

THE UNIVERSITY OF MANITOBA

INCARCERATION AS A RESPONSE
TO
POLITICAL AND ECONOMIC CONDITIONS

by

Darlene Gail Kellough

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ABSTRACT

In their attempts to account for individual lawbreaking behaviour, criminologists have tended to neglect the larger question of how social order is created and maintained. In doing so, they have removed crime from its social context resulting in a more psychological and less sociological analysis of crime. Criminologists, working from a "Conflict" theory of crime have increasingly challenged such studies on the grounds that what constitutes crime is not fixed and immutable but varies with time and place. If one is to understand the behaviour of criminals, one must first understand the social context under which a particular behaviour is defined as criminal.

In stressing that law is a force that is continually being created and modified, conflict theorists have given the study of crime a political and economic focus. From their viewpoint, law serves the dominant group in society in a number of ways. First, law is seen as being related to the productive relationships within the society, functioning to regulate the labour supply. Secondly, law serves to control dissent while, at the same time, maintaining the authority of the state. The application of law and systems of punishment are thus seen as being determined by the need to balance a cheap and plentiful labour supply, to control dissent, and to preserve the legitimacy of the existing social order. As a result, the brunt of society's punishments will be borne by the most powerless groups within society during periods of political and economic instability.

While there are a number of reasons why jail records do not measure actual law-breaking behaviour, conflict theorist have argued that such records can be effectively used as an index of social control operations portraying the amount of socially recognized deviant behaviour. Specifically, this

thesis tests the assumption that unstable periods will have the effect of raising incarceration rates and that this effect will be felt by the most powerless groups in society. In doing so, the records of the Eastern Judicial District in Manitoba over a twenty year period, from 1918 to 1939, have been chosen for analysis.

Although most conflict propositions receive some support from the results of this study, they also require some qualification and extension. For example, while incarceration rates are higher during periods of depression and dissent, a counterforce appears to be operating in that incarceration rates also rise with an expansion in the economy. Whether increases in incarceration occur during depressed or expansionary periods, however, they are almost entirely made up by incarcerations of the most powerless groups for "social control" offenses. Incarceration for the more serious offenses, those against the persons, were generally stable over the twenty year period and actually decreased in rates per 100,000 during high incarceration periods. Since incarceration for "social control" offenses are mainly responsible for high prison populations, since any increase in incarceration for property offenses is borne by the lowest power groupings, and since incarceration for offenses against the person remains stable, support is given to the contention that "crime rates" as evidenced by incarceration are more of an indication of the degree of social control operating within the society than they are of actual increases in crime. Some further support is given to conflict propositions, in that while only slight differences are found in the severity of sentence imposed, the lowest social classes are most apt to serve their full sentence. In all cases, class was more highly correlated with incarceration rate and severity of sanctions than were other indices of powerlessness.

The results of this study suggest a number of further areas to be investigated. Research is needed into the prevailing correctional philosophy during different time periods in an effort to determine the interaction between prevailing ideological assumptions of the correctional field and the political economy of the overall society. In addition, an analysis of court records is also required in order to supplement information with regard to suspensions and fines. It is also recognized that a change in criminal law is only one method of social control and that changes in penal practices need to be related to other institutional changes within a society.

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Introduction

Sociology, as a discipline, has tended towards specialization of subject matter, with the result that contemporary sociologists have tended to develop expertise in one area of social phenomenon. The development and direction of criminology as a sub-discipline of sociology exemplifies the hazards of following this line of action. With the burgeoning of literature and studies in the area of crime and deviance, criminologists have become less "sociological" as they lose sight of how changes in the economic and political spheres of society relate to the problem of crime. As a sub-discipline, criminology has traditionally dealt with the etiology of crime, while the related question of how social order is created and maintained has become the domain of sociologists specializing in questions of social change. The study of crime and criminals is seen as dealing with law and law violators while the study of social change deals with the political and economic ordering of society. As a result of this dichotomy of law and order, criminology has become not the study of crime but the study of individuals who break the law. This has been further complicated by the attempt to study criminals by studying the characteristics of convicted offenders, an activity which rests on the faulty assumption that convicted criminals are a representative sample of law violators. The direction of such study leads us away from the larger sociological question of what constitutes crime and leads us into the more psychological realm of explaining criminal behavior. It is the contention of this thesis that the latter question cannot be adequately answered until attention has been given to the former. The

proper study of criminology must first be made clear:

it is the critical understanding of both the larger society and of the broadest social theory; it is not simply the study of some marginal, exotic or esoteric group, be they criminals or criminologists. This study, of what at first seems to be a limited field, is, in point of fact, the occasion for the exhibition of the broadest sociological and philosophical concerns....what matters is not crime and deviance studies but the larger critical theory on which these must rest. (Gouldner, 1973:x).
(emphasis added)

Theorists working from a Conflict perspective provide an exception to the traditional narrow emphasis of criminology. Following the tradition of Karl Marx, a new breed of conflict theorists has begun to expand their efforts into the area of crime and deviance. The first chapter of this thesis will present the conflict theory of crime, historical evidence in support of the theory, and some general propositions from which a research methodology can be derived. The second chapter outlines the historical period chosen to test the propositions of conflict theory as they relate to the Manitoba experience. In the third chapter, the methodology of the study will be outlined, while the fourth chapter will present the analysis of data and results of the study. Finally, the fifth chapter will explore the conclusions to be drawn from the study and the implications such conclusions will have both for conflict theory in general and for future studies in crime.

Chapter I

A CONFLICT THEORY OF CRIME

Theory

Most criminological theories are infused with some or all aspects of conventional ideology - an ideology that assumes that crime is more prevalent among the poor, that this criminality is a product of social conditions which affect their behavior, and that the role of criminology is to determine how or why the criminal behaves in a deviant manner. In recent years, however, criminology scholars have renewed conflict theories which challenge these ideological assumptions.

The criminological task of accounting for the behavior of criminals has been challenged on the grounds that such a task does not account for the criminality of criminals. It has been suggested that why people behave as they do and why such behavior is perceived as criminal are two separate problems requiring different types of explanation (Jeffery, 1969). These problems are not unrelated but do require a sequential explanation. To understand reasons for a type of criminal behavior, it is first necessary to understand why that behavior is officially criminal. The impetus for the new conflict theories seems to have been derived from the "labelling" school of criminological thought whose adherents have consistently pointed out:

deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an 'offender'. The deviant is one to whom that label has successfully been applied (Becker, 1963:9).

The way in which a particular behavior is perceived varies across time, cultures or individuals. While certain behavior is treated as criminal,

comparable behavior in another context is often seen as normal or, at worst, slightly immoral or unethical. Since the behavioral elements that comprise illegal acts are not specific to criminal behavior as distinguished from other human behavior, it is concluded that deviance is not a quality of an act. (Turk, 1969)

If we concede that crime, as we know it, is not inherent in an act or behavior, then not only the content of the criminal law becomes problematic but also the degree to which different groups in society are able to affect that content or are affected by it. The content of law and its application then become a political issue. As Quinney (1970b:43) notes, criminal laws,

are formulated by those segments of society which have the power to shape public policy. Public policy is established by some for governing the lives and affairs of all inhabitants of a society. Crime, then, is a definition of human conduct that is created in the course of the political life of the community.

The political nature of crime has only recently emerged as an important aspect of criminological writing. One of the most important facets of this political analysis of crime has been its historical focus - a focus that sees law "as a dynamic force that is continually being created and interpreted" (Quinney, 1970b:37). As powerful segments of society are affected by changing social conditions, or as the place of these groups is altered in the power structure itself, new laws, or a reinterpretation of old laws, will be necessary to protect the interests of the dominant group. Individuals perceived as a threat to those interests are potentially liable to have their activities criminalized. "Consequently, legal changes take place within the context of the

changing interest structure of society" (Quinney, 1970b:40). A truly political and social approach to crime must therefore focus on the prevailing historical conditions of the society in which new laws are passed, old ones are re-invoked, or new means of punishment are utilized. Conflict theorists stress that such social change results from an effort to solve the perceived problems of powerful or emerging interest groups. They begin from the assumption "that the legal institution is a reflection of the social setting in which it exists. As that setting changes; the legal system changes; even the particular source of changes varies with variations in the social setting" (Chambliss, 1969:11).

In conflict readings, two basic functions of law can be identified as being necessary to advance and protect the capitalist system - one economic and the other political. Taken together, an analysis of these two functions constitute a political-economic theory of crime.

The first function of law, from this viewpoint, is to deal with capital's need for a source of labor to be exploited during periods of economic growth. Laws function to make a supply of labor available during such period and to warehouse useless labor during periods of economic depression and labor surpluses. To this end, the state will discover and utilize punishments that correspond to its productive relationships. Thus, recurrent periods of reform and repression will be correlated with ebbs and flows in the economic cycles whereby the treatment of criminals will be a function of (a) the size of the surplus labor force and (b) the extent of demand for labor (Scott and Scull, 1974).

The second function of law, from a conflict perspective, is

related to the first, although it may vary independently. This aspect of criminal law is concerned with authority. The most obtrusive of control mechanisms, the right to take away freedom through imprisonment, is given over to the state which purports to represent the collective interest. Conflict theorists view criminal law as part of an ideology which legitimizes the working of society while hiding the real contradictions in the social order. Law is seen as a body of rules reflecting the ideology of the dominant class and designed to maintain the status quo. The very notion of crime, and the power to confer the status of criminal on an individual, serves as a weapon to control dissent and to preserve the social order; if those who rebel against the system, or those who refuse to participate actively in it, can be successfully labelled deviant, then the legitimacy of the social order is preserved. If the vast majority of people can be made to see social dissent as crime and activists as criminals, then they are drawn into accepting a view of reality which divides them from one another and prevents them from perceiving the causes of their dissatisfaction. Thus, conflict theory sees power being wielded by the state to the extent necessary to maintain central control over society. Criminal law emerges as a formal system of maintaining social order, a method used by the ruling class to prevent any challenge to the moral and economic structure of society. Law enforcement efforts are seen as being "increased when the interests of the powerful are threatened by the opposition's behavior" (Quinney, 1970:18). Substantive criminal law and procedural law intermesh to control those who oppose the existing order. The amount of dissent allowed in the society will vary

according to the degree to which the overall legitimacy of the state is acknowledged, thus, the government is more likely to take action against dissent when a political emergency is perceived. The use of law to suppress dissent serves the double function of repressing dissidents and discrediting them in the eyes of the rest of society.

When the criminal law is seen not simply as a coercive instrument to punish crime, but as an ideology enabling the ruling class to transform social differences into moral differences, the whole question of legitimacy of the law becomes important. When the ideology embodied in law is accepted by the subordinate class, it becomes something more than a creature of the ruling class - it becomes a power in its own right (Hay, 1975). If members of the society are to take the institutional order for granted, then all everyday roles and statuses must be legitimated; the system of law provides the means of identifying legitimate or illegitimate statuses. However, in order for legitimacy to be preserved, some measure of justice must be seen to operate. If laws are created to serve class interests, they must be administered on an individual basis. If the sympathies of the majority lie with an accused, then mitigating circumstances can be considered without changing the class basis of the law.

