerning the Knowledge which the Ancients had of India* (1791). This was an account of Indo-European relations since classical times, and included a large appendix on Indian culture. Robertson wrote it, he said, to counteract the prejudice that the peoples of India were 'an inferior race'. If the book helped to 'render their character more respectable, and their conditions more happy, I shall close my literary labours with the satisfaction that I have not lived or written in vain.'<sup>5</sup>

Robertson was for many years Principal of Edinburgh University, and it was the deeply-felt concern that finds expression in this last book of his that suggested the idea of undertaking a commemoration of the impeachment in Edinburgh in 1988. He would surely have warmed to a project that entailed an impartial reassessment of two immensely dynamic antagonists like Hastings and Burke, and an appreciation of the majestic spectacle in Westminster Hall, mindful not only of the attitudes and assumptions of their own people, but of those of people from the Indian subcontinent and continental Europe. One hastens to add that the Edinburgh commemoration fell far short of the pretensions suggested by this outline. The conference to which the papers published here were read was on a small scale, the production of the Warren Hastings play by Lion Feuchtwanger and Bertolt Brecht was on the lowest of budgets, the consideration of impeachment as a constitutional resource was matter for a single evening's lecture and discussion. But someone who attended all these events, and inspected the various associated exhibitions, would have experienced a sense of enlightenment that was both uncomfortable and encouraging.

Discomfort is inevitable, even two centuries after the event, when one considers some of the allegations made in the impeachment proceedings. Burke's account of the atrocities said to have been committed at Dinajpur, which sent Mrs Sheridan into a fainting fit,

still has power to shock and dismay. The managers of the impeachment expressed themselves with a theatrical virulence which was, Pitt argued, the language natural to anyone who contemplated acts of treachery, violence, and oppression such as those alleged against Warren Hastings.<sup>6</sup> On the other hand, one can find immense encouragement in the very fact that there was an impeachment at all. After the Indian Mutiny in 1857, the British Government sponsored an edition of the impeachment speeches as a contribution to understanding the remoter causes of the recent conflict, and the editor, E. A. Bond, claimed that the affair would 'always be regarded as honourable to the country from the motives which originated it and the purposes it was intended to serve.'<sup>7</sup> To study the motives and purposes of all the parties involved might well be an appropriate project to help wean students from ethnocentric attitudes, and seems a natural topic to take into account when developing school curricula in the light of the Swann Report on the education of children from ethnic minority groups.

No doubt there will be some who will regard it as yet one more instance of the 'crazily one-sided and guilty view of British history' which characterises the sub- or neo-Marxist culture of our time. This is the line taken by Mr Dennis J. O'Keeffe in *Encounter* (December 1985) in his rather surly review of the Swann Report, which he argues is a dismal example of 'publicly-financed *Angst*', a work that is 'riddled with moral and cultural relativism'.<sup>8</sup> How far the papers in the present volume can be classified as sub- or neo-Marxist must be left for the reader to decide. They certainly represent an attempt to convey the flavour of discussion when the affairs of the East India Company are looked at from more than one national perspective. The British participant will naturally feel some sympathy with compatriots, whether from North Britain or the South, bustling between London and Calcutta, in the circumstances so vividly conjured up by Dr Riddy in his paper. An Indian will feel a pang of indignation at Dr Khan's account of the way the Company ignored well-established legal constraints. Irish tempers will surely be stirred by Dr O'Brien's evocation of Burke's vengeful anger at the dominating Englishness of Warren Hastings. To a German, what could be more congenial than the exposure of the well-known hypocrisy of British imperialism which is an important element in the Feuchtwanger/Brecht play? And what could nevertheless be more seductive than the easy, good-humoured ruthlessness of its protagonist?

The play served to emphasise a theme that underlay the entire

commemoration, that of accountability. The representatives of the Company, gentlemen from London, are pathetically ineffectual in their attempts to control the great man who builds roads and raises revenue, no matter how ruthlessly. It must be said that the dramatic effect is to reinforce the conviction – widely held in the present century – that the fate of the world remains in the hands of a small number of people whom it is exceedingly difficult to influence. Nevertheless, the impeachment was all about accountability, and both Pitt and Burke claimed that the power to call Hastings to a trial was essential to the continued well-being of the British Constitution. Pitt defended impeachment procedures as 'the bulwark of the constitution', enabling the Commons 'to preserve and maintain the freedom of their country'.<sup>9</sup> Burke was even more emphatic. He warned the House of Lords that if the Hastings affair proved too much for it to handle, impeachment itself would 'vanish out of the constitution'. And if it did so vanish, the constitution would suffer a fatal blow. Impeachment, he argued, gives effect to

the great circulation of responsibility, by which . . . no man, in no circumstance, can escape the account which he owes to the laws of his country. It is by this process, that magistracy, which tries and controls all other things, is itself tried and controlled.<sup>10</sup>

The impeachment of Warren Hastings did indeed fail, and, as Burke predicted, impeachment has vanished out of the constitution – though not out of the constitution of the United States and some other democracies. How far has Burke's further prediction been justified?

