

1

Edmund Burke and the Trial of Warren Hastings

The impeachment and trial of Warren Hastings, which began in 1787 and concluded with the acquittal of the former Governor-General in 1795, brought unprecedented attention to Indian affairs in Britain.¹ It also illustrated – in terms that, for Burke, were nothing less than tragic – the aesthetic difficulties inherent in constructing a sentimental depiction of India. For most of his hearers and for the British public at large, the remote and unfamiliar subcontinent simply eluded the scope of the sympathetic imagination, or was too easily displaced by objects closer to home. Nor did the trial's prodigious length favour Burke's cause. Hastings was charged before the House of Lords for 'high crimes and misdemeanours' on 18 February 1788. By the time of the verdict a full eight years later, 180 changes to the peerage (in their capacity as jurors) had taken place, and the Lord Chancellor (as judge), Lord Thurlow, who opposed Hastings, was replaced by Lord Loughborough, who supported him. Outside the courtroom, the French Revolution had shaken the political and social foundations of Europe and provided Burke with an alternative animus for his political philosophy. War with nearby revolutionary France easily effaced concerns over the East India Company's conduct in the 1770s, however much the theatre of war now extended to the Indian Ocean. Even the outpouring of literature in the 1770s and 1780s, much of which can be categorised as sentimental, which denounced the wrongdoings of British nabobs, placed domestic concerns centre stage at the expense of the Indian context.

The first sympathetic appearance of India in the literary culture of the period, therefore, can be said to have misfired. Yet out of Burke's failure was born the pattern for future sentimental representations of India, although the reasons for his lack of success were paradoxical in nature. As this chapter will explore in relation to his *Philosophical Enquiry into*

our *Ideas of the Sublime and the Beautiful* (1757), and examples from his subsequent parliamentary speeches, Burke firmly believed in the affective force of classical rhetoric. His principal inspiration was Cicero, but Burke's application of formalised rhetoric to contemporary foreign policy problems (America, India and France) struck many onlookers as absurd over-inflation. Moreover, it reawakened the popular mistrust of rhetoric in all its forms that had lingered in Britain (and elsewhere) since the seventeenth century. Conversely, Burke was also ridiculed for his exhaustive, and exhausting, recitations of dry facts and figures over the course of the trial that counteracted the affective simplicity required for sympathetic engagement.

A commonly expressed objection to the trial of Hastings at the time was that it was a mere piece of political theatre designed to manipulate public emotion. Interest in the trial's opening sessions in Westminster Hall was at fever pitch, attracting a vast audience including William Cowper, Joshua Reynolds, Fanny Burney and Edward Gibbon, who flocked to hear Burke and his fellow managers for the prosecution Charles James Fox and Richard Brinsley Sheridan, and witness a spectacle that drew upon the full panoply of the British state. Entry tickets commanded high prices and their distinctive design, featuring the crest of the Deputy Great Chamberlain Peter Burrell, spawned satirical imitations and even imitations of imitations.² Sheridan was manager of Drury Lane Theatre and possibly responsible for some of the more theatrical elements of the proceedings, which included a canopied 'stage', complete with royal box, erected in Westminster Hall for the occasion. Speakers for the prosecution regularly passed out from exhaustion or spoke with such vehemence that spectators, including at one point Sheridan's wife, fainted in shock. As such, it has drawn interpretation from literary criticism as an episode shot through with cultural significance; Frances De Bruyn arguing, for example, that Burke conducted the trial in the medium of 'gothic romance', building a prosecution case not upon 'bare historical facts' but a 'literary paradigm which orders, explains, and at times even transforms the historical reality'.³ David Musselwhite similarly argues that Burke's use of 'imaginative, romantic, theatrical and literary' language proved inadmissible in a court of law, and Hastings eventually gained an advantage by adhering to more conventional modes of discourse.⁴ In the second of her two linked chapters on Burke and India in *The Rhetoric of English India*, Suleri takes a cue from Sheridan's management of the Drury Lane theatre to reveal how parts of his celebrated speech on the Begums of Awadh found their way into his stage tragedy *Pizarro* (1799) on Spanish colonial oppression in