

Vulnerable Populations, Social Investigations, and Epistemic Justice in Early Victorian Britain

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Abstract

Conducted by royal commissions, select committees and the newly established inspectorates, early Victorian social investigations elaborated formats and procedures of public inquiry that left an enduring impact on modern, liberal public spheres in the English speaking world and beyond. This article revisits a few features of 19th Century official investigations, highlighting the rather diverse and contradictory effects these fact-seeking ventures had on British democratic culture. I argue that even as government inquiries confirmed and strengthen social gradations as well as hierarchies of knowledge and expertise, they nevertheless allowed the British lower classes to participate in official discourse as *knowers*, not just sufferers, and opened new possibilities for dissent and contestations. I highlight the manner in which the investigation itself rather than any consequent legislation or policy touched upon the administration of justice either by emulating court procedures or in terms of its epistemic labor.

Key words

Social investigations; epistemic justice; 19th Century Britain; royal commissions

Resumen

Las investigaciones sociales de principio de la época victoriana dirigidas por comisiones reales, comités selectos y las inspecciones que se estaban creando entonces, elaboraron formatos y procedimientos de investigación pública que dejaron un impacto duradero en las esferas públicas modernas y liberales tanto en el mundo angloparlante como fuera de él. Este artículo revisa algunas características de las investigaciones oficiales del siglo XIX, resaltando los efectos diversos y contradictorios que estas iniciativas de búsqueda de hechos tuvieron en la cultura democrática británica. Se defiende que, a pesar de que las investigaciones gubernamentales confirmaron y reforzaron las escalas sociales y las jerarquías de conocimiento y experiencia, permitieron que las clases bajas británicas participaran en el discurso oficial como *conocedores* y no sólo víctimas, y abrieron nuevas posibilidades de disensión y lucha. Se destaca la forma en la que

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las propias investigaciones, más que cualquier legislación o política consiguiente, mencionaron de pasada la administración de justicia, emulando procedimientos judiciales o en su trabajo epistémico.

Palabras clave

Investigaciones sociales; justicia epistémica; Gran Bretaña; S. XIX; comisiones reales

In *Das Kapital*, Karl Marx casts the factory owners' campaigns against early Victorian legislation that shortened the workday as the epitome of the "spirit of capital." Since the conclusion of the 18th century, greed and mechanization transgressed all social and natural boundaries, including those separating night from day, allowing capital to satisfy its unquenchable thirst for extracting labor from human bodies throughout the full twenty-four hour cycle. "Capital celebrates its orgies," Marx (2007, p. 305) famously quips. Successive Factory Acts between 1833 and 1864 reduced first the workday for children, then adult women, and finally adult men. Marx claims that at each of these moments of legislation a reluctant British State, standing by the sidelines, merely registered the power equilibrium between owners and workers.

Marx reserves very little beyond contempt for the British government. Nevertheless, he derives much of the rich information he offers on the British industrial landscape from official sources. He quotes frequently and liberally from the semi-annual accounts of factory inspectors, reports published by royal commissions of inquiry, and minutes of parliamentary select committee hearings. Factory inspectors' reports in particular featured invaluable descriptions of different industries and locales and exposed the methods sought by employers to defang regulation and squeeze additional labor from children and grownups; for instance, by stealing minutes from meal time and recreation. Inspectors also extensively documented the horrid consequences of overwork: stunted growth, early death, and disease: the scrofula afflicting the potteries in Staffordshire, the lockjaw disease that disabled Lucifer matchmakers, and other such industry-specific ailments. As importantly, Marx's expressions of anger and the sarcasm he allows himself while critiquing the excesses of capital, resonate perfectly well with the righteous indignation and tinges of irony that often burst to the surface of otherwise dull official reports.

Some "blue books" were statistical in nature, others featured testimonies given by adult and young laborers, which Marx could then quote and identify by proper names--such as the 1863 testimony of employees in the paper-hangings trade:

J. Lightbourne: 'Am 13 ... We worked last winter till 9 (evening), and the winter before till 10. I used to cry with sore feet every night last winter.' G. Apsden: "That boy of mine when he was 7 years old I used to carry him on my back to and fro through the snow, and he used to have 16 hours a day ... I have often knelt down to feed him as he stood by the machine, for he could not leave it or stop (1st Report of the Children's Employment Commission 1863 cited in Marx 2007, p. 272).

For a source on the sentiments of workers concerning the Ten-Hour Movement, Marx turns to a survey conducted by Factory Inspector Leonard Horner. He then concludes his critique not by citing laborers or their unions, but by quoting the strong words of Factory Inspector Robert Saunders who declared on the pages of an official 1848 report, "Further steps towards a reformation of society can never be carried out with any hope of success, unless the hours of labour be limited, and the prescribed limit strictly enforced" (Reports of the Inspectors of Factories 1848 cited Marx 2007, p. 329).