Since the general function of law is to protect and expand the prevailing economic and political order while preserving its legitimacy, the application of law will be determined by the need to balance a cheap and plentiful labour supply, to control dissent and to preserve the legitimacy of the law. While widespread dissent and social unrest generally correspond with periods of increasing impoverishment, social

unrest may also occur during an expanding economy; when it does, it is usually a measure of income disparity rather than general economic conditions. On the other hand, social dissent during an economic recession may not pose any threat to the established order if it is channelled through accepted institutional methods. Generally, however, the conflict perspective sees a cyclical pattern in the operation of laws and sanctions: "liberal or restrictive measures being followed depending on the problem of regulating the poor which faces those in control of government in the larger society" (Scott and Scull, 1974:1). Decriminalization, when it occurs, is seen as a product of the overloading of the control mechanisms of society, or as an economic imperative, rather than a genuine attempt to create a more humane society. Laws and their administration can thus never be totally understood apart from the other institutional arrangements of the society. Imprisonment is only one of the ways by which dissenting groups may be neutralized; discriminatory attitudes towards minority groups, the implementation of welfare schemes or work camps and the labelling of deviant behavior as "sick behavior", are also effective methods for isolating and scapegoating the poor and the unemployed. If we are to understand the periodic "crime waves" in society, we must also be aware of these alternative means for control of the poor or the dissenters and how effectively such mechanisms are working.

From a conflict perspective, and contrary to conventional perceptions, the beginning of a critical understanding of criminal law is the knowledge that the legal system serves the interests of a ruling class rather than serving the interests of the society as a whole. If

the legal system provides the mechanism for control of the poor, and the agents of law serve as a force for the protection of domestic order, then it follows that those who get labelled as criminals will most frequently be drawn from the ranks of those who lack social power. From this perspective, the status of the individual, as well as his conduct, becomes the condition upon which he is labelled criminal. Viewed in a broader perspective, it will be seen that there are different sets of laws corresponding to each status, class, and position in society (Reich, 1970). Many norms are applicable to particular categories of people; that is, acceptable behavior may be determined by one's age, sex, race, or class. Laws, mirroring these differential norms, often are administered on a class basis. For example, a person from the lower class will have little opportunity to break corporate laws while the capitalist will be just as unlikely to be punished for the crime of vagrancy.¹ In each case, the sanction for the crime will fit the status of the individual,² that is, the enforcement of laws which prohibit certain types of behavior among the lower-class persons are more likely to be enforced, while laws restricting the behavior of middle- or upper-class persons are not likely to be enforced"

1. The general impression of equality is not precluded by this situation. Anatole France once remarked "The law in all its majestic equality, forbids the rich as well as the poor to sleep under bridges on rainy nights, to beg in the streets and to steal bread."

2. Greenaway (1977) develops the conflict thesis that this concept of "individualized justice" is peculiar to capitalism. In feudal times, there was no assumption that people were equal before the law and separate courts were held for different classes. Under capitalism, "individualized justice" became the justification for continued inequalities of treatment.

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(Chambliss & Seidman, 1973).³ Further, where laws prohibiting upper-class action are invoked, the legal action is likely to be of a civil rather than a criminal nature.⁴ With respect to middle and upper-class violations (unfair employment practises, housing infractions, etc.), the chance of conflict between the state and powerfully organized groups becomes too great to risk strict enforcement on criminalization. In many instances, then, criminal status is an ascribed status dependent upon who the law breakers are, rather than what they do.

The systematically induced bias against the poor goes deeper than having rules legislated against their status-related activities. At every stage of the law enforcement process, discretion is exercised in regard to what aspects of criminally-liable acts will be emphasized.⁵ When the opportunity to break rules is more equitable (i.e. murder, rape), the possibility of acquiring criminal status is greater the lower

3. For example, as Sutherland (1971:309) noted, "Only a fraction of the violations of law by a particular corporation result in prosecution and only a fraction of the corporations which violate the law are prosecuted. In general, a few corporations are prosecuted for behavior which is industry wide."

4. Sutherland's work documents how many "white collar" criminals are dealt with by civil commissions and trade regulating bodies, where the administrative actions which follow the hearing of such "crimes" are often remedial, such as the use of injunction, rather than in terms of conviction and sentence. Law breakers of this type evade the criminal label. In U.S. criminal courts, an individual convicted of four felonies is deemed a "habitual criminal"; applying this numerical criteria to white collar crime, Sutherland found that 90% of the seventy corporations he studied were "habitual criminals".

5. For an excellent review of Canadian data on this point, see Lorne Tepperman, Crime Control, Chapter 6, "Crime and Social Inequality", Toronto:McGraw Hill-Ryerson, 1977).

the class of the violator. As Quinney observes:

It can be safely concluded that members of the lower class, in comparison to members of the middle and upper classes, have the greatest probability of being arrested and convicted for their behaviors. (Quinney, 1970b:217).

As a result, law enforcement energies are devoted largely to processing minor offences committed by lower class persons. Once arrest and conviction have taken place, the most severe sanctioning is imposed on persons in the lowest social class with little regard for the seriousness of the actual offense. As Chambliss notes, however,

It would be a mistake to interpret the foregoing remarks as meaning that all laws represent the interests of persons in power at the expense of persons less influential. In many cases, there is no conflict whatsoever between those in power and those not. (Chambliss, 1969:10)

The law often reflects the ability of particular groups in society to form coalitions that enable them to legislate their own concerns; for example, moral entrepreneurs often are able to have laws enacted which do not reflect either the concerns of the society as a whole or are particularly significant in furthering the interests of the upper class. Since the primary interest of the ruling class is in preserving the legitimacy of the existing order, laws may be enacted when they do not directly hamper ruling class interests. These laws do appear to enhance the legitimacy of the legal process, even though many of these laws can be, and are, systematically violated with impunity by those who control the political or economic resources of the society.⁶

6. Data from Chambliss's comparative study of Nigeria and the United States "clearly supports the argument that criminal acts which serve the interests of the ruling class will go unsanctioned while those that do not will be punished.

In some instances, a person of the upper classes may commit an act sufficiently heinous that he loses his power to interfere with the law enforcement machinery. When the activities of an individual are so obviously harmful that public anger at them is a potential threat to the corporate class itself, the individual is easily sacrificed by his class. At such times, the state risks little organized conflict while enhancing its own legitimacy for having brought the guilty party to trial (Chambliss, 1969:89). An important aspect of this type of class analysis is that power in a society is not concentrated in, or exercised by, the upper classes as individuals. Rather, "the enforcement of criminal sanctions is dictated by the necessities of the economic and political system in which the profit motive is central"⁷ (Lefcourt, 1971:23).

7. A central work in providing an understanding of the relation between the state and the dominant class is Ralph Miliband's The State in Capitalist Society. His central thesis is that while the capitalist class does not govern, it effectively rules; since the well-being of corporations and financial institutions in a capitalist economy are perceived as the equivalent of the national interest and since the state must pursue policies which promote the probability of business prosperity, the government must serve capitalist interests. One method of protecting capitalism is by repressing anti-capitalists. (see Stone, 1971:32-33)

Historical Evidence

To be relevant, a conflict perspective on crime must begin from an empirically grounded historical base. A number of studies have already begun to prepare this groundwork. Historical studies of this nature have generally been concerned with either the development of particular laws or with the nature of sanctions that are applied to law breakers as each relates to changing social conditions.

In line with the theme that the legal system operates to accommodate capital's need for control of the labor resources of society, Chambliss (1969) describes how vagrancy laws emerged with a labor shortage in the fourteenth century:

these statutes were designed for one express purpose: to force laborers (whether personally free or unfree, to accept employment at a low wage in order to ensure the landowner an adequate supply of labor at a price he could afford to pay. (1969:54)

The earliest forerunner of vagrancy-type laws emerged in England in 1349 when it became a crime to give money to able-bodied persons. Supplementary statutes were later evolved to control the movement of potential laborers from place to place. Thus, the emergence of vagrancy laws illustrates the state's attempt to curtail worker mobility in order to eliminate competition for their labor which would have resulted in increased wages. Vagrancy laws, once implanted in English common law, served the function of controlling dissent, in addition to their original function of supplying cheap labor. Rothman (1971) and Erikson (1966) both illustrate how the poor in colonial America were controlled by harsh sanctions against strangers in the community; such sanctions

resulted from the political and economic elite's need to control the infusion of alien values, as well as to prevent a financial drain on the community.

Vagrancy laws most dramatically illustrate the concept of status-type laws. The vagrancy offense focuses on a kind of person rather than a type of act; a vagrant is one who is defined as "an idle person, beggar or person, wandering without being able to give a good account of himself" (Quinney, 1970b:94). Caleb Foote's (1969) research into the use of vagrancy laws in Philadelphia during the sixties found that the principal employment of the statute was to banish the poor who were found where they were not supposed to be. Such statutes also provide the police with residual powers to facilitate the arrest of low-status persons where the evidence of law-breaking is too minimal to warrant conviction (see Lacey 1953).

A further illustration of how laws are interpreted or altered in order to incorporate changing elites is the use of the crime of treason in the early American colonies. Before the American Revolution, the British controlled public criticism of their efforts by the invocation of the law against treason; after the Revolution, the new Americans reshaped treason laws into a series of anti-Loyalist laws (Quinney, 1974). Thus, the changing interests of the dominant class brought about a change in the definition of crime.

Scores of new laws can be cited which have been created to secure the interests of the dominant class. In Canada, the federal government passed two pieces of legislation to suppress dissent and protest during the General Strike of 1919 in Winnipeg: one permitted

the deportation of any "undesirable" immigrant, regardless of the length of time lived in Canada, and the other, the infamous Section 98 of the Criminal Code, permitted a person to be arrested on suspicion and held until he could prove his innocence of being a member of any unlawful association.⁸

Although the laws cited above all have the characteristic of being principally status-type laws (laws enforced against a particular group), the more general property crimes are not immune from this kind of analysis as is demonstrated by the work of Jerome Hall (1952). He argues that it was the developing necessity to protect the property of mercantilists in England that was responsible for the creation of trespass laws as enforced in the Carriers Case of 1473. Until this case, "the common law recognized no criminality in a person who came legally into possession of property and later converted" (Hall, 1952:50). Prior to this time, there was no precedent for an interpretation of theft when a person was given rights to property by the owner. The law assumed that a person could not take what he already had possession of, and trespass was therefore a necessary element of larceny. Earlier economic conditions, where moveable property consisted of cattle, farm products and furniture, meant that the owner was likely to be deprived of his property only if it was taken away from his home. The Carriers Case was an important innovation in precedent, an innovation that coincided with political and economic interests that required safe transportation for their trade goods. In this classic work, Hall demonstrates

8. During the economic depression of the 1930's, this statute was used to sentence eight members of the Communist party to five years in the penitentiary.

the links between the most important industry in England at the time, the political influence of the King, and the legal decision handed down by the court. The decision was a bench mark in the development of our present day theft laws.

While such examples of changing and developing laws by no means exhaust the historical evidence supporting the conflict perspective, they do tend to give credence to the hypothesis that acts are criminal because it is in the interests of the ruling class to so define them, and that crime varies from society to society depending upon the political and economic structure of the society in question, rather than the more conventional viewpoint that law is a reflection of public opinion (Chambliss, 1975).

In the area of research into procedural law, one of the most significant histories of punishment is Rusche and Kirchheimer's Punishment and Social Structure (1939). Their thesis, in the conflict tradition, is that systems of punishment are related to capital's need for socially useful labor. Their work covers the development of punishment in Europe from medieval times through the twentieth century. They state that the development of prisons was related to the reserve army of labor in capitalistic societies; the penal system was used by the ruling classes to control or eliminate the poorer members of society when they became increasingly volatile. During the 16th century, penal practises were brutal and inhumane. While the forms of punishment involved various kinds of corporal punishment, imprisonment as punishment for crime was relatively unknown. However, the houses of correction established in England during this period can be conceived

as forerunners of the modern day prison. There, the poor were put to work at various kinds of labor and contracted out to private interests. While the workhouses were heralded as a major humanitarian reform, their emergence coincided with a rise in wealth during the seventeenth century, at a time when labor had become a scarce and expensive commodity. The real aim of the workhouses "was to convert people unwilling to work into socially constructive citizens" (Scott and Scull, 1974:13). The need for labor during this period can also be seen in the laws of the period forbidding the emigration of labor and in the widespread use of child labor.

