

Political Corruption

A grayscale photograph of two hands exchanging a 10,000 Euro banknote. The hand on the right is holding the note, and the hand on the left is reaching out to receive it. The background is a world map, suggesting a global context for the theme of political corruption.

Concepts & Contexts

Third Edition

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editors

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The Sale of Public Offices

Koenraad W. Swart

Sale of offices was a phenomenon which was common to many countries in Europe, Asia, America and Africa, but which was not prevalent everywhere in the same forms or to an equal degree. Sometimes offices were sold for only a few years, in other cases for lifetime, or even as inheritable property. Offices could be sold by the governments, as in despotic countries, by ministers or other prominent people, as in the English departments, or by the officials themselves, as in the English army. Offices were also sold both by the government and the officials, as was the case in France. In most countries sale of offices was a more or less official institution, but there was a considerable difference between countries, such as France, England and Spain, in which the buyer of an office acquired a piece of property almost as secure as real estate, and states, such as China and the Ottoman Empire, in which every official could be deprived of his office by a caprice of the prince. The legal aspect of sale of offices was most pronounced in France where offices were regarded as immovable property.

In France, sale of offices also penetrated in more departments of government than anywhere else: in Spain, for example, the system was not followed with regard to the more important posts of government; in the Curia Romana, where the highest positions were sold, the total number of offices was small compared with that in France; in China the status of the mandarins bore much similarity to that of the French officials, but offices were normally acquired

Source: Koenraad Walter Swart, *Sale of Offices in the Seventeenth Century*. The Hague: Martinus Nijhoff, 1949, pp.112-27. By permission of the author and the publisher.

here by passing competitive examinations, and only in exceptional cases could be bought.

The similarities between sale of offices in the various countries are as important as the differences. The origin of the institution everywhere dated back to the Middle Ages if not to earlier periods. The peak was generally reached in the seventeenth or eighteenth century. It was in all countries abolished when modern political institutions became powerful. This historical phenomenon, occurring on a world-wide scale, had everywhere similar causes and similar effects. This will be evident when this institution is examined in its political, social and economic setting.

The most widespread of all factors contributing to sale of offices was the practice of remunerating officials by means of fees, or other payments made by the population. Until recently it was very common for officials to receive no salary, or only a small one. Instead, the judicial official demanded fees, the financial agent imposed taxes, and the military commanders held the population for ransom. The size of the income of the official, therefore, largely depended on his rapacity and ingenuity. He was financially almost independent from the central government.

The system of remunerating officials by means of fees is very irrational. All the proceeds from the offices should be accounted for by the official, and sent to the central government, which pays the official according to the importance of the duties he performs. The system, however, had great advantages in a society in which it was difficult to check on local officials because of a widespread dishonesty, relatively large distances, and a primitive administrative technique. In this way much accounting and transferring of money was avoided, and the official was interested in the execution of his duties.

It is obvious how this system easily changed into farming, or selling offices. If the fees increased, the remuneration of the official would become so large that it was fair that he should pay a part of it to the government or to the person who had nominated him. The only prerequisite was a certain degree of economic prosperity. Offices could not be sold unless people existed who were willing and able to buy them. If trade and commerce flourished, the fees from the offices would increase and this would in its turn, influence the degree of eagerness of the place-hunting. Moreover, people would not be able to pay sizeable sums for offices if a considerable degree of capital forming had not taken place. In societies with a primitive economy, therefore, sale of offices did not develop.

The same conditions were the basis for the system of farming out taxes, which was followed in so many countries in the past centuries. It is not a mere coincidence that in countries in which sale of offices was general, such as France, Spain, Turkey and China, farming of taxes was also a firmly established practice.¹

In some states, notably in the Ottoman Empire, remuneration of officials

by means of fees was the main cause of the sale or farming of offices. In these countries, however, an element was lacking which largely contributed to the development of sale of offices elsewhere, i.e., the conception of public office as private property. Offices could only be considered as freeholds if the official had a more or less permanent status and was independent in a political as well as in a financial respect.

