Royal Commission on Labour: international, metropolitan and local levels

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El Colegio de México

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In 1929, the Royal Commission on Labour was established in India. The Commission was appointed on 4th July, 1929, to enquire into the conditions of labour in industries and plantations, the relations between employers and employees and to make recommendations.[2] The areas studied included mines and quarries, industries, building in the widest sense (reconstruction, tramways, harbours, bridges, gaswork, waterwork) and transport of passengers. The items around them were recruitment, housing, welfare, education, safety, questions related to women, children, wages, industrial disputes, among others.[3]

In official correspondence, several factors emerged as relevant to the colonial government: the appointment of a commission as the best way to counter communism, to fulfil the commitments made to the International Labour Organisation, to reply to the endless questioning in Parliament regarding labour conditions, and to ameliorate the conditions of the Indian workers. However, translating all of these elements into precise terms of reference and membership was not an easy affair.

The process of selecting the membership for the Commission, of deciding upon a date to announce its formation, and of defining its scope was highly complex.

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[2] *Report of the Royal Commission on Labour in India*. New Delhi, Agricole Publishing Academy, Reprint, 1983 [1931]: ii.

[3] *Royal Commission on Labour in India. Evidence, Vol. II, Part 1. Punjab, Delhi, and Ajmer-Merwara. Written Evidence*. London, His Majesty's Stationery Office, 1931 (V/26/670/11, IOR).

India was part of the International Labour Organisation, thus there was constant coming and going from Geneva of Indian workers' representatives from ILO's inception. This pointed to the articulation between the international and the colonial spheres. The boundaries within the colonial State itself were made visible: there were tensions between the metropolis, the Viceroy and the provincial governments regarding the appointment of a Commission: while reading the official correspondence one has a feeling of differing -and even sometimes competing- perspectives among all of them. These divisions continued even when the Report was published and are the main focus of this paper.

In order to explore these ideas, first, I will trace some elements to understand the context which was constitutive of the Commission itself. Second, I will describe all the process leading to its formation: the terms of reference, the choice of members, the way it would work.

The context

The origin of the Royal Commission on Labour exceeds the interwar period. On the one hand, workers' mobilisations around the world and the Russian Revolution play an important role. In Britain, the labour movement and the expectations created by the First World War made the government appoint the Whitley Commission (1917), chaired by John Henry Whitley. This was a subcommittee of the Reconstruction Committee that would study the relations of employers and employees. A very important outcome of it was the introduction of Whitley councils, where employers and employees would meet to discuss issues such as wages and work conditions.[4]

At the end of the First World War, the Allied Powers proposed during the Peace conference to include workers' rights, labour unions, and the formation of an international body in the peace treaty. However, it is important to remember that

[4] For a study of Whitley's career, see John A. Hargreaves, Laybourn, Keith and Toye, Richard. *Liberal Reform and Industrial Relations: J.H. Whitley (1866–1935). Halifax Radical and Speaker of the House of Commons*. Oxon, Routledge, 2018. Chapter 9 is devoted to the commission: "J. H. Whitley and the Royal Commission on Labour, 1929-31," by Amerdeep Panesar, Amy Stoddart, James Turner, Paul Ward and Sarah Wells.

movement for the formation of an international body had begun earlier with several conferences, Berlin (1890), Paris (1900), Berne (1905) and the International Labour Conference (1919), where the International Labour Organization was formed.

While reading the Labour Provisions that would go into the Peace Treaties, two elements strike us. One is the idea that while the League of Nations would be in charge of maintaining international peace, and that this would not be possible without social justice. But the other idea is that current working conditions needed urgent attention, otherwise they would cause "unrest so great that the peace and harmony of the world are imperilled."[5] Thus the various peace treaties included several articles outlining the structure and aims of the International Labour Office.

The ILO would be constituted by representatives of each country, which would include people representing governments, workers' delegates and employers' delegates, allowing the representation of various interests. The members of the League of Nations were also members of the International Labour Organization.