As the urban population rose and labor became more plentiful, capital punishment was more widely used in Europe. From only 17 capital offenses in the 1400's crimes carrying the death penalty rose to a high of 350 by 1780; it was not until 1830 that the number of capital offenses was reduced to the original 17 of the 1400's (Gibbons, 1968: 438).

As capital in England began to search out new markets through the colonization of undeveloped countries, punishment adjusted to fit the needs of the colonial powers. Between 1597 and 1776, 100,000 criminals were transported to America; following the American Revolution, the place of banishment switched to Australia. From 1787 to 1875 over 135,000 lawbreakers were banished to that country (Gibbons, 1968:437-438).

Historical evidence like the above lends credence to the argument that methods of punishment, as well as substantive law, are also related to the productive relationships of a particular society.

However, while a conflict perspective must necessarily incorporate history, all historical studies have not incorporated the conflict perspective, or have done so to a limited degree. Many historical studies have underplayed or ignored political and economic variables as sources of social conflict. Studies of changing laws and of reform in punishment methods tend to show a linear model of increasing reform and humanitarianism. In one such historical study, The Discovery of the Asylum (1971), Rothman addresses himself to the problem of why Americans suddenly began to construct and support institutions for deviant and dependent members of the community, why they all at once began to erect penitentiaries for law-breakers, orphan asylums for homeless children, and reformatories for delinquents. Rothman's conclusion was that such changes resulted from the ideology of 18th century rationalism and reform. While a conflict perspective would assume this ideology (which Rothman gives causal status) arose from the need to legitimate the activities of economic and political elites, "there can be no disputing the fact of change. Here was a revolution in social practise" (Rothman, 1971:xiii). Prior to the Jacksonian era in America, the almshouse was not the typical place of support nor was the jail the ordinary place of correction. The colonial community of the 18th century cared for their poor in community households, not in separate institutions. The local jails that were in use were not a punishment; men were not sentenced to them; rather such jails "held men caught up in the process of judgment, not those who had completed it; persons awaiting trial, those convicted but not yet punished" (Rothman, 1971:48). The jail as an institution was not a place of

punishment nor a place of correction.

While Rothman seemingly neglects the political economy of the society in which institutionalization came to be the response to problems of the colonial society, he does acknowledge the process whereby the lower classes came to be perceived as a threat to the existing order. Indeed, the data he uses to support his conclusions implicitly spell out the need for political control of the lower classes by the elites of the society:

The colonial image of society was hierarchial with a series of ranks, upper to lower. Each segment enjoyed a fixed place with its own particular privileges and obligations...the community's poor...were a permanent order, integral to the system and not a perpetual source of danger to it...As long as the lower classes remained in their stations and fulfilled their proper roles, the system would function smoothly ...if the poor were no challenge to peace and security, they belonged to the community and could be treated nonpunitively, perhaps even decently (Rothman, 1971: 10-11).

In Rothman's view, eighteenth century Americans did not interpret the presence of the poor "as a danger to order or anticipate that somehow need might be eliminated from the society...there was little reason to fear that they might disrupt the system or ponder ways in which their condition might be improved" (Rothman, 1971:156). Since the lower classes were not seen as subversive of good order and stability, a policy of exclusion seemed purposeless. By the nineteenth century, however, the prevailing ideology was such that poverty and crime came to be seen as a consequence of faulty upbringing. Poor socialization, it was thought, could be ameliorated in a well-ordered institution by reeducating and rehabilitating the poor. "Just as the

criminal's environment had led him into crime, the institutional environment would lead him out of it" (Rothman, 1971:82-83).

What Rothman does not tell us in this analysis is why a new ideology should have arisen at this particular point in time; instead he sees the ideology itself as the causal factor in the development of institutions. An interpretation contrary to the position that prison construction in the U.S. was influenced by the ideology of 18th century rationalism and reform is provided in Smith and Fried's Use of American Prisons (1974). Rather than tracing modern day prisons to the humanitarian impulses of the Quakers, they describe the change in penal practises as resulting from changing productive relationships that required new justifications. Rather than prisons being the result of a new ideology, "internment was a practise that required a theory." The theory that poor people were criminal because of their poor socialization, which could be corrected in prison, thus served to rationalize the disproportionate number of poor incarcerated in the new prison. Takagi (1975) supports this conclusion in his analysis of the construction of the first prison in the United States. In his view, the significance of the state prison was its utilization of the concept of a centralized state apparatus for the control of dissidents. The new prison comprised a form of penal colony, isolating the prisoner from his family and friends, thus preventing interaction which could lead to the formation of potentially dangerous protest groups. The desire of the Quakers to create more humane conditions could only be realized because it coincided with the demand of dominant interests for centralized powers to guarantee the development of a new economic order. Of

significance is the fact that this revolution in social practise occurred at the same time as the state was experiencing a fiscal crisis.

Another historical work giving credence to a political economy theory of crime is that of Pivan and Cloward (1972). Their study calls attention to the role which economic factors have played in shaping public policy in general towards those in the lower classes. They conclude that basic changes or reforms in society are "initiated or expanded during the occasional outbreaks of civil disorder produced by mass unemployment and are then abolished or contracted when political stability is restored" (Pivan and Cloward, 1972:xiii). Although they agree with Rothman that political unrest and deterioration of social control brings about such changes, they perceive the underlying causes of such dissent as being the economic and productive relationships of the society rather than the change in ideology itself. They conclude:

The regulation of civil behavior in all societies is intimately dependent on stable occupational arrangements. So long as people are fixed in their work roles, their activities and outlooks are also fixed; they do what they must and think what they must. Each behavior and attitude is shaped by the reward of a good harvest or the penalty of a bad one, by the factory paycheck or the danger of losing it. But mass unemployment breaks that bond, loosening people from the main institution by which they are regulated and controlled. (Pivan and Cloward, 1972:6-7).

Historical studies of the type cited above support the thesis that when social conditions change, new laws, enforcement procedures, or penal changes are the probable result. Such studies also introduce the realization that a change in criminal law is only one of the ways in which the system of law adapts to accommodate the political and economic needs of the elite; thus, changes in penal practises need to

be related to other institutional changes that operate in conjunction with changes in the criminal law.

Conflict Theory - Some General Propositions

From the foregoing discussion of the conflict perspective, a number of general propositions may be drawn. The scope of this research involves only those propositions which relate to "crime rates" as indicated by incarceration and may be stated as follows:

First, in an expanding economy (when labor is in a competitive position), the crime rate (as evidenced by the actual incarceration in prisons) will be relatively low; conversely during periods of economic depression and high unemployment, prison incarceration will be relatively high.

Second, during periods of high social unrest, prison incarceration for offenses of a social control nature (those with the least degree of societal consensus) will be relatively high; conversely, prison incarceration for social-control crimes will be lowest during periods of stability.

Third, during periods of high social unrest, the severity of sanctions imposed will be greater regardless of the seriousness of the offense; conversely, during periods of social stability, sanctions will be less severe.

Fourth, powerless groups and those of low status will be incarcerated more frequently than those of high status.

Fifth, powerless groups and those of low status will form a larger percentage of the prison population during periods of unrest or

unemployment than during stable periods.

Sixth, incarceration for offenses that have a high degree of consensus will be less class-related than will incarceration for offenses for which societal consensus is low.

Seventh, low status groups will receive more severe sanctions than will high status groups.

Chapter 2

THE MANITOBA EXPERIENCE - A RESEARCH PERIOD

The purpose of this thesis is to test the conflict perspective as it applies to Canada in general, and Manitoba in particular. In order to do so, a period of time had to be chosen for research. This chapter deals with the basic political and economic features of the period to be studied. The years 1918 to 1939 have been chosen to test the general propositions of conflict theory in Manitoba. This twenty year period comprised periods of economic growth as well as periods of extreme depression, periods of social stability as well as periods of widespread dissent.

Post War - 1918-1919

The period following World War I was in general a prosperous one. As a result of the disruption of Britain's trade connections with continental Europe, Canada became an increasingly important supplier of many essential items, with the prairies being the main beneficiary of the war-time need for increased production (Britnell and Fowke, 1962). Corresponding to the increased demand was an "unparalleled bounty of nature coupled with an increase of five million acres in Canadian wheat plantings (Britnell and Fowke, 1962:36). Canada's commodity exports rose from less than \$300 million in 1910 to a peak of \$1½ billion in 1917-18. The price paid for wheat rose steadily from an average of \$1.00 per bushel in 1914 to 2.51 per bushel in 1920 (Firestone, 1958). While economic collapse was to occur eventually, it did not do so until a year and a half after the end of the war (Britnell and Fowke, 1962).

Agriculture was still the mainstay of the Manitoba economy and the period appeared to be a prosperous one for farmers, albeit one riding a crest of inflation, inflation that exceeded any that had developed during the war. A Free Press headline in Winnipeg during 1918 summed up the situation of Manitoba's farm population when it proclaimed: "War Prices Make Farmers Wealthy - Farmers are Prosperous" (Feb. 8, 1918).

The city workers were not in such an advantageous position. They worked at wage rates lower than those of their counterparts in the east.

Consequently, they were especially hard hit by the war time rise in prices, a rise made harder to bear by high freight rates, to which Western Canadians had long since become accustomed but never reconciled. Thus, much of the urban working class in the west did not benefit greatly, if at all, from the prosperity created by the war (Graham, 1968:193).

While the period after the war was one of general expansion in Winnipeg's manufacturing industries (McKillop, 1970), this expansion was not shared by the majority of the laborers in industry. As a result, the immediate post-war years were also years of extreme social unrest, a time when "strikes and lock-outs reached an all time high in size, frequency and number" (Jamieson, 1957:38). Part of the dissatisfaction felt by Winnipeg labor may very well have been the dashing of worker expectations. From 1910 to 1914, the hopes and aspirations of labor had been raised by the succession of years each more prosperous than their predecessor which had enabled them to better their position. From 1915 to 1918, however, no group of workers managed to make any real gains (Sutcliffe, 1972:90).

Unemployment rates were not routinely calculated and reported prior to 1919, so it is difficult to tell if unemployment was as much a factor in the growing dissatisfaction of the urban worker as was the perceived threat of high unemployment and economic collapse with the return of veterans. It appears that the acute demand for farm labor during the war continued unabated into the post war period.¹ The Report of the Commission on Industrial Relations for 1919 stated "that if the unemployed of the cities who understand farming methods could be induced to go to the farms, the existing unemployed problem would be largely solved" (Free Press July 4, 1919). While not conclusive with regard to the degree of unemployment, another factor does give some support to the assumption that the labor supply was drastically reduced in the months prior to the return of overseas soldiers. During 1918-19, Manitoba suffered a severe outbreak of flu. A headline on December 2, 1918 stated that the November death toll from flu in the City of Winnipeg alone was 575. Granting that this included many too old or too young to be part of the labor force, it only represented the toll for one month of an epidemic which killed many of the able-bodied in Manitoba. A further factor suggesting that general unemployment was not the main cause of dissent was the inflation rate itself. While we now know that high unemployment can exist at the same time as high inflation, this is most probably due to government intervention in the

1. In 1919, for example, a spokesman for the Employment Service of Canada called for thousands of men to be brought in from the east to fill the need for farm laborers (Free Press July 10, 1919). At that time, there were about 1500 calls for farm labor and only 1000 men on the government unemployment list.

economy. During the 1918-19 period, the government was still maintaining a relative "hands-off" the economy approach, thus high inflation was less likely to coincide with high unemployment. While none of the above provides strong evidence for the contention that unemployment was not an issue, it would appear that the extreme inflation rate was of greater importance to the average worker in Winnipeg.