The conception of public office as private property is typical of rather primitive societies,² and generally does not develop in bureaucracies, in which the officials are usually dependent on their superiors. However, [in] the societies in which the possibilities of control were limited and aristocratic forces powerful, the officials often succeeded in extending their rights. It was common for officials, who were originally instituted as dependable agents, soon to become appointed for life, and almost independent of the prince. This trend went farthest in the feudal system in which officials developed into sovereigns, but a certain feudal character was inherent in many offices, secular as well as ecclesiastical, which were created by the princes in the later centuries of the Middle Ages. The aristocratic society of this age did not yet draw the distinction between public office and private property as sharply as today.

The officials of a bureaucracy ruled by aristocratic principles were often no longer appointed by the prince. Sometimes the officials themselves had the right to nominate their successors, or their offices had become entirely hereditary. In other cases courtiers or high noblemen had a decisive voice in granting offices, or the patronage of offices belonged to ministers or superiors in office.

Offices of this kind were sought because they brought prestige and honor or because they were very lucrative. True ability was not required for the execution of these offices and the nomination was made according to criteria which had little to do with the merit of the candidates. These offices were often held by deputies and could, therefore, easily be cumulated. These types of officials were not always held responsible for the performance of their duties. Many of them looked upon public service as a commercial enterprise and shamelessly extorted the population.

The freehold conception of public office developed in a combination of bureaucratic and aristocratic forms of government, which was typical of the Western European kingdoms during the later Middle Ages. The civil services of France and Spain, which were organized during a period in which the feudal forces were still powerful, showed all the characteristics of an aristocratic bureaucracy; in England this type of official lingered on well into the nineteenth century. These conditions also existed, to a certain extent, in China, at the moment when the feudal society was replaced by a state governed by officials (300–200 B.C.) and in the *Curia Romana* at the beginning of the fifteenth century.³

If offices are considered as private property, it is natural for them to be sold, but under the rule of aristocracies sale of offices often occurred to only a limited extent, because the number of offices was small and many other forms of jobbery were preferred. The aristocratic bureaucracies, however, in developing the freehold conception of public office, paved the way to the systematic sale of offices by absolute princes.

We have seen how the rise of absolutism was often connected with the introduction of sale of offices: in China sale of offices was embarked upon by the absolute princes of the Ch'in and Han dynasties; in Rome it became firmly established under the despotism of the later Roman Empire; in England it was introduced by the powerful kings of the twelfth century; and above all it flourished during the European absolutism of the sixteenth, seventeenth and eighteenth centuries.

On the other hand, the representatives of the people, the parliament, the Cortes, and the States-General, usually opposed this policy, and in the Dutch Republic and in England, where absolutism did not triumph, sale of offices was practiced on a much smaller scale.

Yet, as has already been argued, absolutism was in principle more opposed to than in favor of the medieval, or aristocratic conception of public office, on which sale of offices was based. Absolute rulers whose policy was more or less consistent, such as Philip II of Spain, Colbert, and King Frederick II, have, therefore, attempted to abolish sale of offices.

Absolute governments exploited an institution, which was in essence incompatible with their ideal of a reliable body of officials, only because of financial or political necessity. Lack of means to defray urgent expenses, especially those in connection with wars, was the main cause leading to sale of offices. In France, sale of offices was introduced during the wars in Italy, and was practiced on the largest scale during the wars of the seventeenth century. In Spain, sale of offices was embarked upon during a war against the Moors and was most frequently resorted to during the many wars against France. One war, that of the Spanish Succession, led to sale of offices in such different countries as France, Savoy, Prussia, Austria and the Dutch Republic. Also in China wars were one of the mainsprings of sale of offices.

The princes would have preferred to use methods less damaging for their authority, but the possibilities which the rulers of the seventeenth century had at their disposal were still very limited. Their greatest drawback was that unlike governments in modern times, they could not issue loans without assigning a special part of their income as security for the interest. The Dutch Republic was probably the only state of the seventeenth century in which public debts in their modern form were already common.⁴ In other countries sale of offices was one of the expedients which had to fill this need. The difference was in many cases nominal rather than actual, because the offices

had often an entirely honorary character; but people who were not willing to subscribe to loans, were sometimes very eager to buy an office.

