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## **Reckoning Schemes of Legitimation: On Commissions of Inquiry as Power/ Knowledge Forms**

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**Abstract** Drawing upon literature from Australia, Canada, England, India, South Africa, Sweden, and the United States this article offers an alternative framework for the study of Commissions of Inquiry. Conventional understandings of such inquiries as policy-making instruments of Government fail to grasp the significance of their political form. A reading which stresses the symbolic and ritual aspects of their work and analyses the forms of communication which are organized through public inquiries provides a better framework for grasping the place of these institutions in the reproduction of State power. This article argues that public inquiries derive authority from their distinctive legal, social, and epistemological status. The work of such inquiries can be characterized as 'reckoning schemes of legitimation', and this work structures political discourse in three phases: investigative, persuasive, and archival. The abiding significance of Commissions lies not simply in the investigation of facts and the recommendation of policy, but in the elaboration of the 'idea of the state'. Such schemes of legitimation serve in constituting a realm of discourse through which collective action *vis-à-vis* Society by those who act in the name of the State becomes thinkable, and thereby organizable.

### **Introduction: The Conventional View**

Scholars, policy-makers and interested citizens alike tend to presume that governmental inquiries<sup>1</sup> serve only those purposes they proclaim – of impartial fact-finding and advice.<sup>2</sup> Yet, when the policy-making results of Commissions of Inquiry are matched with their proclaimed purposes doubts must surely arise. For although governmental inquiries typically engage in fact-gathering and argument in order to produce policy-oriented recommendations, their labours rarely produce policy results commensurate with the effort and expense of inquiry. Nor are they usually accorded the time and resources to fully investigate the matters with which they are charged, a failing much commented upon by participants and observers.<sup>3</sup>

There are, of course, all sorts of proximate and contingent reasons for the failure of particular reports' recommendations to be implemented, just as there are reasons for the inadequacy of their research and resources. Yet viewed in terms of the institutional structure of modern States and the policy-making process as a whole it would seem reasonable to assume that there might be reasons for the existence of Commissions which go beyond their expressed purposes. The existing literature on governmental inquiries,

however, provides inadequate resources for grappling with this conundrum.

One common solution to the puzzle posed by an uncritical acceptance of the role of Commissions as purely policy-oriented is the suggestion that Commissions should be seen as having additional functions beyond policy-making involving the education of public opinion. Gerald Rhodes in his exhaustive empirical study of public inquiries within the British State articulates this view:

The reports of committees are public documents. They often contain a wealth of information in addition to discussion and specific recommendations for action. They are commented on by newspapers, by professional and technical journals, sometimes by academic commentators. The question is, therefore, what the significance of such reports is, not simply in terms of the reactions of civil servants and ministers poring over them in their offices, but in this wider public context.<sup>4</sup>

The publics whose opinions are shaped by Commissions, however, are usually distinct groups and strata, 'interested parties', rather than the undifferentiated 'mass' usually conceived of in notions of 'public opinion'. Commissioners frequently have close relationships with the press and plant parts of their reports with a view to influencing policy makers.<sup>5</sup> And Commission reports are frequently important in structuring debate on particular policy issues. But while this conception of 'public opinion' adds a useful dimension to the facts-and-advice model of commission-work, it does not take us much further in accounting for the broad purposes and roles of Commissions within modern States. For if Commission reports appear to be frequently ignored by the governments which commission them, they are ignored in the vast majority of instances by the general public.

Another well-known and cynical suggestion is that Commissions of Inquiry serve no other purpose than obfuscation and delay. Although indubitably true in many instances, this cannot suffice in accounting for the abiding significance of the institution, nor for its widespread manifestations in States of various forms.<sup>6</sup> For it is not just that relegating an issue to a public inquiry removes it from the arena of party political contention, but it does so in distinctive way. For a contentious issue, death by Inquiry means drowning in a sea of facts.

Drawing from marxist theory and discourse analysis, Frank Burton and Pat Carlen propose a different mode of treatment for Commission reports in their analysis of official publications concerned with law and order in Britain. They see Commissions of Inquiry as 'representing a system of intellectual collusion whereby selected, frequently judicial, intelligentsia transmit forms of knowledge into political practices. The effect of this process is to replenish official arguments with both established and novel modes

of knowing and forms of reasoning.<sup>7</sup> Burton and Carlen raise important questions for the study of official discourse that create possibilities for the understanding of Commissions reaching beyond more conventional understandings. Replenishment from the 'lay intelligentsia' is essential for the continuing vitality of official discourse, allowing the authorities to govern according to principles of knowledge generally deemed 'true'.<sup>8</sup> This has important consequences for the capacity of a State to maintain legitimacy through periods of stress.

The really important feature of Commissions of Inquiry in legitimacy processes, however, is not simply their role in replenishing arguments within official discourse, as Burton and Carlen suggest, but rather in the constitution of a whole new form of discourse. That is, Commissions produce a rational and scientific administrative discourse out of the raw materials of political struggle and debate.<sup>9</sup> Although this process constantly occurs throughout most of the institutions of the State as part of the 'rationalization' of Society inherent in bureaucracy, it is in Commissions of Inquiry that we find the examples of the formation of rational-instrumental discourse *par excellence*.

Most accounts of Commissions have ignored the possibility that public inquiries might be connected with processes of legitimation within States. Peta Sheriff, however, in a recent essay on public inquiries and legitimation has suggested that 'our apparently clear image of Commission purposes is superficial and needs to be completed in several significant dimensions'.<sup>10</sup> She argues that Commissions of Inquiry 'basically are part of the legitimization function of the State such that their contribution to policy formulation is less important than is their contribution toward social harmony'.<sup>11</sup> This function is achieved, she argues, through the participatory aspect of Commissions. Thus, in her view, it is the form, rather than the content of Commissions that is most significant. Sheriff's argument, however, is marred by a simplistic functionalism in the understanding of State power and a naive conception of 'social harmony'. Drawing from Leo Panitch and Claus Offe's understanding of State functions as either 'accumulation' or 'legitimation', she argues that Commissions fulfil part of the 'legitimation function'. Yet it is never quite clear what this function is, or what it is a 'function' of. In the end it seems the 'legitimation' is a function that inserts motivations to compliance inside people's heads. Yet although much effort is undoubtedly expended on such tasks by modern States, Commissions of Inquiry are hardly a favoured instrument, nor is it obvious that social order in the complex structures of modern States, or 'harmony', is produced primarily through motivations to compliance. In this context it is necessary to distinguish the

discursive forms of commission work from other more distinctively propagandistic practices of state institutions involved in 'public education' campaigns such as the 'War on Drugs' of late 1980s America.