Socially, Manitoba, and Winnipeg in particular, consisted of "the most diverse ethnic composition found anywhere in Canada, numbering more than thirty ethnic communities" (Usiskin, 1977:2). While most of the agricultural areas of southern Manitoba were largely occupied by 1921 (Weir, 1960), Winnipeg had grown to such an extent that it was the third largest city in Canada. Although ethnic groups tended to segregate into particular districts, Winnipeg and its surrounding districts were populated by residents of most ethnic groups found in Manitoba. As indicated by the following population table, however, the majority of Manitoba residents were of British origin.

ETHNIC GROUP	1921	
	NUMBER	PROPORTION OF POPULATION
British	350,992	57.5%
Ukrainian	44,129	7.2%
French	40,638	6.7%
German	19,444	3.2%
Mennonite ¹	21,295	3.5%
Polish	16,594	2.7%
Scandinavian	26,698	4.4%
Jewish	16,593	2.7%
Others	73,735	12.1%
TOTAL	610,118	100%

¹ Includes Hutterites

(Weir, 1960)

The British were among the first to migrate to Manitoba, both from Eastern Canada and from Great Britain. Once established, they dominated the social scene, both numerically and culturally. To be "Canadian" was to embrace the culture and the institutions of Great Britain.

During the period of growing the working class dissent in the latter part of 1918 and early months of 1919, the strongest propaganda weapon the ruling group had at its disposal was the association of labor unrest with the "enemy alien". Though the foreigner had been stereotyped as inherently violent long before the war, media reports of worker dissatisfaction in the post war period served to augment this impression. The words "Hun" and "bolshhevik" were widely used terms of disparagement which referred to Germans, Austrians, Hungarians and Russians alike. From the daily papers to publications such as the Canadian Annual Review and the Cambridge History of the British Empire, the riots and strikes were interpreted as either conspiracies to establish a soviet government on the banks of the Red River or as the work of enemy aliens and traitors working from within. The rights of the foreigner were considered to be of little consequence:

All over the Dominion, Germans and Austrians lost their jobs, had their ethnic clubs discontinued and their religious services closely scrutinized. By the end of the war...these people could not read a newspaper nor conduct a meeting in their own language, could not move freely about the country and could not vote" (Mott, 1970:19).

European immigrants were generally considered "un-Canadian" and the fomenters of unrest among labor. Although it was true that the immigrant groups were at the bottom of the wage scale, did perform the lowliest manual jobs, and were the most affected by the extreme inflation, the

main labor leaders were British to a man. However, the best known leaders - Fred Dixon, William Ivens, John Queen, Bob Russell, J. S. Woodsworth - had all been well-known pacifists during the war and were, therefore, considered to be "pro-German" (Mott, 1970:27). The association between radical labor and the alien enemy was a ready-made propaganda weapon and a campaign was launched to prove that the ethnic, the labor, and the enemy threats were one and the same.² From the end of the war through the General Strike, the assumption grew that labor was dominated by foreign followers of foreign ideologies. Although a Royal Commission into the causes of the strike found no evidence of foreign revolutionary intent, nativistic attitudes continued for some time. During the 1919 election, conservative forces cautioned against electing Labor candidates lest the Union Jack be replaced by the Red Flag, and the 1920 changes in ward distribution were justified as "necessary to save the city from Bolshevism" (Mott, 1970:65).

In summary, the immediate post war period was one of high inflation, prosperity in some sectors, and a great deal of dissent amongst urban labor. The instability of the period was characterized by the Winnipeg General Strike. It would appear that high inflation, the lack of a living wage for urban workers, and the threat of unemployment, were among the precipitating factors of this strike. Such dissent was often interpreted as being the work of foreign agitators intent on destroying British freedoms.

2. During the strike, both daily newspapers in Winnipeg used the terms "Austrian" and "enemy alien" interchangeably in their reports of the unrest.

The Twenties

While nativistic attitudes continued into the twenties, the post-war boom did not. All sections of Canada were adversely affected by the collapse of the agricultural market, but the prairies, dominated by the fortunes of agriculture, suffered the most acutely. Prices of farm products fell an average of 50 per cent during the recession (Britnell and Fowke, 1962:34), and prairie farmers who had been receiving \$2.45 per bushel for their wheat in 1919 were getting only 81 cents in 1921 (Bellan, 1958:281). While this deflationary period was severe, it was short lived. Economic activity levelled out in 1923 and a strong increase occurred again by 1925 (Safarian, 1958). As exploitation of natural resources and development of manufactured products supplemented the income from farm activities, the prairie economy became less subject to swings in world farm markets.³ Rapid industrial expansion based on cheap electric power and new industrial methods meant industries required a ready supply of cheap labor.⁴ This growth continued through the twenties, more or less absorbing the growing population. Despite high immigration during the latter part of the twenties, unemployment was low since salutary agricultural conditions served to absorb surplus workers from the city as farm laborers. While wages increased, the decline in prices which occurred during the 1921 recession continued throughout the twenties with the result that Manitoba witnessed "both

3. The election of Premier Bracken in 1922 was significant given his great interest in diversification of the economy.

4. Manufactured products grew from nothing manufactured locally in 1870 to over \$170 million worth of products by 1920.

the period of greatest capital expansion and the first period in which real income of workers began to rise above 1900 levels" (Johnson, 1974: 241; Firestone, 1958).

The psychological climate of the decade, particularly the latter half, has been described as one of activity and optimism. James Gray speaks of the period as a "super-confident speculative" one, a period where "money - to Western people - was not just for spending on creature comforts but for putting into things to make more money" (1966:6). It was a materialistic period during which the belief in economic individualism was strong, where poor and affluent alike subscribed to the doctrine of self-help through work.

What economic distress there was during the twenties did not ordinarily lead to such serious outbreaks of disorder as to provoke major concessions. Labor activity and dissent appeared to be at a minimum.⁵ Even where dissent was most evident, among farmers in the early years of the decade, there was little threat to the established order. Dissent was expressed in an institutionalized fashion; the farmer's revolt was against the old line parties, and they succeeded in electing 65 "Progressives" to Parliament in 1921. While this group had not quite gained a balance of power, they were in a position to bargain for the interests of the west (Van Loon 1971). That the Progressives failed as a group to gain any degree of power was, in part, a result of their individualistic orientation. They maintained

5. In his history of labor unions, Jamieson reports that "the twenties was a period unique in the history of organized labor in that unions declined in membership and bargaining power in the midst of unprecedented prosperity and economic growth" (1957:39).

an anti-party ideology and rejected the idea of a legislative caucus. Their basic goal was a better deal for the farmers but most of them differed little from the eastern Liberals in ideological outlook. Due to a lack of internal cohesion, no unified program could be agreed upon and their absorption into the Liberal party was a relatively easy process. While the various political factions supported by labor had come together to provide a united front during the Winnipeg General Strike, with its end, they split once again. Thus, there does not appear to have been any well organized threat, and little potential for one, to the established power group during the twenties.

No discussion of the political climate of the twenties in Manitoba would be complete without some notice being given to the fact of Prohibition in the province. Groups advocating a ban on alcoholic beverages were not new to the Canadian scene. Although the first temperance society was formed in Upper Canada in 1828 (Blyth, 1972:200), governmental control of liquor did not catch on until the First World War. A diverse group, not always ideologically compatible, was involved in agitating for Prohibition legislation. Church and Women's groups identified the consumption of alcohol with immorality, poverty and disease among the working class, particularly those of foreign extraction. It was strongly believed that the foreigner could not be Canadianized until the evil effects of alcohol were controlled. To the business community, "the whiskey-selling grocery stores were rat-holes down which their own profits drained" (Gray, 1975:14).⁶ In addition to lost

6. Studies in scientific management stressed efficiency and sobriety; many American manufacturers had begun to forbid their employees to drink on or off duty (Goshen, 1973).

productivity, the person who spent more on alcohol spent less on consumer goods. The business man thus supported some means of controlling the drinking habits of his workers.⁷ With the coming of the war and the scarcity of manpower, both home and abroad, alcohol was pictured as an insidious weapon of the Germans, sapping the moral fibre of Canadian troops. It was also argued that the money spent on alcohol would be better used in paying for the war. Patriotism and prohibition were evoked in the same breath (Blyth, 1972). In Manitoba, a Temperance Act was passed in 1916 forbidding the sale of alcohol within provincial borders. Until 1920, however, alcohol could be imported by those with sufficient funds for large scale purchases. Permits were issued for the private importation of alcohol and import houses sprang up near Manitoba borders.⁸ When the federal government ended the importation of alcohol into dry provinces in 1921, the majority of Winnipeg's leading citizens already had stocked their cellars (Gray, 1975). Other means remained for those without their own supply: the manufacture of bootleg liquor had become a lucrative industry, doctor-pharmacist teams were reported to be filling thousands of prescriptions for alcohol per month, and breweries were doing a roaring business in the substitution of the allowable 2% beer (Thompson,

7. Blyth (1972) notes that even the most perceptive liquor dealers were quick to realize that prohibition would simply result in their selling liquor without the necessity of obtaining a license.

8. When the United States also went "dry", Canada became a pipeline to the States as well. Much of the alcohol flowing through Canadian hands came from overseas. Blyth notes that "between 1918 and 1922, imports of British liquor into Canada increased six times (1972:228).

1972; Gray, 1975). The change that came to Manitoba with the Temperance Act was not so much in the amount of alcohol consumed but in the circumstances under which it was consumed. In 1923, anti-prohibitionist forces prevailed and Prohibition, Manitoba-style, was brought to an end.⁹ But while government liquor stores were opened in 1924, beer was still available only by the dozen and was designed for drinking at home, a fact that was remedied after 1927 plebiscite calling for the public sale of beer. In 1928, a new Liquor Control Act was enacted which allowed for public sale of beer by local option; alcohol was again legally available to the worker as well as to his employer.

The most serious effects of Prohibition were in the deterioration of respect for law and order. Laws could not be enforced in an atmosphere that accepted as inevitable the need for graft and corruption by bootleggers and public officials. From a perusal of newspapers of the day, it would appear that there was not so much a reduction in crime during prohibition as there was a change in the type of crime committed and the sanctions involved. Although the crime of public drunkenness among the lower classes was much reduced, the papers reported more alcohol-related crimes than ever before. According to such reports, these criminals rarely languished in jail.¹⁰ On June 3, 1922, the

9. In addition to problems involved with enforcing the law and preventing official graft, two arguments of an economic nature had been advanced for ending prohibition. Businessmen now felt that the availability of liquor would increase the tourist trade from the "dry" U.S., and further, that government control of liquor by taxation would relieve heavy taxation and turn the government deficit into a surplus (Thompson, 1972).

10. "One moonshiner, who admitted having grossed \$7,000.00 from one month's operation was fined \$300.00, an 'operating tax' of about four per cent" (Thompson, 1972:123).

Winnipeg Tribune reported total convictions of 9931 under the Temperance Act but allowed that of these convictions a total of about 35 people were actually sent to jail. As well, the Act did not achieve its purpose of eradicating public drunkenness; the Manitoba Free Press reported 115 such charges during one month in 1923 (Thompson, 1972:173). As Gray noted, "Even with adequate enforcement, which was totally lacking, there were enough loopholes left to enable a determined drunk to drink almost without pause" (1975:87). Reports of the period lead inevitably to the conclusion that alcohol-related offenses were at an all time high.

To recap, the potentially explosive political situation which existed during 1918-19 was followed by the relatively stable decade of the twenties. Economically, a short-lived boom, that amounted to an inflationary spiral, followed the war; a sudden downswing occurred during 1920 and 1921. Next came an upswing for a few years with a strong increase after 1925 when prices remained generally stable and wages rose for the remainder of the twenties. Nativism and Prohibition were factors which played a part in the economic and political scene of the period.