If the constitution should be deprived, I do not mean in form, but virtually, of this resource, it is virtually deprived of every thing else that is valuable in it. For this process is the cement which binds the whole together; this is the individuating principle, that makes England what England is.<sup>11</sup>

This is the issue to which Professor A. W. Bradley was invited to address himself. His paper must be left to speak for itself, but it should be placed on record that when delivered as part of the commemoration, it introduced a discussion – chaired by the Lord Provost, Dr John Mackay, and opened by Mr Lionel Daiches, Q.C. – that was exceptionally enthusiastic and inspiring. Calling one's rulers to account is evidently an idea that can still stir a powerful response.

One of the most haunting images projected during the commemoration occurred at the end of the Mrinal Sen film *Genesis*, which formed part of a season of Indian films screened at the



Edinburgh Filmhouse. Most of the action concerned the strains and conflicts developing between the three main characters, peasant people getting a precarious living from their work in a crumbling, ruined village. The audience is utterly absorbed in their world, when abruptly the bulldozers move in and that world is swept away. It is to this sense of arbitrary and uncontrollable power that the very idea of impeachment is a challenge.

Particular challenges may fail, as the Hastings impeachment eventually did. But that need not be the end of the story. Perhaps the most poignant text associated with the Hastings affair is the letter that Burke wrote to French Lawrence about a year after the acquittal and a year before his own death. It should be explained that Burke hoped that Lawrence might undertake a history of the impeachment.

Let not this cruel, daring, unexampled act of publick corruption, guilt, and meanness go down to a posterity perhaps as careless as the present race, without its due animadversion. . . . Let my endeavours to save the Nation from that Shame and guilt, be my monument; The only one I ever will have. Let every thing I have done, said, or written be forgotten but this. . . . Above all make out the cruelty of this pretended acquittal, but in reality this barbarous and inhuman condemnation of whole Tribes and nations . . . If ever Europe recovers its civilization, that work will be useful. Remember! Remember! Remember!<sup>12</sup>

Burke's passion may be shamelessly partisan, but his ghost would have every right to be indignant that the impeachment has now so little of the 'animadversion' that is its due. The present volume is a modest attempt to remedy this, and to indicate ways in which it might usefully be studied further.

#### NOTES

1. Pitt, W. (1806) *Speeches in the House of Commons*, London, vol. 2, p.80.
2. *Ibid.* vol. 1, pp.365-6.
3. Burke, E. (1852) *Works and Correspondence*, London, vol. 3, p.467. Speech on Fox's East India Bill, 1 December 1783.
4. *Ibid.* vol. 4, p.44. Speech on the Nabob of Arcot's debts, 28 February 1785.
5. Robertson, W. (1791) *Historical Disquisition*, London, p.336.
6. Pitt, W. (1806) *Speeches in the House of Commons*, London, vol. 1, p.365.

7. *Speeches in the Trial of Warren Hastings*, E. A. Bond (ed) London (1859), vol. 1, p.i.
8. *Encounter* (December 1985), p.70.
9. Pitt, W. (1806) *Speeches in the House of Commons*, London, vol. 1, p.364.
10. Burke, E. (1852) *Works and Correspondence*, London, vol. 7, p.281.
11. *Ibid.*
12. *Correspondence of Edmund Burke* (1970) R. B. McDowell and J. A. Woods (eds) Cambridge, vol. 9, pp.62-63, 28 July 1796.

Impeachment of Warren Hastings: Towards the end of Indian career of Warren Hastings, there began a good deal of criticism in England of his high-handedness in administration. In 1782 Lord Malville Dundas moved a resolution in the Parliament for the recall of Warren Hastings, Sir Elijah Impey, Lawrence Sullivan etc. Ultimately only Elijah Impey was recalled and the proposal for the recall of others was dropped. Soon after, Pitt Earl of Chatham became the Prime Minister who was rather puritan in his views and did not approve of the activities of Hastings in India. "Impeachment Of Warren Hastings." By Thomas Babington Macaulay. In the meantime, the preparations for the trial had proceeded rapidly; and on February 13, 1788, the sittings of the Court commenced. The charges and the answers of Hastings were first read. The ceremony occupied two whole days, and was rendered less tedious than it would otherwise have been by the silver voice and just emphasis of Cowper, the clerk of the court, a near relation of the amiable poet. On the third day Burke rose. The impeachment of Warren Hastings was a failed attempt between 1788 and 1795 to impeach the first Governor-General of Bengal in the Parliament of Great Britain. Hastings was accused of misconduct during his time in Calcutta particularly relating to mismanagement and personal corruption. The prosecution. In 1787, he was accused of corruption and impeached, but after a long trial, he was acquitted in 1795. He was made a Privy Counsellor in 1814. Impeachment is a process in which the parliament of the United Kingdom may prosecute and try individuals, normally holders of public office, for high treason or other crimes and misdemeanours.