It seems that Marx found the inspectors' and commissioners' accounts dependable not only because of their sympathy towards—and occasional empathy with—the laborers, but for their courage to take on the employers. As importantly, he capitalized on the presumed authority of government to condemn the factory owners, thus turning the power of what he conceived of as the bourgeois controlled state—against itself. It was an act of epistemic subversion.

As many other social observers of the period, Marx promiscuously tapped into the enormous knowledge apparatus that was arguably the most comprehensive official response of mid-19th century British government to the social crisis of the era. Early Victorian investigations elaborated formats and procedures of public inquiry that

have had an enduring impact on modern, liberal public spheres in the English speaking world and beyond, and to some degree serve us today as well.

Official inquiries led to the establishment of factory, poor law, and prison inspectorates, the installation of some safety measures in factories, sanitation reform, and the reduction of the length of the workday. All in all, these and similar regulatory measures were rather modest and difficult to implement. Social investigations were in fact often publicly condemned or ridiculed as a means to defer or avoid official action. In 1843, the *Brooklyn Eagle* pointed to the incongruity between the British government efforts to ascertain the condition of the working classes and actual steps taken to address these circumstances.

They are forever instituting commissions of inquiry, collecting statistics, and making luminous reports; but, unfortunately, their exertions do not ordinarily extend beyond those points. They are apt to suppose that they have performed their whole duty in ascertaining and exposing the injustice inflicted by law and custom upon the laborious poor; and hence, while vast amounts of philanthropy are displayed *on paper*, to the public gaze, the suffering masses plod on in sullen despair (Brooklyn Eagle 1843).

Perhaps the most glaring example of government inaction was the meager official response to the massive famine that devastated mid-1840s Ireland--despite vast information on the dire circumstances there. British leaders, however, were proud of the state's capacity to amass a formidable archive of knowledge. In 1852, Benjamin Disraeli, then the Chancellor of the Exchequer, maintained that official publications including reports and surveys constituted an enormous intellectual repository. "[I]n the Parliamentary literature, which had grown into importance within the last half-century, resources were placed in the hands of public writers, such as never had been before possessed in any time or country" (Hansard 1852, p. 1069).

By some measures, therefore, the justice that was served by these investigative initiatives—if any at all-- was the justice of documentation or representation. This rather latent function of early Victorian public investigations has been catapulted, in recent decades, to the foreground of official investigative work with the institution of human rights projects especially in the context of transitional justice, truth-commissions, and other such fact-finding bodies; for instance, the recent Truth and Dignity Commission of Tunisia, established in 2014 to investigate gross human rights violations committed by the Tunisian State since independence and to provide compensation and rehabilitation to victims, or the Truth and Reconciliation Commission on Indian Residential Schools in Canada (2008-15) that investigated charges of abuse of First Nations children. It could be argued that the 9/11 Commission in the U.S. (2002-4) also operated under the assumption that beyond proposing policy changes, investigating and documenting the attacks amounted to doing justice to the victims and their families.

In what follows, I will revisit a few features of early Victorian official investigations, highlighting the rather diverse and contradictory effects these fact-seeking ventures had on British democratic culture. My ultimate argument is that even as these inquiries confirmed and strengthen social gradations as well as hierarchies of knowledge and expertise, they nevertheless allowed the British lower classes to participate in official discourse as *knowers*, not just sufferers, and opened new possibilities for dissent and contestation.

My discussion explores how the investigation itself, rather than any legislation or action that followed, touched upon the administration of justice either by emulating court procedures or in terms of its epistemic labor. Recently, there has been a growing interest in the political and social aspects of epistemology, and a lively discussion about concepts such as the "epistemology of ignorance" or what Miranda Fricker coined "epistemic injustice" (Sullivan and Tuana 2007, Fricker 2009, Medina 2012). Fricker rather narrowly defines two issues of epistemic injustice; first

"testimonial injustice," which takes place when prejudice undermines the credibility of a particular individual; for instance, when the police discredits the testimony of a person of color. Second is "hermeneutical injustice," which occurs when a lack of interpretive resources unfairly prevents someone from understanding their own social experience; the example Fricker (2009, p. 1) gives is of a person subjected to sexual harassment in the society in which such a critical concept is absent. Testimonial injustice alludes to biases in the economy of epistemic trust; hermeneutical injustice refers to pre-existing structural deficiency, or hermeneutical marginalization.

My topic suggests a somewhat more expansive approach. Matters that pertain to the morality of knowledge-production and the ethics of knowing run throughout a cluster of reforms instituted in the 1830s, which together amounted to a new state-sponsored policy of knowledge (Frankel 2006). These reforms included expanding the press's access to parliamentary exchange, rendering parliamentary papers available to the general public through their open sale, unburdening newspapers of the stamp duties—which were often derided as "taxes on knowledge," and improving the quality and accuracy of state produced information by further developing the Board of Trade's Statistical Department and other state organs. Another aspect of the new policy was the frequent use of the investigative capacities of royal commissions of inquiry and the newly constituted inspectorates. One of the purposes of this rather comprehensive string of reforms was to guarantee the unhampered circulation of knowledge in society along the post-Enlightenment views regarding the virtues of knowledge, its massification, and diffusion. Another purpose, which co-existed uneasily with the former, was to render the state itself a major producer of knowledge, vigorously competing for epistemic authority with other sources of information.