The Thirties

The decade of relative growth and prosperity was followed by a decade of depression and dissent. The 1930's witnessed the longest and most severe depression with the highest unemployment rates ever recorded in Canadian history. Jaffary sums the situation up succinctly:

The economy depended on export trade and world trade was depressed. Factories closed, businesses

failed, cities and even provinces were bankrupt. Drought on the prairies brought disaster to whole regions. Urban and rural disaster alike reduced purchasing power and large measures of relief were required (1963:82).

The problem of unemployment was the most crucial one of the decade, creating a virtual army of potential dissenters. All parts of the economy had been affected and the rural areas could no longer absorb unemployed urban workers. In fact, farm workers migrated to the cities in increasing numbers in search of non-existent jobs. While the general incidence of strikes among the employed increased during the early years of the depression (Jamieson, 1957), the greatest threat to the social order came from the roving bands of unemployed. Brown outlines the situation as follows:

Having no families to provide for and often no firm roots in any one locality, they were the most difficult to intimidate by threats of cutting off relief or even imprisonment, and the latter was hardly feasible given the large numbers involved. By 1932, it was estimated that there were a minimum of 70,000 single homeless unemployed transients who congregated in the cities when they were not travelling between cities. These unfortunates, along with the hundreds of thousands of other unemployed were becoming frustrated and militant to the point where the federal government believed that disorder could become general. Reports from welfare authorities and the police indicated that trouble might soon escalate to the point where the armed forces would have to be used on a large scale (1970:82).

The legitimacy of the economic order was in question and hardship could no longer be seen as a result of individual failure. The potential for protest, already evident early in the decade, was to give rise to the largest movement of unemployed in the history of Canada.

The radical political potentiality of the single unemployed was already apparent to the authorities by the early thirties. As

early as 1931, propaganda weapons were again in use against dissenters. Nativistic behavior, prominent at the time of the Strike, re-emerged in the thirties. The hardest hit by the depression were the unskilled workers in the primary industries, many of whom were recent immigrants to Canada. Communists and foreigners reemerged as the bogeymen of the decade; the "troubles of the moment could once again be blamed upon 'bolshheviks, anarchists and thugs'" (McKillop, 1970:169). In February, 1931, Mayor Webb of Winnipeg sent the following telegram to the Prime Minister: "Let Us Deport All Communistic Agitators Stop If We Have Not The Laws Now Cannot We Obtain Them This Session" (McKillop, 1970:168). Laws enacted at the time of the Strike¹¹ were used most extensively against the unemployed; out of 25,000 families deported during the depression, 15,000 were removed because they were public charges (McKillop, 1970). Political leaders could hardly be blamed for their paranoia - letters to major political figures at all levels denounced the "Red" immigrant as the cause of the trouble; reports of inspectors and undercover agents stated that the communist party was about to conquer the city, and the local business community was calling for authorities to quell disturbances in the industrial sector.¹²

11. One such law enabled the deportation of any immigrant and another permitted a person to be arrested on suspicion of being a member of an unlawful association.

12. After a riot of the unemployed in Winnipeg during 1931, the Employers' Association of Manitoba made a number of requests of authorities in an effort to eliminate further demonstrations. They called for enlarging the authority of the police in dealing with communist groups, the strengthening of naturalization laws and cancelling the naturalization certificates of communists. In addition, they suggested amending postal laws to declare any publication advocating revolution as unlawful and the prosecution of any person or group for spreading discontent among workers (McKillop, 1970:175-6).

While, in the United States, expanding use of relief measures (exemplified in Roosevelt's New Deal) were implemented to deal with the crisis,¹³ Canadian authorities ran into constitutional snags. Federal powers had to be expanded into provincial jurisdictions to handle the emergency and municipalities, which were hard pressed to look after their permanent residents, in turn, needed rescue by provincial authorities. Provincial governments had inadequate tax fields to meet the crisis and were reluctant, in any case, to provide relief measures for fear of being inundated with the unemployed from across the country. As a result, it fell to the federal government to assume responsibility for potentially troublesome transients. Total government expenditures for relief grew from 18.4 million dollars in 1930 to a peak of 172.9 million dollars in 1935 (Van Loon, 1972:198). The number of people on relief in Manitoba peaked in March of 1933 at 91,210 people, an increase from 16,001 in November of 1930 (McKillop, 1970:101).

Such vast amounts of relief were insufficient to deal with the problem. Other measures had to be chosen by the federal government in order to minimize violent upheaval by the thousands of laborers thrown out of work. One such measure was the development of "voluntary" work camps for the unemployed, begun in 1932 by the federal government for the accommodation of physically fit single homeless males.

The

primary purpose of the camps was to keep young men out of the cities and the camps were compulsory

13. See Pivan and Cloward (1972) for an excellent analysis of expanding relief measures during the thirties in the U.S.

for thousands of the single unemployed who were cut off relief and left with a choice between the camps or facing arrest for vagrancy...The camps also made it possible to step up the intimidation of those single unemployed who obtained relief jobs on farms or remained in the cities. The threat of being sent to a camp could be and was used to discourage would-be critics among relief recipients (Brown, 1970:83).

Prior to the establishment of the work camps, the magnitude of dissent in Winnipeg was unequalled anywhere in the country with the possible exception of Vancouver. With the institution of relief camps across the country, unrest in the cities was simply transferred to the camps; the establishment of such camps was, therefore, far from successful as a stabilizing political influence, although it did remove much of the problem from the cities.

With the exception of a slight recovery in the economy during 1933, the entire decade of the thirties can be characterized as one of extreme depression and high social unrest. The worst effects of the decade were felt by laborers in primary industries. Since all areas of the economy were affected, previous solutions to unemployment, such as laborer migrations from farm to city or city to farm, were no longer effective. All established measures of relief were inadequate, forcing the government to revamp old methods and to implement new means for controlling dissent. Since the most severe disruption occurred in the early part of the thirties when the government was least equipped to deal with the crisis, it can be expected that established control institutions would be hard pressed during the earliest years of the decade.

Summary

The period of time chosen for study, from 1918 to 1939, includes a period of economic inflation coupled with large scale dissent, a decade of relative prosperity and social stability, and a further decade of unrest coinciding with economic distress.

The immediate post-war period was a prosperous one for Manitoba farmers and one of general expansion in the industrial sector. At the same time, the benefits of the expansion were not shared by urban workers, many of whom experienced an actual decrease in real wages due to rapid inflation. As a result, the 1918-19 period witnessed a period of vast dissent and social unrest despite the lack of recessionary influences. The media portrayed the social unrest as the work of foreign instigators who would destroy freedom and establish a soviet-style dictatorship.

The second period, the 1920's, has been characterized as one of general prosperity and social stability although the early years of the decade were marked by recession. The economic effects of the short-lived recession were most widely felt in the agricultural sector. Although the farmers expressed dissatisfaction, their revolt was expressed through established political channels. While desiring a better deal for themselves, they never really threatened the established order. During the twenties, the administration of law in Manitoba was affected by the Manitoba Temperance Act and its amendments. Circumvention of this law was so widespread that respect for law and order was seen to be deteriorating and government control of alcohol replaced prohibition.

The third distinct period of study was one of extreme depression and widespread dissent. With the legitimacy of the established order being called into question, the government faced its most severe crisis since the beginning of confederation. Unemployment was the major issue of the day and compulsory work camps and expanded relief measures were set up in order to mitigate the developing unrest. While such measures were not entirely successful in stabilizing the radical political element, they did release some of the pressure from the cities.

Chapter 3

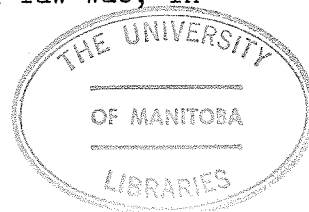
METHODOLOGY

Conflict theory suggests that political and economic conditions will raise the incarceration rate in periods of depression or widespread social dissent. As well, it is posited that the more powerless will bear the greatest risk in being branded criminal and will experience an increased severity of sanctions during periods of depression or high dissent. In testing these propositions, a twenty year historical period has been chosen for study on the grounds that it includes both periods of depression and dissent as well as periods of productivity and relative stability. A research design for the testing of conflict theory during this period is outlined in this chapter. Reasons for the selection of a research setting, the sampling of cases, the operationalizing of variables, and the specific hypotheses identified, are elaborated upon.

Research Setting

In an effort to determine the incarceration rates in Manitoba between 1919 and 1939 this study has utilized the records of a Manitoba provincial jail. In order to illuminate the reasons for this choice, a few comments on the nature of Canadian law and Canadian prisons are in order.

Canadian law is based upon English common law and English statute. "British common law was assumed to be applicable to any area settled by British people" (Donnelly, 1963:149). Since Canada had been settled as a colony of Britain, the transfer of common law was, in



theory, automatic. The statutes creating the Manitoba courts were worded so as to leave judges free to adopt whatever British precedents and procedures were found to be applicable. Until 1955, a Canadian could be prosecuted for offenses under the Criminal Code or for common law offenses. In 1955, the Revised Criminal Code abolished all criminal common law, although the code preserved the basic features of common law rules and principles (McGrath, 1965).

While, under the B.N.A. Act, criminal law is the exclusive prerogative of the federal government, each provincial legislature is also authorized to enact laws and to impose punishment. Under this authority, the province also may delegate authority to municipalities to enact by-laws and to enforce them.¹ In looking at the distinction between federal and provincial legislation in regards to crime, then, "it matters little whether an offense is dealt with under federal or provincial law" (McGrath, 1963:11). During the period of study, Manitoba residents were subject to British common law and statutes, to federal statutes (including the Criminal Code), to provincial statutes and to municipal by-laws.

The administration of criminal justice in Canada is a complex mixture of federal and provincial jurisdiction. For purposes of this paper, the distinctions are largely irrelevant. What is important is the distinction between provincial prisons and federal penitentiaries.

1. Sec. 91, Subsec. 27 of the British North American Act gives the federal government jurisdiction over all criminal law cases, while the provincial powers include the administration of justice and the imposition of punishment for enforcing provincial law.

The division of responsibility

has its explanation in historical tradition² rather than in logic or in a scientifically deduced plan. The Government of Canada administers prisons officially designated as penitentiaries, to which persons sentenced to prison terms of two years or longer are committed. The provinces are responsible for the custody of persons sentenced to prison for terms of less than two years (McGrath, 1963:302).

In Canada, a person charged with an offense may spend time in a number of different institutions during the process of conviction, sentencing, and serving time. The Canadian Corrections Association defines

a lock-up as a structure intended to hold adult prisoners on a temporary basis for a few hours. If a longer period of detention is required, the prisoner is transferred to a jail.

A jail (sometimes spelled "gaol") is intended to hold adult prisoners awaiting trial, or remand, or awaiting hearing of an appeal, and those sentenced to only a few days imprisonment, not long enough to warrant transfer to a reformatory, correctional institution, industrial farm, farm camp, forestry camp, or penitentiary (1964:419).