In introducing sale of offices as a systematic policy, princes were also motivated by political considerations. Sale of offices put an end to favoritism and intrigue inherent in oligarchies; in fifteenth century Spain, for example, sale of offices was used to restrict the corrupt power of the urban aristocracies and in France, the *Paulette* was said to have been introduced in order to prevent political appointments by the nobility.⁵

The middle classes often supported the royal policy, because they looked askance at the aristocracy granting all offices, and they obtained a fairer share of the spoils of office under the new system. Moreover, offices could never be sold on a large scale without the existence of a rich class who was willing to buy them. In many cases, notably in city governments, the initiative to introduce sale of offices came from this part of the population. They introduced the system into the French, Flemish and Zeeland cities during the Middle Ages, and into Hamburg in 1684. It was the same part of the people who pressed for public sale of offices in the towns of Holland in 1747 and 1748.

Many factors were influential in bringing about systematic sale of offices: a bureaucracy ruled by aristocratic principles, remuneration by means of fees, a flourishing of trade and commerce, a powerful middle class, an absolutist government which had no other means of meeting its financial emergencies than that of resorting to desperate expedients. These circumstances did not exist to the same degree in all countries which I have discussed; in Germany, the middle classes were not powerful and the economic life was only slightly developed; in Spain, the government was not entirely centralized and the economic life was not very prosperous; in the Dutch Republic and in England, the social and economic conditions were favorable to the development of sale of offices, but in these countries absolutism was thwarted and no large bureaucracies existed; in the Ottoman Empire, and to a less extent also in China, the aristocratic principle was not represented.

Only in France were all the factors which furthered sale of offices strongly developed. There existed no other European state of the size of France in which absolutism was so firmly established; on the other hand, as early as the fifteenth century French officials were much less dependent upon the king than elsewhere, even than in an aristocratic country like England.⁶ The economic life of France was one of the most prosperous of Europe and the French middle class was rich and numerous. Finally, as a result of the many wars in which France was involved, its financial system was entirely disrupted and all types of financial expedients had to be used. It is, therefore, no wonder that in France sale of offices reached a greater extent than anywhere else.

Whereas sale of offices has come into being under the influence of certain political, social and economic factors, it has, in its turn, also influenced the political, social and economic development. This influence was naturally much greater in countries in which sale of offices prevailed to a large extent (France, the United States and China) than in states in which the habit was more sporadically indulged in (England and the Dutch Republic). The effects of sale of offices have always been the subject of much speculation by contemporaries. Publicists who condemned sale of offices held it responsible for all sorts of evils, whereas defenders tried to discover wholesome consequences. The passionate point of view of both groups was generally a hindrance to a correct analysis of the question.

One of the most important consequences was hardly noticed by these publicists. This was the weakening of the same royal power which had so greatly contributed to the development of sale of offices. If the king sold offices, he could no longer choose his servants according to their capacities or reliability. In France, for instance, people whose only contact with the university had consisted in the buying of a degree, became judges at a very young age. We have seen that in other countries the inability of many officials also was notorious; in many countries these officials could not be discharged. In introducing sale of offices the princes had called into existence a power which they could not check on.⁷ Princes who wanted to retain control of their administration were forced to institute new officials. The French kings created the offices of intendants, officials who had not bought their offices and to whom most of the administrative functions of the *parlements*, *bureaux de finances*, and *baillis* were gradually transferred.⁸ Similar dependent agents were appointed by the kings of Spain and Prussia in the eighteenth century.

The strengthening of the independence of the officials has sometimes been considered as a wholesome consequence of sale of offices. It has been pointed out, for example, that in France the judiciary of the *ancien régime* could not easily be influenced by politicians and that the country enjoyed a considerable degree of self-government.⁹ The independence of the officials found also expression in the opposition of the *parlements* against many measures of the government.¹⁰ It should not be forgotten, however, that the many small potentates seldom used their power for the public good. On the whole the officials were conservative and opposed to any reform of abuses which could interfere with their privileges. They were also afraid that by showing too much disobedience to the royal power they would forfeit the valuable property invested in their offices. Sale of offices fostered the revolutionary spirit outside, but not inside the body of officials.