Another role commonly attributed to Commissions is that of helping to achieve political accommodations between powerful interests. This activity was aptly described by those inveterate social engineers, Sydney and Beatrice Webb:

Many royal commissions and select committees have for their purpose not enquiry at all as to the facts of social organisation, not even publicity for rival projects or individual grievances, but the hammering out of some practical compromise between contending experts and interests, all of whom are possessed of the necessary data, a compromise eventually embodied in a statute or departmental order.<sup>12</sup>

The use of Commissions of Inquiry to establish connections between the official organs of the State and the significant elements of the power structure of Society can have important effects during crises of legitimacy for State power. By bringing representatives of the 'great and good' into the processes of formulating strategy and explaining policy, Governments can help to appease the discontents of those with the power to threaten the stability of the State.<sup>13</sup> In addition, appointment of Commissions – whose members are draped with titles bestowing the appearance of influence – can serve important patronage functions for Governments.

Although all of these approaches capture important aspects of Commissions' work, they still fail to explain the conundrum of why these ungainly institutions persist. If, however, we start with analysis of the forms of communicative action which are authorized within them and examine the ways in which Commissions produce distinctive forms of political discourse, then perhaps we will better understand the place of governmental inquiries in the structures of modern state power. This article proposes to develop such a framework by considering Commissions as symbolic rituals within modern States, theatres of power which do 'make policy' but which do much else beside.<sup>14</sup> By adopting such a perspective, it will be argued, we will be in a position to see how governmental inquiries perform roles fundamental to the legitimation of States by helping to create a framework of knowledge which allows those who act in the name of the State to distinguish their roles and goals from those of Society.<sup>15</sup> They are part of the process of inventing the idea of the State as a particular form of instrumental rational practice the purpose of which is largely to solve 'problems' in Society. Commissions of Inquiry produce a discourse celebrating a marriage of truth and power in the modern State through rational identification of a purportedly objective Common Good. In this sense they can be seen as one aspect

of the processes elevating State power to a level apparently unpolluted by the mendacious streams of Society.<sup>16</sup>

There are four main categories of reasons why a government might decide to appoint a Commission rather than use other avenues available to it. The first concerns the need to transcend Politics. In the most usual case, this need is occasioned by such matters as ministerial misdemeanor. However, in some instances governments are confronted by issues of central significance to the State which demand attention in a 'non-political' way. The second category of reasons concerns limitations of resources within the bureaucracy. This can be especially significant when, confronted with a pressing problem, relevant expertise is unavailable in the bureaucracy. The third category concerns distrust between the government and the bureaucracy, such as when an elected government is seeking to implement reforms in areas they consider likely to encounter bureaucratic resistance. Examples of this can be seen in the Commissions appointed by the Nationalist Government in South Africa after 1948, in those appointed by the reformist Labor Government in Australia between 1972 and 1975, and in Reagan's Grace Commission on waste in government activity. A fourth category arises from conflicts within the bureaucracy and pressures from elements within the bureaucracy.<sup>17</sup>

The institution of the Commission of Inquiry has a history dating at least from the Domesday Book commissioned by William the Conqueror as a survey of wealth, population and cultivation in England following the Norman conquest.<sup>18</sup> Under the Tudors and Stuarts, the Royal Commission was a standard instrument of executive privilege whose use was gradually curtailed as powers of royal prerogative became more limited.<sup>19</sup> During the early decades of the nineteenth century, however, the Commission of Inquiry was resurrected in Britain and given its specifically modern form.<sup>20</sup> In the absence of effective systems of representation and administration during a period of rapid and massive social change, Commissions of Inquiry, of which the great Poor Law Commissions loom largest, were called upon to perform crucial tasks in developing strategies of social reform for State power.<sup>21</sup> These Commissions amassed enormous quantities of information concerning social conditions, devised remedies for the curing of social ills, and recommended the form of new institutions for the execution of these strategies. Hardly a major piece of social legislation passed through the Houses of Parliament without having first been subject to the rigours of a Royal Commission investigation. In the words of one nineteenth century historian, the institution of the Commission of Inquiry 'touched with one hand the ancient machinery of forensic inquiry, with the other the new methods of inductive and experimental science'.<sup>22</sup> This

prominent reliance on Royal Commissions during the first half of the nineteenth century declined in the latter part of the century as bureaucratic and representative institutions within the British State became more effective.<sup>23</sup>

### **Schemes of Legitimation; the Discursive Work of Commissions**

Commissions of Inquiry engage in a process of reckoning schemes of legitimation. Schemes of legitimation are not merely doctrines, assertions or 'ideologies' concerning the political road to the good life. Rather, they involve the articulation of concrete plans of action designed to achieve the 'proper' means and objectives of power. Schemes of legitimation are built from understandings of the logical relations between State practices. Schemes of legitimation can be seen in attempts to systematize the principles underlying policy, to provide explanations of the necessary, possible and desirable ends of State power. In a broad sense, schemes of legitimation elaborate the ways in which the collective communicative action of those who represent the State in its principal, if fictive, guise as speaking subject (author of the Law) should address its subjects. They are characterized by statements expressed in a language observing the rules of 'objective' knowledge. When reckoning such schemes, Commissions of Inquiry must reconcile knowledge of particular group values and ideologies (in the broad sense of 'world views') with knowledge of material objectives and practical possibilities; of showing how what is desirable can be made practicable.

The discourse embodied in Commission reports is both theoretical and practical. Because of the complex nature of social reality and the differing material interests and ideological perspectives of different powerful groups, such reckonings must involve a complex calculus on the part of those making the reckoning. In most Commissions such a reckoning can be discerned; their reports represent the end result of calculations of the possible conducted by the Commissioners. The Reports also seek to persuade. They are thus rhetorical texts in the classical sense, and their rhetorical strategies need to be examined.

The discourse that is constituted through the institutional processes of Commissions of Inquiry and embodied in their reports could be said to exhibit three phases. The first, the investigative phase, is found during the life of the particular Commission when the Commissioners, official representatives of the State chosen by the Government from the ranks of Civil Society, are engaged in discussion with representatives of social interests. This discourse is institutionally bounded; the participants are selected according to criteria of relevant interests, and the investigation is structured

according to institutional, jurisdictional, and epistemological rules and procedures. Much social scientific criticism of the investigative process, from the Webbs onward, has focussed upon the time-wasting clumsiness of the oral hearing process and its inefficiency in delivering hard facts. This may be true, but it misses the point. For the ritualized proceedings of Commissions are not just modes of scientific investigation but are also performances which serve to authorize a form of social discourse. They are in this sense institutions which draw upon the authority of science to present the state of Truth and the majesty of judgement to represent the truth of State.