Importantly, some of the new vehicles for assembling knowledge, especially those that rested on social field research, sought and actively solicited the collaboration, opinion, and testimony of mill and factory workers, miners and other laborers, and occasionally even ventured further to the outskirts of British society, to observe and interview slum dwellers, the unemployed as well as prisoners and inmates. Particular attention was given to the condition of women and children, as narratives of suffering and deprivation of those subjects spoke to a constitutive sensibility in Victorian Britain. The culture of officially-sanctioned public investigation opened for the British government alternative forms of representation and suggested new populations to represent in an era in which the expansion of formal political representation--in other words, the expansion of the electorate--was the subject of great political strife and would become the chief demand of the belligerent Chartist Movement.

Commissioners and inspectors elaborated diverse and rather ingenious methods to encourage the testimony of the downtrodden who were often suspicious of state emissaries, to prod or cajole them to speak. The success of social investigations was predicated on their collaboration, without which the inquiry would have been bereft of both facts and legitimacy. Thus the field investigators of the Handloom Commission were instructed to exercise the utmost patience in dealing with those who were the subjects of the investigation. "Their complaints must be attentively heard, their grievances must be carefully investigated, and every plan suggested for their relief must be examined" (Handloom Weavers Commission 1837-1938, p. 8).

It was not an easy task. Poor Law officials, for instance, were informed that while interviewing paupers, tact, experience, and probably more than one exchange, were imperative. The investigator engaged in interpretive work. "Incidental remarks, causal, and unsought conversations will frequently discover more than twenty formal examinations" (Memoranda of Instructions for Ascertaining the Causes of Pauperism, s.d.). It was essential to overcome the "habitual suspicion of

the lower orders of whatever appears done with a design would at once lock up their lips, or induce them to pervert the truth under the notion that their confessions would be turned against them" (ibid). Investigators prepared themselves to face silent types, disgruntled characters, and, in contrast, congenial storytellers who spawn tales for their own benefit.

To give another example from the records of public investigations, while J.R. Leifchild was touring the Northumberland and North of Durham collieries on behalf of the 1842 Children Employment in Mines Commission, a jury confirmed a work contract that had been signed by a minor. This turned miners ever more hostile towards the official sent by London to raise intrusive questions about their work and earnings, and who endeavored to follow them into their pits and towns, insisting on recording their words. "It was in vain that I went in the evenings from house to house, explained the objects of my mission, read to them my instructions, and combated their objections; vague suspicion still lurked in their minds." (1st Report of the Royal Commission on the Employment of Children in Mines 1842a, p. 539).

Leifchild further complained that the miners' lacked proper verbal skills. Their speech was dense with "numerous mining technicalities, northern provincialism, peculiar intonations and accents, and rapid and indistinct utterance" (1st Report of the Royal Commission on the Employment of Children in Mines 1842a, p. 514). It became difficult to follow nuance and assess degrees of harm in their testimony. Informants employed mild expressions to describe harsh conditions. Thus, "sore tired" would mean extreme fatigue, and a boy testifying he had been "hurt in his arm" in fact fractured the limb. Other interviewees endeavored to barrage Leifchild with questions rather than to respond to his. It seems that the pitmen, in fact, were eager to converse with Litchfield, but on their own terms. Their answers were "so intermingled with extraneous remarks, explanatory of their opinions upon politics and public and private affairs...that it was essential that a large portion of it should be 'laid out' by a process analogous to their own 'separation'" (1st Report of the Royal Commission on the Employment of Children in Mines 1842a, p. 515). The sub-commissioner felt as alienated from the proprietors and local professional men he met. At the same time, he made a great effort "not merely to allow but to create opportunities for the representation of the views of opponents" (1st Report of the Royal Commission on the Employment of Children in Mines 1842a, p. 520).

Commissioners dispatched to Wales had to acquire local dialects in order to interview witnesses. The Commission's report explained, "[N]o information collected under this Commission being considered satisfactory unless derived, in part at least, from a personal examination of the Children and Young Persons themselves" (Home Office 1838, p. 3). Also in Wales, Jelinger Symons, serving on the 1847 Education in Wales Commission, resorted to a rather simple method to inspire witnesses to collaborate. He promised a pence to every Welsh child who would answer his queries fully and promptly. He would claim that the children's desire for the coin assured that they would answer correctly.

For a small number of working class individuals giving public testimony about their life of deprivation entailed great personal visibility (at a time during which the British public was also fascinated by the published testimonies of runaway slaves in the U.S.). William Dodd, an English laborer whose legs were severely twisted after years of working in the cotton factories as a child, was often called upon to attest to the cruelty of the factory system. Designated a representative of the factory disabled, he gave testimony to parliamentary committees on child labor and safety in factories where, in addition to narrating his personal history, he literally presented his body for inspection. Dodd (1841) also published a memoir, *A Narrative of the Experience and Sufferings of William Dodd a Factory Cripple* and purported to investigate the conditions in the factories himself as an agent for the Tory reformer, the firebrand Lord Ashley (later Earl of Shaftesbury). He finally

stepped down from the public stage when severe doubts were raised as to the veracity of his autobiography.