India was one of the founding members of both organizations. It had an independent delegation to the Peace Conference, had become part of the League of Nations and it was admitted to the permanent body of the ILO in 1922. However, its entry has been seen as an exceptional situation, since it was a colony and had been admitted because of the insistence of Great Britain which wanted to have more presence and another vote in both organizations.[6] But its entry was also explained as a reward for India's participation in First World War.[7] Besides, Stephen Legg reminds us, that India had an international presence before this period, since it had a tradition of trading prior to the colonialism, and had started attending meetings of

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[5] The Labour Provisions of the Peace Treaties. Geneva, International Labour Office, 1920: 1.

[6] R. P. Anand. "The Formation of International Organizations and India. A Historical Study," *Leiden Journal of International Law*, 23, 2010: 7-8.

[7] Legg, Stephen. (2014), "An International Anomaly? Sovereignty, the League of Nations and India's Princely Geographies", *Journal of Historical Geography*, vol. 43, pp. 96-110.

experts such as the Public Health Office in Paris and the Councils of Empire, even if it was not a Dominion.[8]

In 1919, the Constitution of the ILO was published and in the next two years, several labour conventions and recommendations were accepted. The topics included hours of work, minimum age of workers, unemployment, maternity protection and night work for women and for young persons. The procedure was the following: once a convention was accepted the members were expected to ratify it. When two countries had ratified, the International Labour Office could give a notification to the rest of the country members and consider the convention valid for those two countries only. As to the rest of the countries, when each one ratified the convention at the Office it was set into force.[9] Later on, country members were supposed to make necessary arrangements (legislative or administrative) to enforce it in a year.

But on the one hand, not all conventions were put into practice. And on the other, the conventions were written in such a way that they allowed for manoeuvring. So, for example, if we take the Convention no. 1 regarding hours of work in industry, it contains a preamble where it set the principle of 8 hours a day or 48 hours a week. Then a list of articles followed, specifying what they meant by industry, the procedure to ratify it or the regulations to be devised by the public authority.[10] But those articles also included some cases where the principle of 8 hours a day could be discarded: in the case of India, Article 10 established a sixty-hour week in the industries included in the factory acts of the Government of India. It added that: "further provisions limiting the hours of work in India shall be considered at a future meeting of the General Conference."[11] India was not the only country where different principles were established: Japan, China, Siam and Persia were too. If we were

[8] Ibid. 98-99.
[9] Hours of Work (Industry) Convention, 1919, no. 1, International Labour Organization.
[10] An example of these regulations is that in case of an urgent work, an employee could work for longer, but workers and employed had to be consulted about this extraordinary arrangement. "Article 6" *Ibid*.
[11] "Article 10" *Ibid*.

dealing with international organizations that saw themselves as establishing universal principles, then why set different standards for workers around the world?

To Stephen Legg, the participation of India in the ILO is due to the interest of the Government of India, not to the metropolis, because it wanted to prove that it was fulfilling its commitment to the organisation. And India's participation was marked by a subordination, by a process of diplomatic silencing.[12] While India's secondary role is undeniable, it is also interesting to study the impact this intervention had in nationalist mobilization and in workers' unions. For Gerry Rodgers, the ILO gave an impulse to the formation of the All-India Trade Union Congress, but also to the organisation of the employers. Besides, as Geraldine Forbes has shown India received a series of recommendations that led to changes in the Indian factory legislation over the following years.[13]

The period going from 1922 to 1927 the living conditions of Indian workers showed not much improvement. There was an increase in population, but agriculture stagnated and industries which had benefited from the war, experienced competition again from foreign industries. Thus, Sarkar establishes, businessmen both British and Indian translated this competition into wage cuts.[14]

According to Sumit Sarkar, there was a decrease in strikes in the period going from 1922 to 1927, when compared to the previous years. However, these strikes lasted longer, and they were bitter. This radicalization contrasted with the moderate leadership of the AITUC and of the National Congress, which made no effort to use the unrest among workers.[15] To this radicalization, one must add the presence of Bhagat Singh and the Hindustan Socialist Republican Army.[16]

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[12] Legg, Stephen. (2014), "An International Anomaly? 99-101.
[13] Geraldine Forbes. *Women in Modern India*. Cambridge University Press, 1999: 169.

[14] Sarkar, Sumit. *Modern India. 1885-1947*. Delhi, Macmillan, 1999 [1983]: 239.