Every 'problem' in the world of the modern state-makers must have a proper name, a rational cause and a reasonable solution. The purpose of Reason in the State (and 'Reasons of State'), then, is to allow authorities to speak properly of the name, accurately of the cause (or of the collated causes), and responsibly of the solution to *The Problem*. And in so doing, *the facts* are required. Within these discourses on Problems a basic singularity is typically presumed. That is to say, there is *the Jewish Question*, *the Woman Question*, *the Social Question*, *the Native Question*, *the Land Question*, *the Drug Question*, and so on. The attribution of singularity to these objects of inquiry has nothing to do with an intrinsic unity of the diverse social phenomena that fall under the purview of the particular rubric. Rather it has much to do with the epistemic predilections of modernity, and everything to do with the requirements of organizing collective action by large numbers of people with certitude of direction. Solution of problems, then, requires individuals combining in definite institutions and sharing a common language through which to speak of the problems and articulate solutions. A large part of the study of the rhetorical-ideational capacities of modern States must thus consist of study of the power involved in the making of Questions; this is a power imbricated in language and organized in institutions.<sup>24</sup>

Publication of a Commission report, and the invitation to discussion that this act signals, symbolizes a sort of dialogue between the State on the one hand and Society on the other. This can be seen as the second phase of discourse; the persuasive phase. The symbolic dimension is important despite the trappings of functional rationality surrounding the policy-making mythologies of public inquiries. This is so, I would argue, because it helps constitute the neutrality of the State as an institutional domain separate from Civil Society yet dedicated to the advancement of the 'common good'. In this phase of symbolic dialogue with Society as a whole, a report becomes an authoritative statement relating to questions of political action. This has, simultaneously, limiting and empowering effects. It



is a statement about social reality framed according to received criteria of truth-seeking which is interpreted as a plan of action subject to criteria of practicality; truth criteria structure the terms of debate, understandings of interest structure assessments of practicality. This discourse is not institutionally bounded and closed in the manner of the first phase. Rather, it is public, and thus subject to structuring in broadly the same patterns as political discourse within the State as a whole. The second phase ends as concrete decisions are made, or not made, on the matters at hand or the report becomes no longer relevant to their consideration. (There is, of course, no sharp temporal limit to this phase.)

The third phase of discourse in which Commission reports figure, the archival, follows their life as active instruments of policy-making. In this phase, reports enter a dialogue with history. They become a source of historical 'facts' and become a means for interpreting events from perspectives other than that of an immediate reference for action. Indeed, in this phase interpretation of the texts themselves becomes a subject of historians' discussion. Frederick Engels was among the first writers to construct a major work of social analysis from the material contained in modern Commission reports. In his *Condition of the Working-Class in England; From Personal Observation and Authentic Sources* (1844), he drew heavily on the Poor Law Reports of the 1820s, berating in the process the middle classes for never having 'done so much as compile from those rotting Blue-Books a single readable book from which everybody might easily get some information on the condition of the great majority of "free born Britons"'.<sup>25</sup> In modern South African historiography, for example, Commission reports are grist to the mill of academic surplus.<sup>26</sup> Yet although Commission reports are indubitably essential historical sources, it is always important to remember that the knowledge of social realities they promote is integrally connected to the formations of State power. In the words of Bernard Cohn and Nicholas Dirks, the interpretation of these texts requires 'as much exegetical and hermeneutical skill as the reading of a Sanskrit text'.<sup>27</sup>

With the partial exception of the third phase, the discourse manifested through Commissions of Inquiry is concerned at the same time with the making of substantively true propositions about material and social reality while also elaborating practical means to achieve specific ends within the context of that reality. They represent intellectual processes which are formally structured by terms of reference, and which produce in authoritative form the terms of reference with which the agents of the State seek to apprehend and master that reality. Commission reports, then, could be said to embody discourses that shape social reality within modern States and reflect the realities that constrain political discourse. The broad

structuring framework for this activity is the Enlightenment predisposition to understand Society as constituted in a series of problems amenable to rational solution through collective action organized in State ('public') or market ('private') forms.

### **The Commission of Inquiry as a Theatre of Power**

Although it is not usual to do so, a Commission of Inquiry can be thought of as a theatre of power. It is a theatre in which a central received 'truth' of modern State power is ritually played out before a public audience. This truth is that the subjects of power can speak freely of their interests, and will be heard; that State power is a benign partner with Society in pursuit of the Common Good. Public inquiries mediate between the State and Society. They listen to Society and speak to the State; they interrogate society on behalf of the State. And they do so within a framework of codes and rules for representing true knowledge. For as well as hearing, they venture out from the official spaces of State to inspect conditions with their objective gaze. The aspect of the State as auditor is symbolized materially by a Commission's published Report, representing the product of a search for the truth. And the products of this quest for truth are stored in the archive, the memory bank of State, from whence they can be drawn to authorize the writing of history.<sup>28</sup>

Commission work is governed by norms and rules of independence, impartiality, decorum, impermanence, and speed. Independence is the first requirement of Truth. A government appoints people to sit on an inquiry, people who bring a certain authority to proceedings. The Government also determines the limits of their investigations through terms of reference. From the moment of commissioning, however, the Commission is independent from the political authorities, and this independence is usually statutorily protected and jealously guarded. Without such distance from the ruling authorities, the authority of the inquiry is undermined.

Similarly, a Commission is expected to be impartial and independent of sectional interests in Civil Society. Just as a Government is expected to speak solely through appointments and terms of reference, so are relevant interests expected to speak only through Evidence.<sup>29</sup> Commissioners are frequently appointed because they represent interests (usually in the loose sense of reflection, rather than the strong sense of being delegates). But once engaged in the tasks of inquiry, Commissioners are expected to strive for consideration of the common good. In the conduct of their inquiries, especially in the forum of the Public Hearing, a Commission's work is supposed to adhere to norms of decorum consonant with the majesty of State. Typically these rules of decorum

derive from courtroom practice, particularly concerning the asking and answering of questions. All questions must be concerned with the elucidation of material germane to the inquiry (the Facts), and all questions must be answered. Most States which engage in public inquiries bestow a power of subpoena upon them in order to compel the presentation of evidence and the answering of questions. Norms of decorum also stipulate that Commissioners engaged in seeking the truth do not engage in 'political' debate upon their subject matter. After completion of their work, ex-Commissioners may speak as private citizens advocating their particular recommendations, but the institution itself is supposed to remain above the fray of contention.