The bureaucratic abuses resulting from sale of offices were numerous; the number of offices multiplied without any relation to the increased task of the government; many of these offices were sinecures, *offices imaginaires*; other

offices were held by deputies; some people cumulated many offices; the administration of justice was slow, as the officials could in this way exact more fees. One should beware, however, of attributing all these evils merely to sale of offices. It should not be forgotten that the aristocratic bureaucracies had already suffered under the same sorts of abuses before the systematic sale of offices by the princes had started.

The relationship between political corruption and sale of offices is likewise more subtle than often assumed. Sale of offices is an aspect of corruption as long as it is not officially regulated and not all the proceeds flow into the treasury of the prince or the state, but this jobbery came to an end when sale of offices had become a legal institution. Sale of offices was defended by writers like Barclay and Montesquieu for the very reason that it had eliminated the favoritism and intrigue of courtiers and ministers.¹² Even a radical thinker like Jeremy Bentham defended his proposal for the introduction of sale of offices by this argument.¹³

Whereas public sale of offices eliminated corrupt practices as far as they concerned the *appointment* to office, the same cannot be said with regard to the *execution* of offices which had been bought. It has always been argued that people who had bought public authority would feel themselves entitled to sell it.¹⁴ This generalization, however, is not true for all officials. There were many who had bought their offices because they wanted to enrich themselves. People who had inherited offices were likewise not much tempted to exploit their offices. The standards of the French judiciary compare favorably with those of England and Spain, although in the latter countries the judgeships never became freeholds. The most notorious case of bribery in France was committed by a judge who was member of the reformed Parliament of Maupeou (1771–1774) and who had not bought his office.¹⁵ It was a different matter if officials regarded the purchase of an office purely as a commercial enterprise. Extortion, bribery and peculation were the usual characteristics of their administrations.

Sale of offices also introduced some useful innovations into the bureaucracies. Elderly officials who were allowed to sell their offices obtained in this way a sort of old-age pension. The purchase price paid by financial officials fulfilled at the same time the function of security for the finances under their control.

The effect of sale of offices on the financial system of a country can be compared either with that of farming taxes or with that of issuing of loans. Sale of offices was similar to farming of taxes if the offices were sold, or rather farmed, for a short period. This method might have been financially profitable to the government, although it generally increased the tax burden.¹⁶ Sale of offices resembled issuing of loans in its result if the officials were entitled to transfer the offices to third persons or if the offices were entirely hereditary. In this case, the financial problems of the present were solved at

the expense of future generations. Sale of offices, as part of an irresponsible financial policy, often contributed to the disruption of the financial system of a country.

The effect of sale of offices on the social structure of a country has not always been the same. Shortly after its introduction, sale of offices opened the public service to classes which had been excluded under the rule of oligarchies, and furthered the social mobility. This was the case in France in the sixteenth and seventeenth centuries, when by means of purchase of offices the *bourgeoisie* replaced the nobility in the government of the state. The farming out of offices in the Mohammedan countries had a similar consequence. This effect disappeared, however, when sale of offices developed into heritability of offices and new offices were no longer sold. In the eighteenth century the *noblesse de robe* in France was as closed to newcomers as any other oligarchy.¹⁷ Moreover, sale of offices has an undemocratic feature of its own, because it confines office holding to people of means. The purchase system in the English army was advocated for the very reason that in this way the aristocratic selection of officers was guaranteed. By excluding many capable people from public office, sale of offices called into being a group of discontented intellectuals who sometimes, as in France and China, played an important part in revolutionary movements.