[15] *Ibidem*: 245.
[16] Maclean, Kama (2015), *A Revolutionary History of Interwar India. Violence, Image, Voice and Text*. Londres: Hurst & Co.

The nationalist movements were also very active. One of the many elements behind this activity was the appointment of the Simon Commission in 1928, which included no Indian member and which was boycotted by many nationalists, leading eventually to the formation of the Nehru Committee and the elaboration of the Nehru Report. Despite this, the impact of the Simon Commission and the expectations surrounding the publication of its Report displaced the public attention from the Royal Commission on Labour.

Appointing a Commission: international, metropolitan and local levels

Evidently, the colonial government saw all these movements as a source of concern and it is in this context that the Crown decided to appoint a Royal Commission on Labour: we can trace various of these elements in the way it was formed.

It is important to remember that colonial commissions' history went back to Great Britain where they had been used to devise public policies and to take into account public opinion. Thus, many topics addressed had to do with social demands: the mining industry was particularly prolific sector in terms of producing commissions. Between 1867 and 1926 it gave way to nine commissions, a period that was characterized by several strikes, supported by very strong unions.[17]

These commissions and committees would pass on to the colonial world, where they were also used as a mechanism to address a wide range of topics. In India, commissions and committees were established to evaluate the colonial government, especially in times of crisis, such as disasters and policies that went wrong.18 They were prestigious and they were formed constantly, sometimes every one or two years.[19] The topics were really diverse, from the Commission on Indian

[17] Harold F. Gosnell "British Royal Commissions of Inquiry" *Political Science Quarterly*, vol. 49, no. 1, March 1934: 96.
[18] Thomas Blom Hansen. "Governance and Myths of State in Mumbai" in J.C. Fuller y Véronique Bénéï. *The Everyday State and Society in Modern India.* New Delhi, Social Science Press, 2000: 39.
[19] Harold F. Gosnell. "British Royal Commissions of Inquiry," *op. cit.*: 92.

Education (1882), to the Leper Commission (1890), the Railways Commission (1902) to the Committee for the Telegraphs (1906).

In our case of study, colonial government considered the appointment of a commission as the best way to counter communism, to fulfil the commitments made to the International Labour Organisation, to reply to the endless questioning in Parliament regarding labour conditions, and at the same time to ameliorate the conditions of the Indian workers, as several letters between the Viceroy and the Secretary of State for India show.[20]

Amerdeep Panesar *et al* propose to see the appointment of a commission on labour in the light of Britain being at its most powerful moment and at the same time, being confronted by nationalism and labour movement, trying to keep hold of its empire.[21]

Although this paper focuses on a commission, it is relevant to bear in mind a similar mechanism used by the colonial administration, which was the "committee" and to distinguish it from it. Commissions were set up by the Crown, but they were thought of as independent. Besides, their beginning and end was determined officially, and they generally held public audiences. Committees, by contrast, could come to an end by a higher authority and were used preferably when the topics involved had to do with budget, because they did not hold public audiences.[22]

Since August 1928 the possibility of conducting an enquiry on labour conditions had come up, but by January 1929 it was clear that it would be better to

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[20] "Copy of Telegram. From Viceroy, Department of Industries and Labour, to Secretary of State for India, Simla, 25th August 1928" (IOR, L/PO/263 iv), "Extract form private letter from Lord Peel to Lord Irwin, dated 17th January 1929" (IOR, L/PO/263 iv), "Letter from Peel to the Prime Minister, 14 January 1929" (IOR, L/PO/263 iv).

[21] Amerdeep Panesar, Amy Stoddart, James Turner, Paul Ward and Sarah Wells. "J. H. Whitley and the Royal Commission on Labour, 1929-31," John A. Hargreaves, Laybourn, Keith and Toye, Richard. *Liberal Reform and Industrial Relations: J.H. Whitley (1866–1935). Halifax Radical and Speaker of the House of Commons*. *op.cit*.