In all provinces except Ontario the same institution serves both the function of the jail and the prison to which an offender is sentenced to less than two years. Since there is no jail system apart from the provincial institution, the jail records include not only those awaiting trial or on remand, but also all those individuals sentenced to two years or less imprisonment. In addition, since penitentiary authorities will not receive a prisoner until the period during which

2. The two year dividing line was first fixed in a statute of the old Province of Canada operated in 1842. When the B.N.A. Act was enacted, Sec. 91 gave authority to the federal government for "penitentiaries" - a word which meant confinement for those sentenced to over two years (Jaffary, 1965).

an appeal may be launched has passed, the jail records also include all prisoners who have been sentenced to a federal institution (Canadian Corrections Association, 1964). The provincial institution is therefore the funnel through which all offenders go into the correctional system. To sum up, after a person is arrested, he is taken to the local police lock-up. He is then brought before a magistrate for arraignment. "He may then be tried summarily and either sentenced, or remanded for sentence or for subsequent trial. Whether sentenced or remanded, he is taken to the jail" (Kirkpatrick, 1964: 414). Provincial jail records of Manitoba thus include all individuals convicted, as well as a number who have not been found guilty of any crime. In addition, Manitoba jail records also show the final disposition of all cases involving individuals who were sentenced to less than two years - whether, in fact, they actually served their term of sentence or not.³

In Manitoba, provincial jails corresponded to judicial districts with one jail serving one judicial district. Prisoners sentenced for an offense in one judicial district were to be sent to the jail serving that district.⁴ The largest judicial district in Manitoba has

3. See Appendix I for graphic representation of the movement into provincial jails.

4. Although a 1901 Amendment provided for a prison at Portage la Prairie for youthful offenders (under 13) and the better class of prisoners, it could not be determined whether any individual other than a juvenile ever actually served a term in this institution. In 1959, an Amendment to the Gaols Act provided authority for the transfer of prisoners from a gaol in one judicial district to a gaol in another judicial district (Ch 20, Sec 2). Before this date, no such machinery appears to have existed for the transfer of prisoners from the district in which the offense was committed.

always been the one which includes Winnipeg within its jurisdiction - the Eastern Judicial District. During the 1920's and 1930's, this district was responsible for between 68% and 78% of the province's incarcerations. For this reason, this judicial district provides the largest sample of prisoners, as well as including offenders from both rural and urban areas.

In the period under study, the provincial jail for the Eastern Judicial District was located at Vaughan Street in Winnipeg until 1929 and at Headingly from 1929 forward. From 1919 until 1929 most prisoners served their sentence at East Raintree, a workcamp reached by rail; but the official jail and jail records were still at Vaughan Street. The prison camp at East Braintree was useful to Manitoba in a number of ways. While an Act passed in 1910 provided authority for the government to confine juveniles and women in separate facilities, and an addition was built onto the Vaughan Street jail in the same year, overcrowded conditions were still a problem. Additionally, prisoners held at Vaughan Street were virtually idle at a time when manpower was at a premium. With the end of the war, construction activity was resumed in Manitoba creating a further need for manpower. One project which had proceeded throughout the war and was nearing completion in 1918 was the water aqueduct to Shoal Lake (Bellan, 1958: 272). Prisoners taken to East Braintree were partially responsible for the completion of this project as well as for supplying wood to the city of Winnipeg (Free Press November 8, 1969:3). The work camp was utilized in this manner until 1929 when the Headingly jail (authorized by an Act in the legislature in March, 1928) was completed.

Methodological Problems With Institutional Data

The records of the Eastern Judicial District jail in the Province of Manitoba have been selected as those contributing the most information on incarceration in Manitoba from 1918 until 1939 since they include information on the majority of prisoners during this time period regardless of length of sentence. However, since much has been written in recent years about the unreliability of official statistics in general and crime statistics in particular, some attention must be given to the way in which these statistics are to be used in the study.

Criminologists relying on official crime statistics have believed erroneously for many years that deviance is a phenomenon of the lower class. Such conclusions are challenged on the ground that official rates do not accurately portray the actual amount of deviance occurring and are, therefore, inherently biased. (Black, 1970; Kitsuse and Cicourel, 1963; May, 1963; Giffen, 1965).

The process of the application of public law is a discretionary one with a number of stages during which an individual can be filtered out. These stages may be identified as

- (1) the norms which do or do not get legislated into law.
- (2) the energy with which the legislated norm is policed.
- (3) the willingness of the executive to invoke formal processes.
- (4) the sentencing stage.
- (5) the administration of the penalty.⁵

5. See Sharman (1972) for discussion of discretion in Canadian law as a political process occurring through these stages.

At each step, discretion is applied; thus numerous contingencies occur between an offense and its statistical appearance in the prison population.⁶ It is therefore contended that lower class individuals are disproportionately represented in the statistics, not because of faulty socialization, nor disorganization owing to slum conditions, but rather because differential law enforcement produces a distorted picture of crime. The crime rates themselves, in other words, may be indicators of direct discrimination. While most criminologists are aware of the amount of discretion employed at each stage, and while most discussions of criminal behavior begin with the expression of grave doubts as to official statistics, researchers then go on to present the statistics as though they faithfully portray the extent of crime in the society (Giffen, 1965).

Despite the acknowledged problems with crime statistics, conflict theorists suggest that a rejection of official statistics is equally in error. As Jock Young notes,

The rejection of the statistics absurdly disqualifies the new deviance theorist from contributing to the topical, and politically consequential debate, as to the significance of the crime rate, whether it is rising and in what way (1975:22).

The basic problem with using official statistics is the assumption that they can accurately portray the actual rate of deviance. An alternate conceptual approach is suggested - that official statistics

6. Jaffary (1963) notes that of 9572 reports of theft known to the police in Toronto during 1956, only 1350 persons were actually convicted. Even after conviction, the sample declines very sharply; for example, of the adults convicted in Canada in 1960 for indictable offenses, 35.2% were sentenced to jail, 5.9% to reformatory or training school and 8.3% to penitentiary (Giffen, 1965:448).

can reveal the behavior patterns of those who invent, modify and enforce norms (Kitsuse and Cicourel, 1963). Criminal statistics, while not representing crime, do represent "the end result of the deployment of social-control agencies by the powerful" (Young, 1957: 87). Rather than employing official statistics as an index of the "actual" rate of crime, they can be used as an index of social control operations, whereby the "official crime rate may be understood as a rate of socially recognized deviant behavior" (Black, 1970:235), or more specifically, as a rate of elite recognized deviant behavior.

By shifting the focus of investigation from explaining deviant behavior to the reactions of officials in ascribing criminality, prison records become valuable for investigating how the power to ascribe criminality is used. The official rates of prison incarceration can be seen as "indices of the incidence of certain forms of behavior" (Kitsuse and Cicourel, 1963:137). Prison records are a more accurate measure than are laws in effect at any given time, since many laws are virtually ignored while others are strictly enforced. In other words, "criminality is determined by what the authorities do rather than what they claim (or even believe) they are doing in regard to coercing individuals" (Turk, 1969:25).

Sample

A preliminary study of incarcerations in the Eastern Judicial District during 1921 and 1931 revealed that a 10% sample of these years would yield 300 cases for study. It was felt that to study each and every year between 1918 and 1939 would be too time consuming. Since

it was desired to use census figures for population rates in Manitoba as a base for comparison, the years 1921, 1926, 1931, and 1936 were designated as desirable years for study; therefore, a sample of every second year was also unacceptable. The research years finally decided upon included a 10% sample of incarcerations for the following periods:

July 1, 1918 to June 30, 1919
January 1, 1921 to December 31, 1921
July 1, 1923 to June 30, 1924
January 1, 1926 to December 31, 1926
July 1, 1928 to June 30, 1929
January 1, 1931 to December 31, 1931
July 1, 1933 to June 30, 1934
January 1, 1936 to December 31, 1936
July 1, 1938 to June 30, 1939

This sample left equal intervals of two and one-half years included for study and thus enables the sample population to coincide with census years. Once the research was begun, however, a revision had to be made in the initial plan. Due to missing records for a three month period during 1928, it was impossible to collect a complete sample for the year beginning July 1, 1928 and ending June 30, 1929. Since this was a crucial turning period, and since seasonal variations are likely to occur in incarceration rates, it was decided to collect data for all of 1929 rather than to correct for the missing months. Each year of the study was then randomly sampled in a systematic fashion to provide a sample of 10% of incarcerations for each year; the resulting sample size equalled 1232 cases.

Operationalization of Variables

The major concepts to be studied have been identified as historical period, type of offense, severity of sanction, and the powerlessness of those incarcerated.

Historical Period - The historical periods used as variables in this study have been identified as (1) periods of high dissent versus periods of low dissent, and (2) periods of high unemployment and depression versus an expanding economy. In regards to dissent, three fairly distinct time periods have been outlined from the end of World War I until the end of the thirties. The earliest period, the immediate post-war years, and the decade of the depression can be characterized as periods of high social unrest separated by the more stable decade of the twenties. As a result, this division (1918/19 and 1930's versus 1920's) was used to test the hypotheses dealing with high dissent years. In terms of economic conditions, it is possible to state that the thirties was a period of much greater depression than the twenties. However, given the decline in 1921, and the partial recovery in 1933, the most prosperous years, 1923 and 1926, have been contrasted to the more depressed years, 1931 and 1936, in order to test the hypotheses dealing with economic conditons.

For a more precise testing of the combination of economic and political variables, the years 1926 and 1931 were contrasted, 1926 being the least ambiguous in regards to an expanding economy coinciding with low dissent, and 1931 the least ambiguous in regards to depression coinciding with high dissent. In order to provide control of one

variable upon the other, 1921 was chosen as a year of depression presenting little threat to the status quo (given the institutionalized dissent of the "farmer's revolt"), and 1918-19 as a year of high dissent but relatively low unemployment. From this ordering, if the hypothesis were to be given support, the incarceration rate would be highest in 1931, followed in order by 1919, 1921, and 1926. Because of the ambiguity involved in classifying economic conditions (e.g. high inflation in 1919; shortness of the recessionary influences in 1921, etc.), the periods designating high dissent (1918-19, 1930's) versus low dissent (1920's) were used the most extensively as best characterizing the combination of political and economic variables.

Type of Offense - Since the type of offenses for which individuals were incarcerated was theoretically relevant, some classificatory scheme of offenses had to be developed. On a preliminary sample of 1% of all incarcerations in the provincial jail from 1881 to 1961 (10% of each tenth year), seventy-six separate offenses were identified. These offenses were classified into four broad categories - social control offenses, offenses against property, offenses against the person, and traffic offenses - each of which was further divided in an effort to maintain artifact control (see Appendix II).⁷ A fifth and residual category was created to include secondary offenses, insanity, and

7. In this way it was possible to obtain frequencies for individual offenses, for narrow categories of offenses, as well as for the more general categories, in order to determine if unusual patterns were operating within categories of offenses.

offenses for which no information was available.⁸ The variable "type of offense" was created in such a way that it could be considered to form an ordinal scale when the three values, social control offenses, offenses against property, and offenses against the person, were scaled along a continuum. According to Siegal (1956:24), a scale can be considered to form an ordinal scale when "the objects in one category of a scale are not just different from the objects in other categories of that scale but that they stand in some kind of relation to them." In this case, the relation is considered to be one of societal consensus as to the seriousness of types of crimes. Social control offenses include alcohol offenses, morality offenses, administrative offenses, offenses against public order, vagrancy, and offenses which explicitly show dissent against the social order (see Appendix II). Such offenses may be said to be crimes without identifiable victims; as such, they do not generally elicit a high degree of social condemnation. The second category of this ordinal scale consists of offenses against property: offenses which generally rise the public ire, but do not elicit the same degree of condemnation or fear as does a third category, offenses against the person.

8. The fifth category did not play a role in the analysis of data: the secondary offenses could only be incurred after an individual had already been charged with another offense. The insanity offenses were disregarded (1) because those so designated were not held at the provincial institution during all years of the research period, and because the jail often served only as a transfer institution to a mental hospital. Since the records of the jail offer a very incomplete picture of the institutionalization for this offense, it was felt that its inclusion would severely distort the offenses of a social control nature. For the same reasons, females who showed up in our sample were excluded from analysis.

Of particular interest in the social control category of offenses are those involving alcohol. As previously noted, the Manitoba Temperance Act was in effect during the early years of our study. It has been suggested that prohibition caused a decrease in the crime rate (Gray, 1966). However, if the conflict thesis is incorrect, the decrease in public drunkenness charges should be offset by the rampant disregard for the law as embodied in the Act. Incarceration for social control offenses would not decrease since breaches of the Temperance Act are of the same theoretical type (i.e. social control) as are other alcohol related offenses.