The economic development was also affected by sale of offices. In China, where grain was the medium of exchange, it was argued that sale of offices would promote agriculture, because people would be eager to possess grain with which they could acquire public office.¹⁸ A similar opinion was held by Montesquieu, who maintained that sale of offices would stimulate the economic activity as the possession of money opened the road to honorable positions.¹⁹ Actually, the influence was rather the reverse. Sale of offices stirred up the place-hunting and caused a decrease of interest in commerce and industry. In France a great part of the capital that might have been invested in branches of industry was used for buying offices and the government used the funds which it received in this way not for promoting the economic development, but for waging wars. On the other hand, groups which were excluded from holding office, such as the Protestants in France in the seventeenth century, and Jews in general, have often advanced the economic life of a country.

The conclusion from the examination of the causes and effects of sale of offices is that this institution is a product of still primitive forms of administration as long as it occurs in an undeveloped form, but is a mark of decay when it is exploited by absolute, irresponsible governments because of fiscal motives. In this latter form it is a typical characteristic of politically declining societies, such as the Byzantine Empire, the Caliphate of the tenth century, the *anciens régimes* in France and Spain, and China in the nineteenth century. Systematic sale of offices deprived the government of an efficient and reli-

able body of officials, strengthened the oligarchic tendencies, created a discontented *élite* and disrupted the financial system. The consequence was that the political instability of the country was increased and the outbreak of revolutions furthered.

Only few publicists who discussed sale of offices defended this institution. Among them were some statesmen, such as Richelieu, wanting to justify the course of their policy, and a few financial projectors hoping to profit by the introduction of this system. Other people who upheld sale of offices were distinguished officials, like Montesquieu and Wellington, who pleaded more or less their own cause.²⁰ Finally, there were critics of the aristocratic society, like Jeremy Bentham, who hoped that the introduction of sale of offices would have a wholesome influence on a political system in which the patronage of offices belonged to an oligarchy.²¹

The great majority of writers were opposed to sale of offices. They can also be divided into different groups. First, the nobility and their spokesmen, who argued that "merit," *i.e.*, gentle birth, and not money, should be the decisive factor in appointments. This opinion was voiced in France by Le Vassor, Boulainvilliers, Fénelon and Saint-Simon,²² in Spain by Davila and Bovadilla. Most publicists who condemned sale of offices were jurists or literates: out of the numerous writers I mention only Bodin, Pasquier and Voltaire in France,²³ Francisco de Vitoria, Las Casas and Martinez de Mata in Spain, Edward Coke, Sir Walter Raleigh and Sir Matthew Hale in England, Botero in Italy,²⁴ Erasmus, Hugo Grotius and Jacob van Heemskerck in the Netherlands,²⁵ Breckling, Moser and Justi in Germany,²⁶ Kochi Bey in the Ottoman Empire²⁷ and Wang Ghi in China. Their opinions were inspired partly by resentment against an institution which had excluded many of them from public office, partly by the conviction that sale of offices was nefarious for the State.

Another category, which had many ties with the preceding one, consisted of dissatisfied officials. They especially denounced a certain aspect of the institution, namely, the sale of new offices by the king, because this measure lessened the proceeds from the existing offices. The representative assemblies were opposed to sale of offices largely because of this consideration, although they sometimes expressed the grievances of lower classes, who suffered more than any other group under the increasing number of officials.²⁸ A last group of opponents of sale of offices were the princes themselves. Edward VI of England, Philip II of Spain and Frederick II of Prussia are the best known of the monarchs who condemned the institution since it was at variance with their ideal of a reliable body of officials.

This verdict of the overwhelming majority of writers against sale of offices did not achieve any result until the most important factors which had caused sale of offices ceased to exist in the eighteenth and nineteenth centuries. As early as the beginning of the eighteenth century, governments which

were in urgent need of money no longer resorted to such expedients as sale of offices, but issued loans. At the same time, the system of remuneration of officials by means of fees fell into disuse as a result of the prevalence of more rational administrative habits. Finally, in the nineteenth century, when the more democratic form of government limited the influence of the aristocracy, and the modern idea of the State came into existence, the conception of public office as private property disappeared. The State became considered as a moral entity and the exercising of public authority as a duty. The official of the *ancien régime*, the *officier*, was replaced by his modern colleague, the *fonctionnaire*. One of the outstanding representatives of the philosophy of this new conception of the state, Hegel, called the sale of government rights the most barbarous trait of a people who constitute a state.²⁹