Speed is a frequently unacknowledged norm of a Commission's work. Inquiries are expected to act speedily, despite a contradictory presumption of our culture that the discovery of truth has its own rhythm. Governments set deadlines for Commissioners, deadlines which almost invariably structure the course of investigation. Coupled with the consideration of speed is the norm of impermanence. Upon completion of its allotted task, a Commission disbands. But while the institution of the investigative Commission is impermanent, its product – the Truth – is permanent, and reports along with the verbatim record of evidence are destined to transcend time in the archives.<sup>30</sup>

Contrast the ritualized civility of the Commission 'Hearing' with that of another theatre of power within modern States – the torturer's chamber. This secret theatre, representing and in part effecting the closure of political discourse, is also about speech and the knowledge born of speech and borne by speech. In torture the state's power violates the body of the prisoner ostensibly to make the victim talk; to extract information through inflicting pain. But torture is the negation of speech. By making prisoners 'talk' the State silences them. Personified in the guise of the torturer with his instruments, a figure whose gestures and ceremonies are invested with a weight of tradition every bit as pompous as that of the learned Judge or the impartial Commissioner, State power in the torture chamber is both cruelly revealed and mysteriously hidden. Unlike Commissioners with their Report, the torturer's chamber produces no public sign of speech save the visible marks on the victim's bodies and the anguished faces of the victims' loved-ones, and the stories of unbearable pain that fan out from these centres of brutality. But these too can serve to silence, just as powerfully as the painful lesions of the victim and the ostracism frequently meted out by comrades to those who 'turn'.<sup>31</sup>

Though both Commissioner and Torturer are dedicated to the accumulation of Information (truth and fact promiscuously

commingled), in practice neither of their theatres produce as much as they promise in the way of useful knowledge. At least, this is so if 'useful' be judged in their own terms of helping to affect the outcome of policies, as a technical relationship between means and ends. Perhaps, then, this is another reason why their significance should be interpreted less as instruments of 'policy' and 'intelligence' and more as symbolic rituals aiding in establishing and reproducing the power of modern States. On the one hand, Commissions both signify and in part establish a possibility of 'dialogue' based on reason (a sphere of participation qualitatively distinct from that constituted by electoral representation). On the other hand, torture helps establish a realm of silence based on fear. Dialogue, or the appearance of dialogue, and silence are both essential parts of the power of States, often appearing in dialectical alternation – as in the summons and sentence of the courts of law.<sup>32</sup>

The operating procedures of most Commissions and Committees of Inquiry are fairly standard and are usually described in the preamble to published reports. Once an Inquiry has been commissioned the members meet to consider their terms of reference and arrive at a *modus operandi*. Typically, the procedure involves a public announcement calling for submission of evidence by interested parties. Frequently the Commission will also identify which organized interest groups it should approach directly for submission of statements. Questionnaires may be prepared and circulated and arrangements made for the execution of original research by the Commission and its staff. The Commission may also form sub-committees to specialize in certain aspects of the investigation and may engage in a certain amount of travel to inspect particular areas and collect evidence. Finally, and most importantly from the point of view of publicity for its work, the Commission will hear oral evidence. Oral evidence is usually heard in public, witnesses being drawn largely from those who submitted written evidence. In most States where recourse is had to public inquiries, Commissions have the power to subpoena individuals and organizations to appear and answer questions. This power to compel speech is a potent authority, both in relation to the institutions of government and the 'private' realm of Society.

The hearing of oral evidence is the most significant and the most controversial aspect of a Commission's investigative procedure. As a means of gathering 'facts', oral hearings are distinctly dubious. Sydney and Beatrice Webb, veterans of much fact-gathering and several important Commissions, were scathing about their utility: 'Of all recognized sources of information the oral "evidence" given in the course of these enquiries has proved to be the least profitable', and 'all the conditions usually present in the taking of evidence by official

committees and commissions of enquiry are adverse to the extraction of the truth'.<sup>33</sup> Yet despite the inadequacies adumbrated by the Webbs and countless others who have served on Commissions in pursuit of Truth, the hearing of oral evidence continues as a central time- and money-consuming pastime of public inquiries. The main reason for this lies in the veracity lent to inquiry by public hearings. Public 'sittings' by Commissions of Inquiry can be considered as a form of symbolic ritual, akin to the holding of Court but in a modern rationalized form, wherein the subjects of State power speak, and are heard.<sup>34</sup> As such, they have rather less to do with the 'gathering of facts' than with expressing the truth of power. That 'truth' being that State power serves the interest of all citizens and is open to their views. On the symbolic level, then, by appointing a Commission of inquiry a Government pays homage to this truth and serves notice of its desire to serve the common interest in the most rational way. Moreover, the practice of recording verbatim oral testimony serves in transforming the mercurial nature of the spoken word into the permanent certitude of writing.

Matters considered by Commissions are seldom purely of a technical kind. Mostly, they address subjects of contention between different 'experts' and 'interests' with perceived social and political implications. Commissions allow full and free expression of contrary views in a public forum, subject to procedures of questioning and cross-examination drawing authority from the rituals of the courtroom. By this means, they serve in the transforming contentious matters of political struggle into discourses of reasoned argument. These discourses address problems of State power through speaking the 'truth' on 'solutions' open to the State. The importance of such a transformation is profound for the modern State, engaged as it is in the rational administration of Society. For, the procedures of Commissions of inquiry embody a means of uniting truth and power, allowing the direction of administrative action within States to take forms which do not appear to reduce to the pursuit of sectional interest or particular values. Commissions of inquiry, then, are part of a complex of institutions and practices within modern States which serve in the production of a discursive framework for State power allowing 'the State' to sit above 'Society' as the embodiment of the 'common good'.<sup>35</sup>

Commissions of inquiry embody in their operating procedures prevailing assumptions concerning the production of knowledge. Andrew Shonfield, a member of the Duncan Committee into British overseas representation, has described the epistemology of public inquiries in terms of a 'pragmatic fallacy'. The implicit empiricism of public inquiries can be seen in his account of the accepted procedure of commission-work, which he described as enjoining the

Commissioner to 'just plunge into your subject; collect as many facts as you can; think about them hard as you go along; and at the end, use your commonsense, and above all your feel for the practicable, to select a few good proposals out of the large number of suggestions that will surely come your way'.<sup>36</sup> In such a way, Commission reports can come to express political requirements of State power in everyday 'commonsense' terms. On one level, Shonfield's complaint is an argument for increasing the reliance on trained social scientists in conducting research for public inquiries.<sup>37</sup> But critics of positivistic social science would argue that increased reliance on social scientific research serves only to systematize the 'pragmatic fallacy'. That is to say, the 'pragmatic' mode of commissioned investigations is not a 'fallacy' but a necessity.