No information is available concerning the relative seriousness of the offenses against property. Because "theft" can include a wide range of offenses, and because the amount of money, for example, is not known, distinctions could not be made within the recorded category. However, it was possible in rough fashion to distinguish offenses normally associated with higher status persons (fraud, forgery, false pretenses, embezzlement, etc.). Thus a subdivision of the property offense category provided a more detailed analysis of these crimes.

It is assumed that offenses against the person carry the highest degree of societal consensus (Hagan, 1977; Rodman, 1968). More people in the overall society will agree as to the seriousness of these offenses regardless of the period of time. While one may expect the lower classes to be more frequently incarcerated for these offenses due in part to the discretionary processes of law, our theoretical perspective suggests that these types of offenses would be less class-

related than would other types of offenses.⁹

Severity of Sanctions - In the operationalizing of sanctions, two measures have been identified in the specific hypotheses to be tested. The first measure was the sentence which was imposed upon the individual prisoner for his offense; a second measure was the mode of release from the institution. The actual sentence meted out by the court is obvious. The mode of release identifies situations wherein the prisoner may be granted parole or released through payment of fine, through a suspension of sentence, or judge's order, or in some other way was able to avoid serving full time for his offense. Since the legitimacy of the law is preserved in the public mind through a greater equity in the sentence imposed, it is hypothesized that the mode of release will be more highly correlated with the different time periods and with the more powerless groups.¹⁰

Powerlessness - The powerlessness of the prisoners was measured in a number of different ways. Since each offender's place of birth was

9. As well as involving discretionary processes of law, several other factors operate to increase lower class concentration for such offenses. Lower class "crimes against the person" are more apt to be relatively direct in view of their lack of control over resources to do violence "at arms' length". Such acts are more liable to be criminalized. It has also been suggested that life conditions of the poor are such that alienation and frustration lead to greater aggression. Whether these factors have any actual basis or not, it is still expected that incarceration for "person" type offenses will be less class-related than will social control offenses of property offenses. A subdivision of offenses against the person was provided for "domestic type" crimes against the person (nonsupport), neglect child, etc.) in an effort to determine how these types of person-oriented offenses affected the general category. See Appendix II.

10. The mode of release categories and the sentence categories used in this study are identified in Appendix II.

noted in prison records, it is possible to distinguish between Canadian-born prisoners and immigrants from various parts of the world. It is assumed that immigrants as a group had considerably less power and status than those born in Canada. Since it has been suggested that continental Europeans occupied the lowest rung of the status ladder during the period under study, an ordinal ranking was used with Europeans showing the greatest degree of powerlessness, followed by immigrants from the United States or the British Isles. The Canadian born possessed the highest degree of power.¹¹

The age of the offender can also be considered indicative of power, with the younger prisoners having less power than their older counterparts.¹² Preliminary findings indicated that 50% of the sample was under 30; therefore, age 30 was taken as the cut-off point with the least powerful group being those under thirty and the most powerful group those over thirty.

The third and most important indicator of powerlessness from the conflict perspective is that of class. Since the only indication of class available from the official records is occupation, the Blishen scale of occupations was used to designate four social classes: lower, lower-middle, middle, and upper (Blishen, 1961). Where occupations listed in the prison records were not explicitly covered in Blishen's categories, the score for the closest possible occupation was given.

11. Prisoners from countries other than Canada, U.S., U.K. or Europe formed only a negligible part of the sample and were disregarded in the analysis of this variable.

12. See Appendix II for categories of age and birthplace.

In cases where the occupation listed was not very explicit, such as "laborer", the mean score for all such occupations (i.e. all laborers) was given. While this classification scheme was developed much later than our period of analysis, Blishen's work suggests that while individual categories may slightly shift their position, the overall relative position of class remains stable over the years. For this reason, categories of scores representing lower, lower-middle, middle and upper class, were used rather than raw scores. The variable therefore remains an ordinal one rather than an interval one.

A fourth variable was created to illustrate powerlessness in our sample group. Age, birthplace, and occupation were added together to give each case a combined score. Since the occupational class is deemed to be the most important variable with regards to power, it was weighted accordingly. The power variable is scored as follows:

Age:	Under 30	1
	Over 30	2
Birth:	E. Europe	1
	W. Europe	2
	U.S. or U.K.	3
	Canada	4
Class:	Lower	2
	Lower-middle	4
	Middle	8
	Upper	16

The scores vary between 4 and 22, with an individual scoring 4 being under 30, of East European birth and of the lower occupational class. An individual scoring 22 would be over 30, of Canadian birth, and of the upper occupational class.

In summary, the variables of the study have been operationalized in the following manner:

<u>Variable</u>	<u>Value</u>
Dissent	1) high - 1919, 1931, 1933, 1936, 1939 2) low - 1921, 1923, 1926, 1929
Productivity	1) high - 1923, 1926 2) low - 1931, 1936
Combined Dissent and Productivity	1) low dissent & expanding economy 1926 2) low dissent & depressed economy 1921 3) high dissent & expanding economy 1919 4) high dissent & depressed economy 1931
Incarceration Rate	number incarcerated or rate per 100,000 of population
Type of Offense	1) social control 2) property 3) person -- automobile
Length of sentence	1) discharge or suspension 2) to one month 3) to three months 4) over three months (narrower categories also used)
Mode of Release	1) did not serve time 2) served some time 3) served full sentence
Class	1) Lower (to 30.00 on Blishen Scale) 2) L. Middle (30.01 to 39.00 on Blishen) 3) Middle (39.01 to 59.00 on Blishen) 4) Upper (59.01 plus on Blishen)
Birthplace	1) Europe 2) United States or United Kingdom 3) Canada
Age	1) under 30 2) over 30 (raw data also used)
Power	combination of occupational class, age and birthplace - scored from 4 to 22

Hypotheses

From the general propositions previously outlined (Chapter I), a number of specific hypotheses were identified which could be adequately tested given the data available in the institutional records of the Eastern Judicial District. These hypotheses and the general propositions they have been derived from are as follows:

1. During a period of economic expansion and social stability, the overall rate of incarceration will be less than during periods of depression and dissent.

This hypothesis is derived from our first general proposition.

2. During periods of depression or high social dissent, the increase in incarceration rate will be due largely to an increase in offenses of a "social control" nature.

The rationale for this hypothesis is derived from our second general proposition.

3. During periods of social unrest, the severity of the sentence imposed will be greater than during periods of relative stability.

The rationale for this hypothesis is derived from our third general proposition.

4. During periods of social unrest, the percentage of those who actually serve their entire sentence in prison will be greater than during periods of greater stability.

The rationale for this hypothesis is also derived from our third general proposition.

5. During periods of economic expansion or low social dissent,

the more powerless groups will form a lower percentage of the total prison population than during periods of depression or high unrest; such groups will provide most of the increase during high dissent or depression years.

The rationale for this hypothesis is derived from our fifth general proposition.

6. Incarceration rates will be highest among powerless groups in all time periods.

This hypothesis is derived from our fourth general proposition.

7. Incarceration for "offenses against the person" will be less class-related than will other types of offenses.

The rationale for this hypothesis is derived from our sixth general proposition.

8. Incarceration for "social control" type offenses will be more strongly related to lower class persons than will other types of offenses.

This hypothesis is also derived from our sixth general proposition.

9. Regardless of the type of offense involved, those possessing the least power will receive the longest sentences.

This hypothesis is derived from our seventh general proposition.

10. Those possessing the least power will be more likely to serve their full sentence in prison than will the more powerful.

This hypothesis is also derived from our seventh general proposition.

11. "Class" will be more strongly correlated with incarceration rate, with "social control" type offenses, with "sentence" and with "mode of release", than will the other indices of powerlessness (age, birthplace, marital status).

This hypothesis is posited since class is deemed to be the stronger measure of powerlessness than are the other indices.

12. "Mode of release" will be more highly correlated with "class" than will the actual "sentence" imposed.

This hypothesis is posited since "mode of release" is deemed to be the stronger measure of severity of sanction than is sentence.

Summary

During the twenty year period of study, Manitobans were subject to a complex mixture of British common law, to British, federal and provincial statutes, and to municipal by-laws. For the violation of any of these laws, one was subject to imprisonment and concomitant labeling as "criminal". Once arrested for an offense, one would either obtain bail or be taken to jail to await trial. After appearance in court, one would either be discharged or sentenced. Once sentenced, one would be returned to the provincial prison. If one received a sentence in excess of two years, one would serve one's sentence in a federal penitentiary, but only after first spending a short time in the provincial jail. The provincial jail records thus include a proportion of those arrested but never convicted (those who awaited trial without receiving bail), as well as all prisoners who were sentenced to serve time in federal or provincial institutions. The provincial

records of the Eastern Judicial District (E.J.D.) include the majority of Manitoba prisoners during 1918 to 1939, both rural and urban. For these reasons, the institutional records of the E.J.D. have been chosen as the most comprehensive for a study of political and economic effects on incarceration. While official records are often cited as poor indicators of crime, in that they do not accurately measure actual law-breaking, it is argued that such records can be effectively used as an index of social control operations portraying the amount of socially recognized deviant behavior.

The sample for the study includes 10% of all incarcerations in the E.J.D. for nine years, equally spaced over the twenty year period. The major variables identified as crucial components of the study are identified as (1) the political and economic climate of the historical periods under study, (2) the types of offenses for which prisoners were incarcerated, (3) the severity of sanctions imposed, and (4) the degree of powerlessness of prisoners. The historical periods are operationalized by choosing periods with different combinations of political and economic conditions, the main ones being designated as periods of high dissent versus periods of low dissent. The types of offenses for which incarceration took place are categorized as being of three major types - social control offenses, offenses against property and offenses against the person. Incarceration for other types of offenses were minimal and are not considered in this analysis. The severity of sanctions imposed are operationalized by considering both the actual sentence imposed and whether the prisoner actually served a full sentence or was released in some other manner. Powerlessness of the prisoner is

measured by his age, his birthplace, his occupation and a combination of these characteristics.

Based on the general propositions of conflict theory, twelve specific hypotheses are identified for testing the applicability of this theory for changes in incarceration rates. The following chapter describes the findings of this study.

Chapter 4

ANALYSIS OF DATA AND RESULTS

The data from the prison records were collected, coded and punched on eighty column IBM cards. The Statistical Package for the Social Sciences (SPSS), as developed by Nye et al (1975), was used in the manipulation of the variables at the analysis stage of the research.

The hypotheses to be tested are based on two broad generalizations, first, that different time periods have an effect on incarceration rates and, second, that the greatest effect will be felt by the most powerless groups in society. In the first five hypotheses of this study, the independent variable, a specific time period, was hypothesized to be producing an effect on the dependent variables: the incarceration rate, the percentage of incarcerations for social control offenses, the severity of sentence, the mode of release, and the percentage of low status groups incarcerated.

For hypotheses six through twelve, the dependent variables are type of offense, sentence and mode of release; the independent variables are age, birthplace, occupational class, and power. As indicated in the previous chapter, these variables all may be ranked in order along some dimension or other. Therefore, where statistical analysis called for determining the direction and strength of a relationship, Spearman's Rho and Gamma were used as measures of

association.¹

Since actual incarceration figures are not relevant without some reference to increases in population sizes, census data for Manitoba males over 15 years of age were used as a base to establish a rate per 100,000.² Since some time periods being compared were composed of a different number of years (for example, high dissent years versus low dissent years), incarceration figures are adjusted accordingly to provide an average rate per year.