The actual abolishment of sale of offices was the easiest in those states, like the Ottoman Empire where the institution was mainly based on the remuneration of officials by means of fees. In countries where the proprietary rights on offices were firmly established, the abolishment of sale of offices [was] complicated by the problem of the compensation of the proprietors. At the end of the eighteenth century the following objection was raised, for example, by Edmund Burke against a too hasty reform of the English bureaucracy:

These places, and others of the same kind which are held for life, have been considered as property. They have been given as a provision for children; they have been the subject of family settlements; they have been the security of creditors. . . . If the discretion of power is once let loose upon property, we can be at no loss to determine whose power and what discretion it is that will prevail at last.³⁰

The old system, therefore, often lingered on long after the mainspring of sale of offices had disappeared. In England it was not until the end of the nineteenth century that the *ancien régime* was liquidated. In most countries sale of offices came to an end only after the outbreak of a revolution. It was the French Revolution which abolished sale of offices in France and gave a great impetus to the reform movements of most continental European states (for example, the Netherlands, Savoy, Naples, Rome the Palatinate, Bavaria and Hamburg). Sale of offices in some Oriental states, such as Persia and China, was likewise abolished as a result of revolutionary movements.

Important factors which caused sale of offices in the past have ceased to exist. On the other hand, there are today conditions, unknown to older societies, which may lead to a revival of this institution. The increased power of the State has placed into the hands of officials greater possibilities for abusing the public authority for their own profit than ever before. Naturally the eagerness to hold these offices is great so that many people may be willing to pay for them. Even more important is the increase in power of political parties

which are influential in conferring offices in many states. Their position is comparable with that of ancient oligarchies. Sale of offices, if occurring in modern society, would no longer be carried on for the benefit of the State, which has other means of obtaining funds at its disposal, but for that of political parties. In this form it was practiced until recently in the United States, where candidates for office often had to pay sizeable "assessments" either to the party treasury or to bosses.³¹ On the whole, however, no systematic and legal sale of offices has developed in the modern state. In this respect our society, in which many other forms of political corruption are prevalent, compares favorably with those of the past.

Notes

1. W. Lotz, *Studien über Steuerverpachtung. Sitzungsberichte der Bayerischen Akademie der Wissenschaften*, Phil.-hist. Abt. 1935, 4; W. Lotz, "Revenue Farming," *Encyclopaedia of the Social Sciences*, XIII (1934), 359; K. Brauer, "Steuerverpachtung, Steuersubmission," *Handwörterbuch der Staatswissenschaften*, 4th ed. VII, 1126; P. Roux, *Les fermes d'impôts sous l'ancien régime* (Paris, 1916); H. Sieveking, *Genueser Finanzwesen. Volkswirtschaftliche Abhandlungen der Badischen Hochschule*, vol.1, no.3 (1898), 41.
2. R.H. Lowie, *Primitive Society* (London, 1921), 230–231, 263–265, 310–313.
3. Göller, "Hadrian VI und der Aemterkauf an der päpstlichen kurie," *Vorreformationsgeschichtliche Forschungen*. Suppl. bd., Munster, 1925, 376.
4. W. Lotz, "Staatsschulden," *Handwörterbuch der Staatswissenschaften*, 4th ed. (1926), 824–825; E. Baasch, *Holländische Wirtschaftsgeschichte* (Jena, 1927), 188 ff.
5. Richelieu and the Marquis of Fontenay-Mareuil, cited by Ch. Normand, *La bourgeoisie française au XVIIe Siècle*, 34–35.
6. Cf. E.F. Churchill, "The Crown and Its Servants," *Law Quarterly Journal*, XLII (1926).
7. Emperor Anastasius made the Empire into a kind of aristocracy by selling all offices, according to Suidas, *Lexicon*, ed. by A. Adler (Lipsiae, 1928), s.v. "Anastasius."
8. Godard, *Les pouvoirs des intendants* (Paris, 1902), 439–41.
9. Homais, *De la venalité des offices sous l'ancien régime* (Paris, 1903), 174–75; G. Page's, "La venalité des offices sous l'ancien régime," *Revue historique*, CLXIX (1932), 493.
10. Ch. Normand, 266–69; Göhring, *Die Aemterkauflichkeit im Ancien Régime* (Berlin, 1938), 88, 290, 306–9; Homais, 47, 125.
11. Loyseau, *Cinq livres du droit des offices*, III, chap. I, no. 101; Ch. Normand, 17–18.
12. J. Barclay, *Icon animarum* (Francofurti, 1668), chap. 3; Montesquieu, *Esprit des lois*, V, 19 (Paris, n.d.) 61–63; Montesquieu, *Cahiers (1716–1755)*, B. Grasset, ed. (Paris, 1941), 120–121.
13. *The Rationale of Reward*, II, chap. IX. Works ed. Bowring, II, 246–48.
14. Seneca, *De Beneficiis*, I, 9, Ed. by J.W. Basore in the Loeb Classical Library, CCCX (London, 1935), 30; cf. J. Bentham, and *Constitutional Code*, Works, IX, 31–32, 286 ff.