Another ex-Commissioner, Martha Derthick (a member of President Nixon's Commission on Campus unrest), has warned against treating investigative Commissions simply as objective and truth-seeking in the manner of 'academic research':

Politics hampers a commission's pursuit of truth, though not in the way that is commonly charged. A commission need not serve the President's interests – the White House had little or no influence on what we said – but it cannot avoid pursuing its own interests. In the politics of the commission itself, the commission as an organisation, striving to realize organisational aims, lie the most important obstacles to objective inquiry.<sup>38</sup>

Derthick suggests that the overriding interest of any Commission is that of seeing its recommendations implemented. Within any working Commission there is a strong assumption that unanimity of recommendation lends the strongest probability to implementation. In order for unanimity to emerge in a report, the deliberations of a Commission will be marked by a process of negotiation and compromise.

According to Derthick, it is in this process of internal negotiation that 'objective inquiry' suffers. The internal dynamics of commissionship that Derthick describes involve a kind of calculus of the practicable within a State. Organizational interest in seeing recommendations transformed into practical policy dictates a voluntary limiting of a Commission's labours to those proposals likely to succeed. And the likelihood of success is dictated by the broad requirements of State at any particular time. Of course, it is quite possible that a Commission's calculations of the possible will be mistaken, that their reckoning of the likelihood of a strategy's acceptability and determination of the most attractive terms in which to phrase that strategy will not accord with the government's requirements. In that case it is hardly likely to be accepted – unless perhaps it accords with the views of powerful interests that can not

be ignored. So, although the formal independence of Commissions is undoubtedly important, the institution itself is inextricably connected to other institutions in ways which can sometimes raise questions about their 'objectivity' and, hence, the 'truth' of their findings.

There are two basic types of criteria generally considered by governments when deciding membership for public inquiries: representativeness and expertise. On occasion governments will require authoritative responses from particular sectoral interests, or will seek to involve such interests in the development of policy through participation on a Commission and thereby enlist support for the desired objective, so will appoint 'representatives' of those interests to a Commission. Such representatives are rarely directly nominated by the interest concerned, and representative committees are themselves often subject to a relatively independent chair.<sup>39</sup> Certain questions, on the other hand, require consideration by people with an expert interest in the subject. In such cases, the expertise of the investigators will lend authority to their recommendations. In most cases, however, Commissions are comprised of a combination of both expert and representative members. Indeed, in a great number of issues it is not practically possible to disentangle the categories of expert and representative as the greatest experts are precisely those with the greatest 'interest'.

One of the most frequent types of criticism of particular Commissions of inquiry attacks them on the ground that they are 'political' and thus lacking in 'objectivity'. This attack is usually based either on consideration of the affiliations of a Commission's membership, or on the supposed partiality of its report. In response, a counter-attack is often heard defending Commissions from being 'politicized' through opponents impugning the integrity either of the particular commissioners, or of the investigative process.

Participation in a public inquiry, whether through representation on a Commission or through submission of evidence, causes participants to formulate definite views and principles of policy in relation to the subject matter under consideration. Because of the perceived significance of inquiries in policy formation, organizations with interests relevant to the subject of inquiry will almost invariably submit an opinion. To refuse to do so becomes in itself a political statement. Appointment of a Commission triggers internal processes of policy formation within representative groups of organized interests as they strive to develop an authoritative position to present to the Commission; to speak of their interest with a single voice. Thus part of the process of investigation involves the positive formation of opinion relevant to an issue of inquiry. By means of the terms of

reference, the State structures this process of opinion formation within private organizations.

From the point of view of adjusting relations between State power and other social power centres within a given territory, the articulation of authoritative policy positions by organized interests, as well as the impetus inquiries give to the emergence of new groupings, has clear benefits for a State. Firstly, it enables State policy-makers to gauge support for and resistance to possible initiatives. Secondly, it reduces the number of representatives that decision-makers must listen to in reckoning a course of action. Further, by acknowledging accredited representatives in a formal procedure of consultation within the State, the task of securing adherence to agreed compromises can, in part, be shouldered by the organized interests themselves.

When a Commission's labours are complete, they report in writing to the government upon whom tradition places an onus of publication. Most Commission reports are published (though not necessarily all the volumes of evidence). This is not surprising, for the whole purpose of such investigative exercises is predicated upon publicity; if mere collection of information were all that were required, other more discreet avenues internal to State apparatuses could be used.<sup>40</sup> Upon publication of a Commission's report, a government will typically issue a statement outlining its reaction for public consideration and debate (in the Westminster tradition known as a 'White Paper' – which intends Governmental action, or, more recently, a 'Green Paper' – for discussion by 'interested parties'). A report and its White Paper usually become the focus of debate on any particular set of issues.

### **Representing the 'Common Good' and Reproducing State Power**

As Alexander d'Entreves has pointed out, political theorists of every stripe have attempted to find 'a firm and objective standard – the standard of the "common good" – for the final legitimation of power'.<sup>41</sup> States of every stripe, too, have had such a standard applied to them. Notions of the common good have a fundamental importance in the legitimation of State power. For, as every State is constituted through the subordination of all people within a given territory to a compulsory system of rule, one of the most satisfactory claims to legitimacy that can be conceived in the interests of maintaining that rule (other than war-making against external enemies) is clearly the claim that it exists to further the welfare of all subject to it, that is – the Common Good. But the notion of the common good has an even more elemental significance for the modern State. For it is a way of orientating the actions of those who would act in the name of the State



towards the people who inhabit the spaces of jurisdiction; a way not only of justifying State action but making normatively directed collective action on the part of those who act in the name of a State possible. That is to say, the notion of the common good is a constituent part of the notion of the State as it emerges in contradistinction to the notion of Civil Society. The practical determination of that 'objective standard' to which the phrase 'common good' refers, however, has always proved problematic – for philosophers and rulers alike. In the terms of perspectivist epistemology, it has been a matter of attaining an archimedean point mid-way between the universalistic prescriptions of State and the particularistic interests of Society.

As the standard of the 'common good' in political practice takes an 'objective' status, there can be both 'correct' and 'incorrect' representations of it. In being objective, then, the 'common good' exists to be discovered; it is not supposed to be created or invented. Thus the validity of any particular representation of the common good within a modern State will not depend solely upon its manifest content, nor just upon the authority of those who would proclaim it, but rather upon the procedures followed in obtaining it. So, procedures for obtaining knowledge of the 'common good' for the legitimation of power within a State, procedures which might perhaps be said to effect the practical transformation of normative considerations into empirical facts, need to be consonant with those epistemological criteria deemed appropriate in the Society for the validation of knowledge. Such expositions of the 'common good', then, whether of particular or universal application, need to follow the general rules of discourse concerning 'objective' knowledge. Only through adhering to such accepted procedures can the raw material of Politics be transformed into the stuff of reason.