[22] *Ibidem*: 85-86.

appoint a commission, instead of a committee, for it would have a stronger position to negotiate:

> the Viceroy states that he and his Government have now come to the conclusion that it would be desirable that the proposed Committee of Enquiry should be given the status of a Royal Commission. This alteration, they consider, is amply justified by the importance of the enquiry; it would also have the advantage of strengthening the position of the Government of India vis-à-vis the Legislative Assembly, should the latter show any desire, when the time comes to vote the expenditure required, to add to the Committee or Commission, politicians pure and simple.[23]

Commissions were invested of royal symbolism, which was noticed even in the documents of creation, which possessed a sophisticated style. When a commission was formed it was expected that the king would give precise instructions for its functioning. These were called "terms of reference," which defined their goals and what was expected of it.[24] Thus, in this case, the terms of reference were established by King George the fifth and were done so in a very florid language.[25] However, arriving at precise and elegant terms of reference and, before that, to decide an adequate day to announce its formation was not an easy affair. The Royal Commission of Labour had been preceded by the Commission on Agriculture and this fact caused a reticence about the use of the word "labour" in the terms of reference, since it could be linked to agricultural labour. When the Viceroy consulted the local governments in 1928, i.e., the provincial ones, all but the Bengal government were in favour on such an enquiry:

> the Bengal Government entered a strong protest suggesting that such an announcement would give rise to labour troubles and desiring the opportunity to consult Industrial Associations and Chambers of Commerce before a decision was taken.[26]

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[23] "Letter from Peel to the Prime Minister, 14 January 1929" (IOR, L/PO/263 iv).

[24] Adam Ashforth. "Reckoning schemes. On Commissions of Enquiry as Power/Knowledge Forms", *Journal of Historical Sociology*, vol. 3, no. 1 March 1990.

[25] *Report of the Royal Commission on Labour in India*. New Delhi, Agricole Publishing Academy, Reprint, 1983 [1931]: i-ii.

[26] "Extract from Private Letter from Lord Irwin to Lord Birkenhead dated 13th September 1928." (IOR, L/PO/263 iv).

Finally, the simple announcement of the enquiry without going into details as to its composition and scope had to be well thought. In a letter to the Secretary of State, the Viceroy explained he had not announced it because he wanted first to pass a couple of bills: the Public Safety Bill and the Trades Disputes Bill. The Viceroy considered that if he announced a labour enquiry, he would only alienate the "European party," particularly the "Calcutta element."[27]

Once the formation of a commission was announced, there were discussions and educated guesses in the press as to who would be part of it. Commissions and committees could be formed in different ways: as groups of experts on a particular subject, as groups representing the interested parties, but acting impartially. They generally were headed by elite functionaries appointed directly by the Crown.

The composition of the Commission was interesting since it included element of representation, though accompanied by expertise. The search for balance in the Commission in terms of provenance made the process of selecting members more difficult and longer. Throughout the official correspondence, we find careful consideration as to how many representatives of labour, of capital and of the government were to be there, echoing the way the International Labour Organization was formed. But there was also concern about how many British, Indians and specifically Muslim members could be. The boycott towards the Simon Commission and the increasing relevance of the Muslim leaders were important elements, even though not perceived in the same light in India and the metropolis. The Secretary of State recommended careful consideration so that an adequate number of representatives of employers and labour was present who had an international reputation. But for the Viceroy, the most important thing was to transmit the idea of a body which included Indians and who was not all in favour of capitalists. He stated this in a rather forceful way:

> While I recognise that the opinion of Chatterjee and your other advisers deserves careful consideration, it must not be overlooked that they are not in

[27] "Telegram from Viceroy, 14th September 1928" (IOR, L/PO/263 iv).

> such close touch with the recent trend of events in India, including the growth of consciousness amongst Mussulman [sic], as we necessarily are.[28]

During this time, and even after the members had been announced, various bodies approached the colonial government asking for one of its representatives to be included. We can mention the National Council of Women in India,[29] and the Anglo-Indian community. This certainly talks about the relevance of the Commission for the public in India. Even though these petitions were not heard, once the Commission started touring India, it incorporated assistants: a person selected by the provincial government to represent workers and employers' interests, apart from women who completed their view of the locality and were perceived as incorporating another area of elements.[30] So, for example, in the case of Delhi, the advisors included Mrs. Chatterjee who had been involved in work related to women's and children's health. She, who had, worked with public health officers and doctors, would be in charge of interviewing them, of exposing the limits of their knowledge and abilities, of the reach of schemes they (she and they) were part from.