Beside observations of and interviews with the working and non-working poor these investigations also sanctioned laborers' leadership and organizations, allowing them, for instance, to select their own representatives and seeking their approval of the inquiry. For example, in Manchester, the Factory Commission's (1833) agents asked the laborers' Short Time Committee to nominate three witnesses for each field of industry: a current employee, a former laborer who had left for a better job, and a third who had quit because of ill health. (Evidently, this principle of witness selection presupposed a particular taxonomy of experience and opinion.) As the ostensibly more vulnerable party they were given the right to testify first. Employers, who were slated to give evidence next, were also required to provide, "some public assurance or pledge that [laborers] shall in no way be prejudiced by any evidence which they may give." (Factory Commission 1833, p. 2, Cowell 1833). Commissioners questioned children without the presence of their employers or parents. Precautions were taken, "to diminish the chances of inaccuracy of statement, from timidity, or from the confusion to which children are subject when spoken to by a stranger" (1st Report of the Royal Commission on the Employment of Children in Mines 1842a, p. 267).

Conducting an inquiry together with a small group representing different elements of the local society was a familiar tactic. Dr. Mitchell inspected Shropshire collieries escorted by the ground-bailiff, two work contractors, and a coal miner. During the Irish Poor Law investigation (1833-1836) an Englishman and an Irishman were paired up for each field team. Coupling investigators in such manner was premised on the recognition that local society was badly fragmented and that the appearance of impartiality was all but impossible. Nevertheless, leaving the investigation to foreigners, ignorant of Irish society, customs, and "the peculiar idioms of [their] language" would alienate prospective witnesses. Thus, a standard of complete impartiality was relinquished for the hope that opposing biases would compensate for each other (Irish Poor Law Commission 1836, p. 9, Irish Assistant Commissioners 1836). Three decades later, with the Trade Union Commission (1867-69), the laborers had their own representative among the commissioners. Official investigations had therefore to establish some affinity between the investigators and the investigated and there was a growing expectation that the investigated point of view would find some representation among the investigators.

Despite these and similar efforts to placate the working classes and register their voice, we should also recognize that laborers and employers often spoke under different conditions and environments. Commissioners frequently solicited the opinion of workingmen by addressing them in large groups. Employment of Children in Mines researchers either initiated or witnessed mass meetings of workers. One of the sub-commissioners was present at a gathering of over 350 men held in the courthouse at Barnsley. The miners' resolutions at that meeting, among which was a call for the abolition of female labor in the mines for moral reasons, were duly recorded in the government report. Dissimilar interviewing arrangements were predicated on the disproportionately large size of the laborers population but also on differing expectations concerning privacy and individuality. However, despite the emphasis on describing the condition of working populations *en mass*, official reports were peppered with testimonials from individual workers that, for greater effect, were at times rendered on the page in phonetic English, ostensibly preserving the speakers' authentic voice, including local dialect and colloquialisms.

Hugh Seymour Tremenheere, a Mine Inspector who in 1854 served as a one-man commission of inquiry into extending the Factory Acts to bleaching works also employed dissimilar methods in collecting testimonies from employers and employees. He often walked for an hour or so with a proprietor through his factory

asking for facts and opinions. At the conclusion of the tour, they sat together in the manufacturer's office where Tremeneere put only the substance of his host's testimony in writing. Such informality was absent from his dealings with the laboring men. When recording their testimony he preferred to read it back to them immediately to seek their approval. "I did not think it necessary to do so with a gentleman," he wrote (1st Report from the Select Committee on Bleaching and Dyeing Works 1857, p. 242.) This statement was ever more striking for Tremeneere's investigation was accused of being, and probably was, biased towards the operatives' position.

While state officials were capturing or commandeering local knowledge they were also firming their own status as experts and establishing the superiority of their investigative endeavors in relations to other, competing efforts and truth-claims. They spoke from the perspective of scientific precision or research capacity. So, while the leading officials of the Handloom Commission strongly encouraged their assistant commissioners, as we have seen, to be supremely attentive to the workers' voices, they also warned them about encountering prejudice and ignorance among the weavers. "[T]he next duty owed to the distressed class...is that of clearly explaining to them their errors, and teaching them to understand their true condition, and the circumstances on which it really depends" (Handloom Weavers Commission, 1837-1938). However, the invocations of "ignorance" did not address claims of knowledge made by the poor as much as those offered by local elites or the state of knowledge in society at large. It was a common retort among official investigators to point to the neglectful or even willful ignorance of proprietors and bystanders. Edwin Chadwick famously remarked on the Report on the Sanitary Condition of the Labouring Population of Great Britain (1842) that its findings "have been received with surprise by persons of the wealthier classes living in the immediate vicinity, to whom the facts were as strange as if they related to foreigners or the natives of an unknown country" (Chadwick 1965, p. 397).