The Commission of Inquiry can be said to be a particularly authoritative institution. This authority derives from three sources. Firstly, Commissions are authorized (commissioned) by high-level political authorities within a State to conduct investigations on behalf of the State. Secondly, they are empowered to speak authoritatively on particular subjects by virtue of the status and expertise of their members (deriving from sources formally external to the political institutions of the State, such as universities and the legal profession). Thirdly, the rational, impartial, objective and independent procedures of truth seeking Commissions follow impart an authority to their 'findings'. Note that Commission recommendations are, in the common parlance, based on truths 'found' and not made.

Expertise in representing the reality of social life performs more important tasks within modern States than merely solving Problems

conceived unproblematically as being somehow given by nature. The institutions and languages of expertise within modern States also perform services in transforming social realities from the myriads of mysterious forms and relationships in which life is lived into an objectified realm akin to the material world. This objectified social realm in modernity is understood as governed by observable laws subject to the same logic of cause and effect as nature. It is thus a world in which power can be understood as capable of achieving predictable results; in which 'problems' can be 'solved'.

Commission reports, then, are documents for, but not entirely of, the state. Having been produced through received procedures of forensic inquiry, they can be interpreted as representing a State speaking the 'truth' about itself. They can be considered as distinctive and authoritative representations of State and Society. And the forms and forums of political representation, the ways in which communicative action is organized amongst the people who constitute States are themselves structured by these representations of truth. This epistemological sense of representation is as fundamental to the legitimacy of the modern State as is the political sense of representation as embodiment of the popular will.<sup>42</sup> For it is by virtue of these representations that the gulf between good government and popular government is daily bridged. And the representations of Truth produced by Commissions of Inquiry are an important institutional form in modern states through which the parameters of 'responsible' political action and debate are constructed.

To speak of a social 'question' then, or to view some peoples' lives as a 'problem' is to name those people as a subject of power, the power presumed capable of 'solving' the problem they constitute.<sup>43</sup> To name a problem and to seek causes from which to reason solutions, that is, ways of producing desired effects, is also to specify ways in which these matters may be properly spoken of. It is to constitute a realm of discourse in the terms of which the knowledge necessary for power can be discovered and expressed.

If read in these terms, the questions facing those who would seek to understand commissions of inquiry concern the ways in which this 'truth' of State is constructed through public inquiry. And this working, or workable, idea of State, an idea to which loyalty and allegiance, feasant and feasibility can adhere in the daily drudgery of millions of people, is what makes the stuff of Kafka's nightmares seem ordinary and rational. Analysis of these dimensions of commission work, then, can reveal some of the discursive formations underlying State power: ways of speaking about social life which make possible the work of organizing political subjection.

## Notes

\* I am grateful to Richard Bensel and Philip Corrigan for their comments on an earlier draft of this paper.

<sup>1</sup> Although I will mostly be referring to 'Commissions of Inquiry', the remarks are applicable to public inquiries more generally, including Royal Commissions appointed in the name of the Crown (or Vice Regal authority), Presidential and Congressional Commissions in the U.S.A. as well as investigations commissioned by other political authorities.

<sup>2</sup> See e.g. R. A. Chapman (ed), *The Role of Commissions in Policy-Making* (London: Allen & Unwin, 1973) and R. E. Wraith & G. B. Lamb, *Public Inquiries as an Instrument of Government* (London: Allen & Unwin, 1971). On the history of Royal Commissions, see H. M. Clokie & J. W. Robinson, *Royal Commissions of Inquiry; The Significance of Investigations in British Politics* (Stanford University Press, 1937), H. F. Gosnel, 'British Royal Commissions of Inquiry', *Political Science Quarterly*, 49 (1934), pp. 84-118, and K. C. Wheare, *Government by Committee; An Essay on the British Constitution* (Oxford University Press, 1955).

<sup>3</sup> See e.g. M. Bulmer 'Applied Social Research? The Use and Non-use of Empirical Social Inquiry by British and American Governmental Commissions', *Journal of Public Policy*, 1 (1981), p.353, where he argues that 'the potential effectiveness of social science is reduced by the political context in which commissions work, their preferred modes of taking evidence, the way in which commissions are staffed, and the internal dynamics of their workings'.

<sup>4</sup> G. Rhodes, *Committees of Inquiry* (London: Allen & Unwin, 1975), p. 149.

<sup>5</sup> On the politics of this kind of discourse in England, see J.P. Nettl, 'Consensus or Elite Domination? The Case of Business', *Political Studies*, 13 (1965), pp. 22-44.

<sup>6</sup> This view has been most notably espoused by A.P. Herbert, satirist and M.P. See e.g. his 'Anything But Action? A Study of the Uses and Abuses of Committees of Inquiry', in R. Harris (ed), *Radical Reaction; Essays in Competition and Affluence* (2nd Ed.), (London: Hutchinson, 1961).

<sup>7</sup> F. Burton and P. Carlen, *Official Discourse; On Discourse Analysis, Government Publications, Ideology and the State* (London: Routledge & Kegan Paul, 1979), p.8.

<sup>8</sup> See 'Questions of Method: An Interview with Michel Foucault', *Ideology and Consciousness*, 8 (1981), pp. 3-14, where he discusses 'programmes of power'. The Census is one of the most important forms of this process: see C. Hakim, 'Census Reports as Documentary Evidence: The Census Commentaries 1801-1951', *Sociological Review*, 28 (1980), pp. 551-580; also, S. Shamai & P. Corrigan, 'Social Facts, Moral Regulation, and Statistical Jurisdiction', *Canadian Journal of Higher Education* 17 (2) 1987.

<sup>9</sup> For discussion of how this can work in other contexts, see K. Mannheim, *Ideology and Utopia; An Introduction to the Sociology of Knowledge* (London: Routledge & Kegan Paul, 1936), p. 100 ff. See also T.H. Marshall, 'Value Problems of Welfare-Capitalism', *Journal of Social Policy*, 1 (1972), pp. 15-32.

<sup>10</sup> P. E. Sheriff, 'State Theory, Social Science, and Governmental Commissions', *American Behavioral Scientist*, 26 (1983), p.670.

<sup>11</sup> *Ibid.* p.672. Some 23 years previous to Sheriff's article another Canadian scholar, J.E. Hodgetts, made a similar suggestion, albeit in rather different terms: 'commissions are related to a nation's growing pains ... royal commissions have been concerned with the social and cultural, economic

and administrative problems of a maturing nation.... [appearing] at times of crisis, growth or adjustments after growth.' 'The Role of Royal Commissions in Canadian Government', in D.C. Corbett & J.E. Hodgetts (eds), *Canadian Public Administration* (Toronto: Macmillan, 1960), p.69.