The press in India and in Britain was also involved and published lists of possible members of the commission.[31] The fact that they could be very accurate points to the notoriety some had acquired, but also to the constant circulation of the same people. For example, the name of Diwan Chaman Lall appeared in the list: he was the founder and secretary of the All-India Trade Union Congress. After the Commission submitted its Report, Chaman Lall published a book, condensing in a certain way the material produced by the Commission.[32] But also Cliff (verify?): he

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[28] "Telegram from the Viceroy to the Secretary of State from 13th March, 1929" (IOR, L/PO/263 iv).

[29] "Letter from the National Council of Women in India to the Secretary of State, 18th July 1929" (IOR, L/PO/263 ii)

[30] *Ibidem*: 2.

[31] Reuters reported the forecast published by the Hindustan Times: "Enquiry into Indian Labour Conditions. Forecast of Whitley Commission Appointments. New Delhi March 12." IOR, L/PO/263 (iii)

[32] Lall, Diwan Chaman. Coolie. *The Story of Labour and Capital in India*. Oriental Publishing House, 1932.

was asked by the colonial government to join another enquiry, even though he declined for he said he felt committed to the Royal Commission on Labour. (footnote)

In the end, there were twelve members in the Commission on labour, including its Chairman John Henry Whitley. Besides, a woman was included, Beryl Millicent Le Poer Power, pointing towards another factor in terms of representation in Great Britain: women and their interests, as they were assumed to be, including education, social welfare and employment.[33]

As we have seen, from the moment an enquiry was conceived till the moment that a commission or committee was finally appointed numerous factors intervened. The interaction of internationalism and imperialism, as Stephen Legg has shown, was present from the very beginning.[34] But also, the existing tensions between the metropolis, the Viceroy and the provincial governments: while reading the correspondence it is evident that the metropolis and the Government of India had different concerns, each one of them rooted in different context. For the metropolis, the eligible personnel and the audience in mind were there and not necessarily in India. Whereas for the Government of India, the colony presented urgent problems to be dealt with. So, for example, when exchanging ideas about who could be the chairman, the Viceroy suggested an Indian could be chosen, but the Secretary of State wrote he preferred somebody who could give confidence.

Finally, public opinion in India was very much present. Throughout the tour of India and the process leading to the publication of the Report detailed notes appeared in newspapers: some reproduced key public audiences held in India (for example the questioning of employers), while some offered critical remarks about the commission.

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[33] Elaine Harrison. *Women Member and Witnesses on British Government ad hoc Committees of Inquiry 1850-1930, with especial reference to Royal Commissions of Inquiry*. London School of Economics, Thesis, 1998: 9.

[34] Stephen Legg. “An International Anomaly? Sovereignty, the League of Nations and India’s Princely Geographies,” *Journal of Historical Geography*, 43, 2014: 96-110.

Gathering information: public audiences and report

The members of the Royal Commission of Labour (1929) worked mostly with two types of information: written and oral evidence. Initially, they gathered to make a list of people they would ask information from and invited them to submit memoranda. After, they assembled in Bombay and started touring India for several months to hold public audiences: from 15th October 1929 till 22nd March 1930. They held in total 128 public audiences. They met in London for a couple of months to study the material they had so far collected. They travelled again, this time to Burma stopping on their way in Ceylon, and finally they met in Delhi, where they wrote the Report.[35]

The witnesses ranged from public servants to doctors and workers. The procedure of collecting information is itself is fascinating. First, as we have mentioned, we have the memoranda and the public sessions where a selection of people who had sent memoranda were present (employers, workers, government representatives). Additionally, the commissioners payed 180 visits to workplaces to see the conditions for themselves, and went to see housing conditions and hospitals. Finally, they interviewed workers in their workplace or near their houses. Particularly the last techniques gave them, according to the commissioners, a different understanding of labor in India, "a true judgment of the conditions."[36] However, the context of the inquiry was not ideal, since at the end of 1929 the impact of Depression would be felt in India and even though that element was not included in the Report, it was there, in the background and in the coming years its impact would still be there.