Similarly, sub-commissioner William Rayner Wood, who traveled for the Employment of Children in Mines Commission among the iron works of Bradford and Leeds, complained about the ignorance that prevailed among the local middle and higher classes about the actual circumstances of the mining community. "Benevolent wishes and vague information are very common, but of accurate and sound knowledge upon the subject the instances are very rare" (1st Report of the Royal Commission on the Employment of Children in Mines 1842b, p. h12). As a proof for his allegations, he presented the case of an ostensibly well-meaning proprietor who in the previous five years had been living among his employees. The man initially stated that literacy was quite high among the poor in his community, but when careful research had demonstrated otherwise, he requested that his testimony be stricken from the report.

Conversely, a stock criticism against official investigations managed from London was that outsiders or "roving commissions" could not possibly grasp the condition of a locality. In this vein, Bishop Doyle challenged the economist Nassau Senior's, a member of the English Poor Law Commission, capacity to devise social policy. "Is he, buried in the dens of the inns of court or vending political economy to beardless youths at a coterie in the 'west end,' or I, visiting the hovels and communing with the hearts of the Irish Poor - is he or I the better judge?" (Doyle 1862, p. 319).

Post-enlightenment state sponsored investigations thus provoked contending critiques of structural ignorance that worked along the triangular relationships among workers, employers, and state officials. The lack of knowledge exhibited by proprietors was at least implicitly conceived of as an abdication of responsibility that called for government to interfere. It mainly targeted the newly arrived class of proprietors whose contractual relationship with their workers departed from the paternalism that characterized the relationship between elites and local populations in pre- or non-industrial environments. Structural ignorance was also

conceptualized in spatial terms—juxtaposing local or experiential knowledge with the perspective of outsiders able to see what local actors were subjectively or spatially too close to observe.

Public investigations thus betrayed tensions between the central government and local power brokers as well as rifts within the state itself, especially fault lines between Parliament and the nascent bureaucracy. Several early Victorian observers voiced concerns about the contribution of commissions of inquiry to the health of British democracy. First, bear in mind that whereas royal commissions were praised as harbingers of the modern, scientific approach to legislation of which Jeremy Bentham was a key proponent, they were no less a relic of the old regime. Their investigative capacity derived from the royal prerogative to delegate power to a group of subjects to carry out a particular task. Participation on such a commission was an honorific, gentlemanly, and mostly unpaid mission. In the 18th century, royal commissions were still associated with the excesses of Stuart tyranny, often perceived as a threat to parliamentary power, and rarely appointed. Indeed, as was the case with several others, the Factory Commission (1833) was clearly instituted to defeat the more sweeping limitations on child labor proposed by the House of Commons' Sadler Committee (1832). The early Victorian state refashioned royal commissions to resemble the tool of parliamentary inquest, the select committee. Consequently, in their terms of reference, commissions were often charged with the authority to summon witnesses and take evidence under oath. Both privileges were, at the time, without much legal foundation, an effort to appropriate the legitimacy of parliamentary inquiry. Since the monarch did not enjoy the prerogative to interrogate witnesses, it is hardly plausible that the crown could delegate such authority to a commission. Only in 1921 with the Tribunals of Inquiry (Evidence) Act, were royal commissions given compulsory privileges (Clokier and Robinson 1937, p. 1937).

Particularly controversial was the massive investigation that led to the adoption of the New Poor Law of 1834, a piece of legislation that was widely reviled among the working classes. The radical William Cobbett condemned the entire process that yielded the New Poor Law a deviation from accepted and proper practices.

These *commissioners* sit in London, it seems, and send forth roving deputy-commissioners to collect information about the country. These rovers give in written accounts of the result of their inquiries. A parcel of *extracts* from these accounts have been collected together, printed in the form of an octavo book, and sold at *price four shillings*, "PUBLISHED BY AUTHORITY"; and, the members of the House of Commons have each them been furnished with a copy of this book. This is a new way of doing the nation's business (Cobbett 1833b, pp. 17-18).

Cobbett protested that the purpose of the Commission was "to muster up a parcel of stories from the people, picked out for the purpose, to justify more severe measures against the working people" (Cobbett 1833a, p. 22)." His concerns, it appears, lay with the autonomy of the public sphere in which he was a prominent citizen, now inundated by cheap and biased state-sanctioned literature.

In *Government by Commissions: Illegal and Pernicious* writer Joshua Toulmin Smith (1849) leveled the harshest attack on the rise of both fixed and investigative commissions. Commissions usurped functions that had been historically the purview of local authorities. Moreover, jettisoning the dialogical or adversarial dynamics that were at the core of parliamentary hearings, commissions represented a departure from proper procedures of investigation. Their access to means of publicity, namely the printing press, was therefore of particular concern. "All evidence is taken in secret; and so much published as, and when, they like; and with such an accompanying *gloss* as they please to give it" (Smith 1849, p. 168). Political rivalry in Parliament guaranteed that committees confronted contrasting evidence and opinion. The frequent appointment of royal commissions spelled mass indoctrination, or, the "dwarfing of the minds of the people and reducing them to

that state of only half-development that they shall be unable to know the difference between a sham and a reality, between truth and falsehood" (Smith 1849, pp. 182-83).