<sup>12</sup> S. & B. Webb, *Methods of Social Study* (London: Longmans, 1932), p.157.

<sup>13</sup> The British Treasury maintains a 'Book of the Great and Good' containing names of possible participants in public inquiries and other public bodies. See T.J. Cartwright, *Royal Commissions and Departmental Committees in Britain; A Case-Study in Institutional Adaptiveness and Public Participation in Government* (London: Hodder & Stoughton, 1975), p.67. Note that it is those who hold the key to the Treasury who name the 'great and good'.

<sup>14</sup> On the legitimacy significance of symbolic rituals in modern states, see S. Lukes, 'Political Ritual and Social Integration', *Sociology*, 9 (1975), reprinted in his *Essays in Social Theory* (London: Macmillan, 1977). For examples of the manufacture of rituals and traditions, see E. Hobsbawm & T. Ranger (eds), *The Invention of Tradition* (Cambridge University Press, 1983).

<sup>15</sup> For an example of an attempt to use this approach in deconstructing official discourse within a modern state, showing how the authoritative interpretation of social reality structures the organization of political subjection, see my *Politics of Official Discourse in Twentieth-Century South Africa* (Oxford University Press, 1990).

<sup>16</sup> In discussing state power, I am influenced by, among others, P. Abrams, 'Notes on the Difficulty of Studying the State', *Journal of Historical Sociology*, 1, 1 (1988); P. Corrigan & D. Sayer, *The Great Arch: English State Formation as Cultural Revolution* (Oxford: Blackwell, 1985); M. Foucault, 'The Subject and Power', *Critical Inquiry*, 8 (1982), reprinted in H. L. Dreyfus & P. Rabinov, *Michel Foucault: Beyond Structuralism and Hermeneutics* (Brighton: Harvester, 1982); N. Poulantzas, *State, Power, Socialism* (London: New Left Books, 1978), esp. Pt 1.

<sup>17</sup> On these motivations in an Australian context but with wider relevance, see S. Prasser, 'Public Inquiries in Australia: An Overview', *Australian Journal of Public Administration*, 44 (1985) and more generally R.F.I Smith & P. Weller, *Public Service Inquiries in Australia* (St Lucia: University of Queensland Press, 1978).

<sup>18</sup> Clokie & Robinson, *Royal Commissions of Inquiry*, p.31. See also M. Clanchy, *From Memory to Written Record; England 1066-1307* (London: Edward Arnold, 1979).

<sup>19</sup> See G. Aylmer, *The King's Servants; The Civil Service of Charles I, 1625-1642* (London: Routledge & Kegan Paul, 1961), p. 422 ff; 'Attempts at Administrative Reform, 1625-40', *English Historical Review*, 72 (1957), pp. 229-233; and 'Bureaucracy' in P. Burke (ed.) *The New Cambridge Modern History* Vol. 13 (Cambridge University Press, 1979).

<sup>20</sup> On how the English radical bourgeoisie of the 19th century adapted this knowledge/power form to the requirements of modern state formation, and the importance which they attached to it, see Corrigan & Sayer, *The Great Arch*, pp. 124-127.

<sup>21</sup> On the vast labours of this and other investigations propelled by the indomitable energies of Jeremy Bentham's masterful disciple, Edwin Chadwick, see S.E. Finer, *The Life and Times of Sir Edwin Chadwick* (London: Methuen, 1952). See also S. & E. Checkland, *The Poor Law Report of 1834* (Harmondsworth: Penguin, 1974). Not everyone in this period was as enamoured of the commission form as the Chadwickians and the social

reformers. Joshua Toulmin-Smith, for example, just prior to the high point of Royal Commissioning fervour of the 1850s penned a diatribe entitled *Government by Commissions, Both Evil and Pernicious* (London: 1849), which occasioned a good deal of debate over the proper role of Commissions within government.

<sup>22</sup> W. Cory, *A Guide to Modern English History*, Pt 2 (London: Kegan, Paul & French, 1882), p.366, quoted in Burton and Carlen, *Official Discourse*, p.4.

<sup>23</sup> Commissions of inquiry, along with the great Benthamite institution of inspection were key aspects of the processes of knowledge centralization within the British state, constituting a central dynamic of modern state power. See Corrigan & Sayer, *The Great Arch*, p. 124ff.

<sup>24</sup> For some of the theoretical principles behind this kind of approach, see R. H. Brown, *Society as Text; Essays on Rhetoric, Reason, and Reality* (Chicago University Press, 1987), and the title essay in E. Said, *The World, The Text, and The Critic* (Cambridge, Mass.: Harvard University Press, 1983). See also M. de Certeau, *Heterologies: Discourse on the Other* (Minneapolis: University of Minnesota Press, 1986); J. Derrida, 'Structure, Sign and Play in the Discourse of the Human Sciences', in *Writing and Difference* (Chicago University Press, 1978); J.G.A. Pocock, *Virtue, Commerce, and History; Essays on Political Thought and History Chiefly in the 18th-Century* (Cambridge University Press, 1985); and the essays in M. Shapiro (ed), *Language and Politics* (Oxford: Blackwell, 1984), especially those by De Man and Foucault. A useful overview of linguistic theories relevant to this enterprise is D. Silverman & B. Torode, *The Material Word; Some Theories of Language and its Limits* (London: Routledge & Kegan Paul, 1980). An inspired reading of the place of language and culture in the forging of domination is T. Todorov, *The Conquest of America; The Question of the Other* (New York: Harper & Row, 1984). These issues have been highlighted by feminist theorists studying the construction of gender difference. For a survey see T. Moi, *Sexual/Textual Politics: Feminist Literary Theory* (London: Methuen, 1985); also L. Kaufman (ed) *Feminism and Institutions* (Oxford: Blackwell, 1989), S. Franzway et al, *Staking a Claim: Feminism, Bureaucracy and the State* (Cambridge: Polity, 1989).

<sup>25</sup> Marx and Engels, *Collected Works*, Vol. 4 (London: Lawrence & Wishart, 1975), p. 298. In fact both the Ricardian socialists and the economical reformists had made use of these official sources in their works, as did Marx, most notably in *Capital* Vol.1, Chs 10 and 15.

<sup>26</sup> For examples see Ashforth, *Politics of Official Discourse*.