15. H. Carré', *Le règne de Louis XV (1715–1774) (Histoire de France . . . E. Lavisse, ed., VIII²)* (Paris, 1909), 416–17.
16. Cf. places referred to in note 1.
17. Normand, 132; M. Kolabinska, *La circulation des élites en France . . .* (Lausanne, 1912), 95, 104–105, 109–10; P. Boiteau, *Etat de France en 1789* (Paris, 1861), 328.
18. J.J.L. Duyvendak, trans., *The Book of Lord Shang* (London, 1928), 64–65, 236, 253, 304; L. Wiegels, *Rudiments: Textes historiques* (Paris, 1905), 421–24.
19. *Espirit des lois*, V, 19.
20. Montesquieu, *Espirit des lois*, V, 19; *Report from Select Committee on Army and Navy Appointments 1833*, 273–74.
21. Among the many works by Bentham concerning his plans of pecuniary competition see especially: *Draught of a Code for the Organization of the Judicial Establishment in France, March 1790. Works IV*, 285ff., 354; *The Rationale of Reward*, first published in French in 1810. *Works V*, 246–48; *Constitutional Code*, Book II, chap. IX, section 16, 17, chap. X, section 10, art. 63, *Works IX*, 271 ff., 380–81; cf. Also *Works V*, 278ff., 302ff., 363 ff., IX 31–32; about similar plans by J. Sinclair, see his work *The History of the Public Revenue of the British Empire* (London, 1790), III, 219, 229.
22. Cf. Göhring, 299–304.
23. Cf. Göhring, 69–73, 80–81; Homais, 168–77; ante.
24. G. Botero, *Della ragione di stato libri deici con tre libri delle cause della grandezza e magnificenza delle città* (Venezia, 1589), libro I, cap. 16.
25. Erasmus Encomium morias, L.V.P. de Holhac and M. Rat, eds. (Paris, 1936), 142–43; H. Grotius, *Parallelon rerum publicarum, liber tertius; De moribus ingenioque populorum Atheniensium, Romanorum Batavorum* (Haarlem, 1801–1803), II, 8, 9, Johan van Heemskerck, *Batavische Arcadia*, 4th ed. (Amsterdam, 1663), 485.
26. J.H.G. van Justi, *System des Finanzwesens . . .* (Halle, 1766), 528.
27. E. Tyan, *Histoire de l'organisation judiciaire en pays d'Islam* (Paris, 1938), 429–30, 450–51.
28. Cf. Göhring, 61 ff.; Marion, *Dictionnaire des institutions de la France* (Paris, 1925) s.v., "Venalité."
29. G.W.F. Hegel, *Die Verfassung des Deutschen Reichs. Eme politische Flugschrift. 1801/1802*. G. Mollat, ed. (Stuttgart, 1935), 35.
30. *Works*, II, 101, cited by Holdsworth, *History of English Law*, X, 504.
31. M. Ostrogorski, *Democracy and the Organization of Political Parties* (London, 1902), II, 148, 157, 343–45, 352.