Royal commissions were thus accused of violating the modalities of parliamentary or open judicial inquiry. Smith's criticism presupposed that a proper procedure includes the possibility of cross-examination and that the investigator must assume a position of aloof neutrality akin to that of judges or referees. In fact, many commissioners and inspectors conceived of their duties precisely in these terms. When Jelinger Symons arrived in the south of Scotland as an assistant commissioner of the Handloom Weavers Commission, he assumed that "the truth was nothing to fear from publicity" (Reports of the Assistant Handloom-Weavers Commissioners 1839, p. 1). Consequently, he decided to hold open "courts of inquiry" in each of the larger towns. These makeshift courts were often presided over by the mayor (provost) or the local chief magistrate. Symons summoned employers directly, but offered the weavers to select their own representation. At the beginning of his tour he allowed witnesses to be "cross-questioned" by the other party. However, frequent interruptions prompted him to reconsider. After the first day or two, he prohibited any interruption to the proceedings. Witnesses could still refer directly to the testimony of former witnesses.

Assistant commissioner J. D. Harding, who conducted the investigation in eastern Scotland, questioned the manufacturers or their agents and only then approached the weavers, thus providing them the right of response rather than the privilege of speaking first. After it became apparent that witnesses were reluctant to express their views in public, he administered the oath. In contrast, William Augustus Miles, an assistant commissioner working in the southwest of England, decided to avoid the public ritual since, "by assembling persons representing all the interests concerned in this subject at the same time and place, a great deal of irritation was produced, and very little information obtained" (Reports of the Assistant Handloom-Weavers' Commissioners 1840, p. 407). He consequently held separate meetings for different parties.

These three examples from the Handloom Weavers inquiry demonstrate the degree of discretion assistant commissioners could exercise in the field and their penchant for improvisation as well as the allure of models borrowed from the judicial tradition and the implicit position of the government emissary as a referee between opposing sides. As a single investigator in the commission on the bleaching industry, Tremenheere commenced his research by summoning groups of about 10 laborers to Bolton. "Since they were, as it were, plaintiffs in the inquiry, I thought it not more than right and proper that I should hear their case first" (1st Report on Bleaching and Dyeing Works 1857, p. 2). Tremenheere asked one of the laborers to represent their views and tell him their story in "plain words" and then corroborated the statement by asking the others to concur. "Of course, I put down what they did mean to say in better language than they could have used themselves; but my belief is that I only communicated to the public the substance of their own observation and complaints (3)." Tremenheere then had the testimony of the workers printed and given to the committee of the masters. He also made a point of visiting bleach works that the laborers requested him to inspect.

On occasion, an official investigation was launched in direct response to working class demands. For example, in October 1842 a delegation of the Short Time committees of Yorkshire arrived in London to urge Sir Robert Peel and other key members of his new Tory cabinet to adopt factory legislation that would reduce the workday for young men to ten hours and radically curtail female labor. The laborers' representatives portrayed the factory system in terms not dissimilar to those Marx would use as a world-turned-upside-down in which children and women assumed the role of providers. Creating a mass of idle, uneducated, and emasculated men endangered the safety of the state, the Short Time delegates

warned. They conceded that Parliament had considered the ten-hour question endlessly. Enough information had been garnered to substantiate their claims. Nevertheless, they requested, without acknowledging the contradiction, that government would initiate an inquiry under the pretext, "We have no facts to enable us to deal with one of the most perplexing and important of the questions which press upon our attention" (Short Time Committees of the West Riding of Yorkshire 1842, p. 32). This delegation's visit to London indicated that working class leadership strategically embraced the political instrument of the official, fact-finding investigation—regardless of its actual utility.

Solicitations for investigation were often phrased as pleas for state interference in the name of justice. Such a request was sent in 1850 from a mining district in north Wales. The miners sought official action against the oppressive "truck system" and chose to address their highly deferential application to the Queen. In a somewhat less humble tone, the frame knitters of Leicester asked to include their trade in the ongoing inquiry into the plight of the handloom weavers. The knitters promised that once their request was granted they would provide "a mass of incontestable evidence" proving "that a state of physical suffering and perhaps of moral degradation is now endured and prevailing which ought not to exist in the 19th century in a country which boasts and justly boasts of its superior wealth and intelligence" (Framework Knitters of Leicester 1838, Leigh Silk Weavers Committee 1844, Petition from the inhabitants of Rhos Parish of Ruabon County of Denbigh 1850). The Handloom Weavers Commission had already been initiated as a response to requests from laborers in this depressed industry. The royal commissioner appointed in 1844 in response to a petition of 25,000 knitters saw it as his "paramount duty" to conduct the inquiry so the knitters would have "the fullest opportunity of making their condition known, at the least possible sacrifice to them of time or labour" (Report of the Commissioner Appointed to Inquire into the Condition of the Framework Knitters 1845, p. 2). The institution of public petitions was rooted in the ancient—and by the 19th century largely defunct—judicial functions of Parliament. Since the reign of Charles I petitions became a chief method of airing grievances for those constituencies not directly represented the Commons. By the 1830s, radical MPs used the reading of petitions to secure impromptu debates on topics they felt strongly about, a practice that was finally abolished in the early 1840s when the number of petitions mushroomed at one point beyond 30,000 a year (House of Commons Information Service 2010).