The material produced by the Commission was abundant. The eighteenth volumes published in 1931 contained the oral and written evidence and were organized according to regions, for example, there one was volume dedicated to Punjab, Delhi and Ajmer-Merwara: part I for the written evidence and part II for the oral evidence. The volume made it possible to read, for instance, the texts of the

[35] Royal Commission on Labour. *Report of the Royal Commission on Labour in India*. New Delhi, Agricole Publishing Academy, Reprint. 1983 [1931]:1-2.

[36] *Ibidem*: 2.

Delhi Municipal Committee and of Dr. Ruth Young, member National Association for Supplying Medical Aid by Women to the Women of India (Dufferin Fund). It was also possible to follow, day by day, the proceedings. Finally, the Report published too in 1931 contained the summary of the evidence and the recommendations, organized around topics (not regions). Interestingly, the final chapter was devoted to existing legislation.

Several studies on commissions point to the dissatisfaction caused by the lack of success met by these State mechanisms, and also to the limits of this knowledge produced by and for the State. Interestingly, the Report of the Labour Commission was circulated in various ways.

On the one hand, given the extent of the information produced by the Inquiry it was difficult to image how it could reach a wider public. Margaret Read, a specialist in agricultural labour, gave a summary of the Report and the evidence in a book titled *The Indian Peasant Uprooted*.[37] The Commission's Chairman Whitley wrote a foreword commending her effort to provide an account which was readable, unlike the Report; for her book turned all the material into detailed descriptions of working conditions, and biographies of workers.[38] Ideally speaking, Whitley wrote, this book could generate interest that would lead to the formation of groups who would advocate for better conditions of life for workers.[39]

On the other hand, the worsening conditions brought about by Depression made that criticism directed towards the Commission was acute, for there was no visible action around the several problems highlighted by the Report and several texts pointed to this.

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[37] Margaret Read. *The Indian Peasant Uprooted. A Study of the Human Machine*. London, Longmans Green & Co., 1931. The interest generated in the social sciences by Depression and worsening labor conditions generated more studies apart from the book by Read: Sabyasachi Bhattacharya. "Introduction" in Rana P. Behal and Marcel van der Linden, eds. *Coolies, Capital and Colonialism. Studies in Indian Labour History*. Cambridge, Cambridge University Press, 2006: 9.

[38] John H. Whitley. "Foreword" in Margaret Read. *The Indian Peasant Uprooted. A Study of the Human Machine*. *op. cit*.: viii.

[39] *Ibidem*: viii.

Final remarks

The Royal Commission on Labour belongs to a line of commissions and committees, which addressed important problems in the colony. Many of them, as in the case of the Royal Commission on Labour would certainly contribute to the creation of knowledge deemed important for devising public policy. But this knowledge creation process was fraught with tensions, for the colonial administration was part of the problem. For instance, how to recommend a legislation which could deal with factories overworking their workers, while at the same time the Government of India owned some of those factories. How to ask people to come forward as witnesses to Government's Commission and see them threatened by the Government itself, after they had given information.

Several commissions and committees shed light on international commitments acquired by India. Thus, the Royal Commission referred constantly to international standards regarding the number of hours worked by adults or the age minimum for child labour, challenging the conditions prevalent in India.[40]

I think the reason to choose a commission despite the fractures shown is due to the aura they possess, the theatricality the display. Besides, their effectiveness in gathering information was proved time and again.

The study of all these elements situates commissions and committees out of the administrative realm to set them right at the centre of issues such as representation, accountability, and gathering of information.[41] Understanding their role as part of a process that devised new policies at crucial points in the colonial and the postcolonial periods is important allows us to understand how the State sees it itself and the kind of mechanisms it chooses.

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[40] Royal Commission on Labour in India. *Report of the Royal Commission on Labour in India*. Op. cit.: 37, 52-53.

[41] Philip Corrigan and Derek Sayer. *The Great Arch. English State Formation as Cultural Revolution*. Oxford, Basil Blackwell, 1985: 70, 124-125; Elaine Harrison. *Women Member and Witnesses on British Government ad hoc Committees of Inquiry 1850-1930, with especial reference to Royal Commissions of Inquiry*. *op. cit*.: 7-8.

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