<sup>27</sup> B.S. Cohn & N.B. Dirks, 'Beyond the Fringe: The Nation State, Colonialism, and the Technologies of Power', *Journal of Historical Sociology* 1, 2, (1988), p.226. For examples of these skills put into practice, see B.S. Cohn, 'Law and the Colonial State in India' (paper presented to the Wenner-Gren Foundation symposium on 'Ethnohistorical Models for the Evolution of Law in Specific Societies', Bellagio, August 1985), 'The Census, Social Structure and Objectification in South Asia', *Folk*, 26 (1984).

<sup>28</sup> On the relation between the writing of history and the making of modern state power, see M. de Certeau, *The Writing of History* (New York: Columbia University Press, 1988), pp. 6-17.

<sup>29</sup> The term commonly used to describe the scope of authority within modern states, 'jurisdiction', derives from Latin roots meaning 'law' and 'speech'.

<sup>30</sup> There are, of course, many instances of permanent or 'Standing' Commissions which function in similar ways to the investigative institution

while blending with the Legislature on the one hand and the Judiciary on the other.

<sup>31</sup> In its pre-modern variants, quintessentially that of the Inquisition, torture had a different meaning. The confession extracted by the torturer's charms was less the bearer of information deemed useful to the powers of infliction, than it was proof of an evil already manifest. Though the practices of modern torture may bear a superficial resemblance to the old (apart from the array of new techniques medical science has spawned) the epistemology underlying them is not the same. The modern world has no place for such things as the veracity demonstrated by endurance of extreme bodily pain. On the symbolism and practice of torture in modern states, see E. Scarry, *The Body in Pain; The Making and Unmaking of the World* (New York: Oxford University Press, 1985). On the significance of violence, pain, and fear for states, see M. Weber 'Politics as a Vocation' in H.H. Gerth & C. Wright Mills (eds), *From Max Weber; Essays in Sociology* (London: Routledge, 1948), Y. Cohen et al, 'The Paradoxical Nature of State-Making: The Violent Creation of Order', *American Political Science Review*, 75 (1981), and K. Deutsch & D. Senghaas, 'The Fragile Sanity of States', in M. Kilson (ed) *New States in the Modern World* (Cambridge Mass.: Harvard University Press, 1975). On the ways in which fear and the stories that make the power of terror can work in maintaining the power of a state, see M. Taussig, *Shamanism, Colonialism and the Wild Man; A Study in Terror and Healing* (Chicago University Press, 1987).

<sup>32</sup> On the social forms of this dialectic, see V. Walkerdine, 'On the Regulation of Speaking and Silence', in C. Steedman et al, *Language, Gender, Childhood* (London: Routledge & Kegan Paul, 1985). The chief behavioural forms of this dimension of state power can be seen in the opposition of 'participation' and 'apathy'. See S. Yeo, 'On the uses of Apathy', *Archives Européennes de Sociologie*, 15 (1974).

<sup>33</sup> S. and B. Webb, *Methods of Social Study*, p.157.

<sup>34</sup> On the legitimacy significance of symbolic rituals, see Lukes, 'Political Ritual and Social Integration'; also I. Hayden, *Symbol and Privilege: The Ritual Context of British Royalty* (Tucson: University of Arizona Press, 1987), and C. Swan, *Canada: Symbols of Sovereignty* (University of Toronto Press, 1977).

<sup>35</sup> An example of the self-conscious advocacy of such a position within a commission report can be found early in the Report of an important South African Commission into the so-called 'Native Question': 'The way in which the problem is approached is therefore of fundamental importance. Let us assume that a temporary Dictator granted the demands of the Natives in respect of many contentious matters in defiance of the opposition of the Europeans, and that his actions were irrevocable. Then as soon as the Dictatorship disappeared, the Natives would indeed have these new rights; but they would have been purchased at the price of the goodwill of the Europeans, and this would continually hamper further progress. On the other hand, continuous progress is possible on any plan which enlists the goodwill of the European population in the cause of the civilization of the Native, however much a number of the latter may dislike some of the arrangements on which the Europeans refuse to yield. Your Commissioners endeavour to indicate in this Report some of the ways in which the apparently conflicting interests of black and white may be harmonized in the cause of national progress.' *Report of the Native Economic Commission, 1930-32* [U.G.22-1932], paras 18 & 19. For English examples see Corrigan & Sayer, *The Great Arch*, pp. 167-8.

<sup>36</sup> A. Shonfield, 'In the Course of Investigation', *New Society*, July 24, 1969, pp.624.

<sup>37</sup> For advocacy of greater reliance on social scientists in governmental inquiries, see the essays in M. Komarovskiy (ed), *Sociology and Public Policy; The Case of Presidential Commissions* (New York: Elsevier, 1975); M. Bulmer (ed), *Social Research and Royal Commissions* (London: Allen & Unwin, 1980); and *American Behavioral Scientist* 26, 1983, an issue devoted to 'Social Science and Policymaking: The Use of Research by Governmental Commissions'.

<sup>38</sup> M. Derthick, 'On Commissionship - Presidential Variety', *Public Policy*, 19 (1971), p.624.

<sup>39</sup> 'Representative' commissions can be seen as part of the corporatist political arrangements described by Z. Bauman as 'simulated politics' in his *Memories of Class; The Prehistory and Afterlife of Class* (London: Routledge & Kegan Paul, 1982), p.136- 144.

<sup>40</sup> Most modern states have another set of institutions, which, like commissions, are relatively distinct from the 'normal' administrative apparatuses, whose purpose is fact-gathering: secret intelligence agencies. See J.T. Ritchelson & D. Ball, *The Ties that Bind: Intelligence Co-operation Between the UKUSA Countries* (London: Allen & Unwin, 1985), D. Leigh, *The Wilson Plot: How the Spycatchers and their American Allies Tried to Overthrow the British Government* (London: Heinemann, 1988); N. West, *Circus MI5, 1945-1972* (London: Weidenfeld & Nicholson, 1982); and P. Wright, *Spycatcher* (New York: Viking, 1987).

<sup>41</sup> A. P. d'Entreves, *The Notion of the State; an Introduction to Political Theory* (Oxford University Press, 1967), p.221.

<sup>42</sup> On the philosophical implications of the multiple significations of the word 'representation' in political thought, see H. Redner, 'Representation and the Crisis of Post-Modernism', *PS*, 20, 3, 1987.

<sup>43</sup> Sources of many insights into the transformations of power and knowledge within modern states are M. Foucault, 'The Subject and Power', and N. Poulantzas, 'The Institutional Materiality of the State', Pt 1 of *State, Power, Socialism*. On subjectivity and psychoanalytic theory, see J. Henriques et al, *Changing the Subject; Psychology, Social Regulation, and Subjectivity* (London: Methuen, 1984); J. Benjamin, *The Bonds of Love: Psychoanalysis, Feminism, and the Problem of Domination* (New York: Pantheon, 1988).