Let us now return to the questions I posed at the beginning of this article concerning the ambiguous role of public investigations in the shaping of democratic culture. Through the prism of "epistemic injustice" it appears that class bias and regional prejudices lingered and allowed lower class individuals and communities only restricted access to the epistemic economy of trust. The availability of other "epistemic goods" such as education and the press was similarly partial. Social inquiries further enhanced inequality by entrenching social taxonomies and categories. As Marx perceptively noticed in *Das Capital*, factory inspectors embraced and perpetuated the designation of laborers who work full time as "full-timers," and that of the children under 13 who were only allowed to work 6 hours as "half-timers." He writes, "The worker is here nothing more than personified labour-time. All individual distinctions are merged in those of 'full-timers' and 'half-timers'" (Marx 2007, p. 226).

Officials exercised discretion over information provided by the lower classes as well as local elites from whom they selected, edited, and ultimately produced novel types of knowledge. As we have seen, practices of information gathering recognized the individuality of owners—and, in addition, protected their proprietary knowledge regarding production methods and such—but generally were less mindful of the individuality, and less respectful of the privacy, of workers. Nevertheless, proprietors also complained somewhat bitterly that investigations and inspections undermined their privacy. They claimed to have felt violated by legislation that

forced them to present their register books for inspection and threatened to punish them as criminals should they fail to do so (Ashworth 1833, p. 7).

With all the sincerity investigators claimed to have invested in mitigating the gap—often conceived in cultural terms—between them and their local interlocutors, their reports provide ample evidence of mistranslations, misunderstandings, and the occasional deaf ear. As for Fricker's notion of hermeneutical injustice, a case could be made that the period lacked a full understanding of labor exploitation, of the kind that Marx and others would elaborate by the second part of the century, and therefore workers could not properly comprehend the foundation of their social predicament the way later generations would be able to (Stedman Jones 1984). Even the idea of a working class, so natural to later generations, was fractured along different industries and locations and, from our vantage point, hopelessly intermingled with preconceptions about regions and ethnic differences throughout the British Isles. At times, investigators were engaging in ethnographic rather than modern social research, documenting local customs and divergent cultural traits. Such hermeneutical lack put workers at a great disadvantage. Admittedly, this argument runs the risk of anachronism, of judging a particular historical period by the epistemic tools of another and thereby denying the historicity of those concepts or constructs.

Furthermore, early 19th century official responses to mass suffering privileged humanitarian or “environmentalist” approaches. Official research habitually targeted the “condition” of poor or working people and the solutions they proposed pointed largely to workplace and home surroundings: tenements, sanitation, light, safety guards in factories and such. Demands for state intervention appealed to philanthropy, as they highlighted the suffering of children, women, the unemployed, or entire communities, or rested on notions of justice derived from a premodern and pre-capitalist sense of fairness and desire for social stability that militated against the onslaught of free market volatility. This was a low class sensibility (rather than ideology) that half a century ago E.P Thompson labeled “moral economy” (Thompson 1971). It was therefore not the case that governments were unresponsive to vulnerable populations; in fact, during this period they became more attentive than before. The state was transformed by these efforts. However, the specific practices of investigation, reporting, and decision-making established then yielded limited reforms that largely failed to address structural inequality.

Moreover, as the liberal state, including its explicitly political organs such as Parliament, entered the social sphere with great élan, it also sought to depoliticize its mechanisms of governance by focusing on “fact finding” and by incubating a new class of policy experts as well as novel types of scientific expertise. The push to depoliticize social problems that emanate from disparities of power is also characteristic of present-day neo-liberal strategy. Evidently, the extension of the British state's representational capacity through officially controlled, and therefore highly mediated investigations did not necessarily evince a robust democratic impulse. To the contrary, it betrayed lingering doubts and hesitations about the democratic process and elite ambition to choreograph the expression of ideas. Well into the second half of the 19th century Victorian liberals harbored concerns about majoritarianism and mobocracy, manifested in Mathew Arnold's ominous warnings about an impending chaos in *Culture and Anarchy* (1869). Mill's writing on the public arena in *On Liberty* (1859) also exudes anxieties about democratic excess.

Despite all such permutations of epistemic injustice, official investigations recognized the poor as knowers and integrated them into a culture of knowledge and fact. Commissions granted public roles to working class leadership and inspired trade unions and other associations to engage in their own counter-investigations. Laborers in industrial regions were in the habit of accumulating information about faulty production in factories, the lavish lifestyle of proprietors, and the local

violations of the Factory Acts. In the late 1830s, unemployed operatives in Glasgow, to give an example, formed a shadow inspectorate. While these self-fashioned investigators were prohibited from entering the mills, they still claimed to have had better means to get to the truth than government officials did. The Short Time committeemen interviewed the parents of child laborers, examined the books of church organizations and other registers to verify the age of the workers, and spoke to the adult operatives who were the direct employers of children and exercised greater control over them than their own parents or the masters (6th Report of the Select Committee on the Operation of the Factory Acts 1840, pp. 27-28; Doherty 1832-1833).

Official investigations also afforded members of the working classes endless opportunities to resist and refuse cooperation with little to no risk of retribution. If investigators arrived to the scene of inquiry skeptical of their interlocutors' testimonies, the workers also developed their own autonomous economy of trust. Again, this is not to idealize early Victorians investigations, the individuals who conducted them, or the conceptual, moral, and ideological tools that guided reform at the time. Also bear in mind that in the 1830s and 1840s, working class agitation constituted a substantial threat and consequently equipped lower class Britons with political clout that was largely missing, for instance, in the colonial context.

Public investigations thus afforded the poor a venue, albeit limited, to the public record and entrusted the state with the task of studying their condition and registering their voice. We should nevertheless be cautious with our tendency to conflate the opportunity to speak with the actual exercise of power. Sometimes a voice is just a voice. Cobbett's sarcastic remark in this regard is insightful. Collecting testimonies from poor people, as he suggested, signified first and foremost the power of the state rather than that of the testifier and was, at times, deployed against the interests of the weak. Still, the act of speaking to a state emissary and having one's utterances registered and even printed in a state report signified a modicum of agency on the one hand, and a gesture of recognition, on the other. The importance of this remarkably modest achievement—entrance to the state's published archive—has become more apparent with the passage of time. Social investigations brought individuals and communities to the proverbial stage of history. Evidently, there is no better, richer, and more comprehensive source on social life in 19th Britain than published state reports. They became enormously useful for the historio/political project launched some fifty years ago to salvage working class types—and later women, slaves, indigenous people, and other marginalized subjects—from what E.P. Thompson famously labeled “the enormous condescension of posterity” (Thompson 1966, p. 12).

State-sponsored investigations demonstrated that information and knowledge could not be contained or fully regimented regardless of the intentions of the state. Large-scale and slow moving inquiries proved sometimes to be unpredictable and open to manipulation. They amounted to attention-grabbing public events that often prompted strong responses and did not merely adjudicate facts but helped shape the social terrain through research practices, even prior to reaching conclusions and offering recommendations. Furthermore, the published minutia of the inquiry increased the possibilities of contestation concerning the commission's modes of operation, the evidence garnered, and the commissioners' skills as knowers and writers. Documents such as the Factory Commission's (1833) report ultimately encouraged union leaders to partake in public adjudication of factual accounts and the debate over representation and misrepresentation of working class subjects. This particular account served as an illustration of the ostensible power of the social predicament to emerge from the pages of an official account regardless of its compilers' intent. The commission prescribed policies that were evidently incongruent with the laborers' aims. Nevertheless, the evidence presented on the plight of the factory children vindicated the veracity of the Sadler Report,

which the workers favored, and supported the operatives' depiction of the factory system (Fielden 1836, p. 226).

To give another example, the Irish leader Daniel O'Connell derided the Devon Commission appointed in 1843 to explore tenet farming in Ireland. "The commission, formed as it is, can be nothing but a bubble. It is perfectly one-sided — all landlords and no tenants. I do not think it should have the confidence of the people" (O'Connell 1971, p. 240). The Commission's recommendations were never implemented. Nevertheless, its report was immensely influential in demonstrating that rural poverty in Ireland was chiefly the product of an unjust and oppressive land system (Devon Commission 1845). The commissioners stated that bad relations between landlord and tenant were principally responsible. To this day, the Devon report is one of the fullest and more reliable sources on rural life in Ireland on the eve of the Great Famine.

Lastly, consider the more ambiguous example of the Education in Wales Commission (1847), an infamous investigation that had little redeeming value. Largely resting on the prejudices of landlords and Anglican clergymen, its published report portrayed Welsh society in deprecating terms and blamed the Welsh language in particular for obstructing progress. These insults so enraged the Welsh public that the report became known as the "Treachery of Blue Books" and left an indelible imprint on Welsh national identity as an atrocious violation. One of the report's most belligerent critics stated that the real Welsh nation was comprised of those who had not been heard by the commission and consequently remained without a voice (Roberts 1998, pp. 217-218). This complaint, however, demonstrated that the prevalent expectation was that official investigations *would* give voice to local populations. By violating that trust so blatantly, the commission did not misrepresent the Welsh nation as much as, inadvertently, called it into being.

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