In determining the amount of increase for which each type of offense was responsible, or the amount of increase provided by each category of prisoner, the increase in rate for each category is percentaged against the total increase.

To provide a more accurate picture of the nature of changes from one time period to another, individual years are compared and graphs illustrate the trend lines over the entire twenty year period.

1. Spearman's Rho is a nonparametric statistical test based on rankings and is appropriate for measuring the association of ordinal variables. This statistic is based on the difference between ranks instead of scores; otherwise, it is mathematically equivalent to the correlation coefficient and may be used as an approximation for Pearson's r (Loether and McTavish, 1974; Kohout, 1974). Spearman's Rho "when compared with the most powerful parametric correlation, the Pearson r , is about 91 per cent" (Siegal, 1956:213). While Spearman's Rho is a powerful statistic for ordinal level data, it does not have a PRE interpretation; therefore Gamma was also computed. Nye (1975) has suggested that proportional reduction of error (PRE) statistics, such as Gamma, are often preferable because nonprobability statistics can be compared only to themselves and even then are often incomparable when the tables are of unequal size. Where the results were roughly similar, only one measure is reported in this paper.

2. For those years of the study which were not census years, population figures were projected.

The analysis of data is essentially carried out by the comparison of percentage differences and rates per 100,000, the use of trend lines, the comparison of the statistics Gamma and Spearman's Rho, and the use of control measures when deemed advisable.

Incarceration Rate

It has been hypothesized that the rate of prison incarceration will be less during periods of social stability than during periods of dissent. Incarceration rates, therefore should be higher during the 1930's and 1918/19 than during the 1920's. In comparing the average rate of incarceration per year between high dissent years and low dissent years (Table 1), a difference of 113 incarcerations per 100,000 adult males is noted, an increase of 23% from low dissent to high dissent years.

A corollary of the above hypothesis is that incarceration rates will be higher during periods of depression than during periods of expansion. In contrasting the years which experienced the greatest degree of prosperity with the most depressed years, the difference was found to be 307 more incarcerations per 100,000, on the average, for depressed years than for prosperous years, an increase of 74%.

TABLE 1

NUMBER INCARCERATED AND INCARCERATION RATE PER 100,000
BY YEAR AND BY TIME PERIOD

<u>Year</u>	<u>Number Incarcerated*</u>	<u>Manitoba Males over 15 years</u>	<u>Rate per 100,000</u>	
1919**	620	200,000	310	
1921	600	207,000	290	
1924**	790	214,000	369	
1926	1010	221,000	457	
1929	2070	239,000	866	
1931	1970	257,000	767	
1934**	1580	261,000	605	
1936	1790	266,000	673	
1939**	1890	273,000	692	
high dissent years (average)***			609	
low dissent years (average)****			<u>496</u>	d=113 per 100,000
depressed years (average)*****			720	
prosperous years (average)*****			<u>413</u>	d=307 per 100,000

*number incarcerated = our sample x 10

**years 1919, 1924, 1934, 1939 are the years ending at
June 30 - see Methodology

***high dissent years (1919, 1931, 1934, 1936, 1939)

****low dissent years (1921, 1924, 1926, 1929)

*****depressed years (1931, 1936)

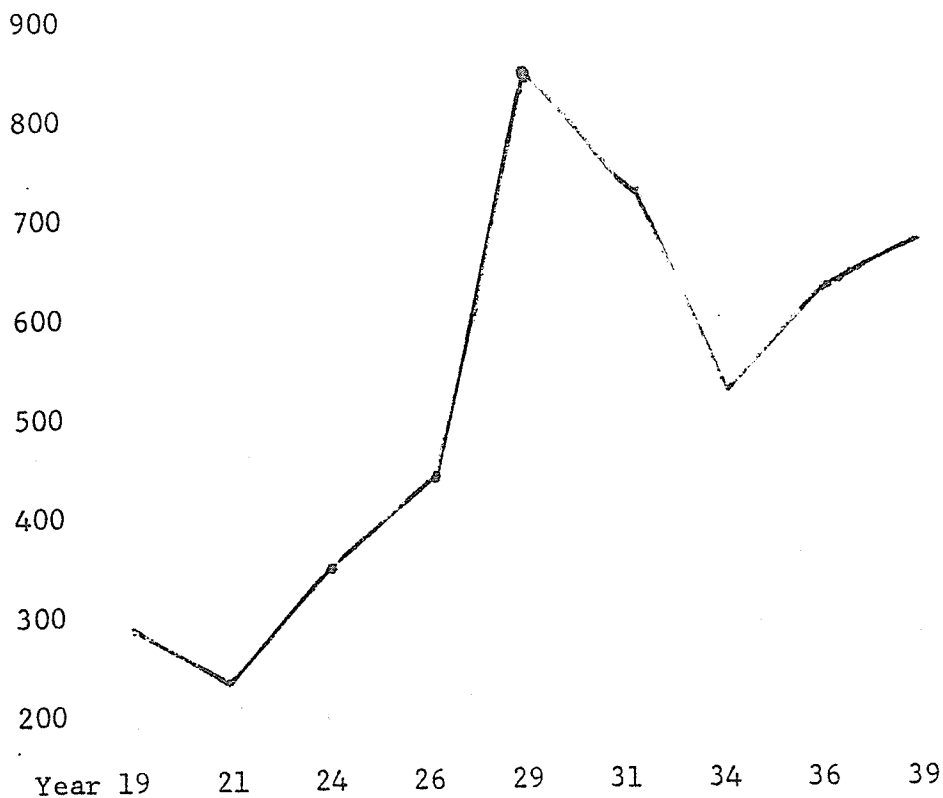
*****prosperous years (1923, 1926)

In examining the incarceration rate for each individual year, support for this hypothesis becomes much more ambiguous. The trend line for incarceration rates is shown in Table 2. A number of points

should be noted regarding this trend line:

1. the incarceration rate drops from 1919, a high dissent year, to 1921, a low dissent year
2. incarceration rates are higher in the 1930's than the 1920's with the exception of 1929
3. incarceration rates drop in 1933 at a time when a partial recovery in the economy is noted
4. incarceration rates during the 1930's are highest in 1931, a time when other measures of political control are as yet undeveloped.

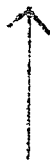
TABLE 2 INCARCERATION RATE PER 100,000 BY YEAR



While these points support the hypothesis, it is equally significant that incarceration rates rise steadily with the growth in the economy during the twenties, peaking in 1929 at the height of the economic boom. In fact, 1929 had the highest incarceration rate of the entire twenty year period. Such a finding is not consistent with the conflict hypothesis that incarceration rates will fall during periods of economic growth.

In attempting to control for the effect of economic factors on the incarceration rate during high dissent years, the years 1931, 1919, 1921, and 1926, were compared and reported in Table 3.³

Table 3 INCARCERATION RATES PER 100,000 FOR SELECTED YEARS
CONTROLLING FOR ECONOMIC AND POLITICAL VARIABLES

<u>Year</u>	<u>Rate per 100,000*</u>	<u>Expected Direction of Increased Incarceration</u>
1931	767	
1919	310	
1921	290	
1926	457	

*based on Manitoba males over 15

In comparing 1931 to 1926, a difference of 310 incarcerations per 100,000 is noted, lending support to the hypothesis. However, the fact that 1926 has a higher incarceration rate than either 1919 or 1921 shows the reverse effect already noted in our study of the trend line. Thus, while the thirties experienced higher incarceration rates,

3. See Chapter 3 for the rationale for this characterization.

during a time of depression, the hypothesis that prison incarceration rates will be less during periods of social stability and growth must be qualified to take into account the correspondence between increase in economic growth and increase in incarceration rates as experienced during the twenties. While incarceration is used more during high dissent periods, it also increases with the increase in overall societal wealth. While this is not consistent with the hypothesis as stated, it may be consistent with the view of law as a part of the ideological system. Since it is known that all parts of the society do not share equally in the benefits of an affluent period, the condition of those who remain poor should be seen as resulting from their own inadequacies. If this is true, then the more powerless groups should be given relatively stronger sanctions during more affluent periods even though the overall severity of sanctions would be reduced. This is explored further in the discussion of sanctioning of powerless groups.

Incarceration For Social Control Offenses

The second hypothesis drawn from the conflict model states that the majority of the increase during high dissent years will be for offenses of a social control nature. Table 4 shows that ninety-five percent of the increased incarceration rate during dissent years can be accounted for by incarceration for social control type offenses, while seventy-three percent of the increase in depressed years is accounted for by social control incarcerations.

Table 4 INCARCERATION RATE PER 100,000 AND PERCENT INCREASE FOR
TYPE OF OFFENSE BY TIME PERIODS*

Type of Offense	high dissent	low dissent	increase	% of increase
Social Control	328	240	88	95%
Property	191	177	14	15%
Person	<u>61</u>	<u>70</u>	<u>-9</u>	<u>-10%</u>
Totals	580	487	93	100%

Type of Offense	prosperous	depressed	increase	% of increase
Social Control	177	401	224	73%
Property	159	209	50	16%
Person	<u>156</u>	<u>188</u>	<u>32</u>	<u>10%</u>
Totals	492	798	306	99%

*high dissent (1919, 1931, 1934, 1936, 1939)
 low dissent (1921, 1924, 1926, 1929)
 prosperous (1924, 1926)
 depressed (1931, 1936)

In comparing type of offense by our continuum of years - from a low dissent, high growth year to a high dissent, low growth year - Table 5 indicates a relationship between Social control offenses and high dissent depressed years. However, this relationship is not as strong as it might be given the fact that 1926 has a higher proportion of social control offenses than 1921. While this is not consistent with the hypothesis that social control crimes will predominate in depressed or high dissent years, it is consistent with the hypothesis that an increase in rate will be mainly associated with increased social control offenses, since 1926 had a higher incarceration rate than did 1921.

Table 5 PERCENT INCARCERATION FOR TYPE OF OFFENSE FOR SELECTED YEARS

Type of Offense	(1) 1926		(2) 1921		(3) 1919		(4) 1931	
	%	(n)	%	(n)	%	(n)	%	(n)
Social Control	46	(46)	28	(15)	63	(39)	61	(118)
Property	38	(38)	56	(30)	29	(18)	24	(46)
Person	17	(17)	17	(9)	8	(8)	15	(29)
	101	(101)	101	(54)	100	(65)	100	(175)

$$G = .20 \quad r_s = .14$$

An individual year comparison of incarceration for type of offense (Table 6) shows that social control offenses account for higher percentages of the total incarceration rate during dissent years than during non-dissent years with the exception of 1929. As previously

Table 6 PERCENTAGE AND RATE DISTRIBUTION OF INCARCERATION FOR TYPE OF OFFENSE BY INDIVIDUAL YEAR

Year	Social Control		Property		Person		Total	
	%	rate	%	rate	%	rate	%	rate
1919	63	(195)	29	(90)	8	(25)	100	(310)
1921	28	(72)	55	(145)	17	(43)	100	(260)
1924	39	(145)	39	(145)	21	(79)	100	(369)
1926	46	(208)	38	(172)	16	(77)	100	(457)
1929	62	(536)	29	(247)	9	(79)	100	(862)
1931	61	(459)	24	(179)	15	(113)	100	(751)
1934	49	(283)	41	(238)	9	(54)	100	(575)
1936	53	(342)	35	(229)	12	(75)	100	(646)
1939	58	(362)	36	(220)	6	(37)	100	(619)*

*total rates do not always add to totals in Table 1, since all offenses were not classified as social control, property or person offenses

noted, 1929 was not expected to experience a high rate of incarceration; however, since it did experience the highest rate of incarceration, it is entirely consistent with hypothesis 2 that it also experiences the highest rate of incarceration for social control offenses - that is, any increase in incarceration rates will primarily result from an increase in social control offenses.

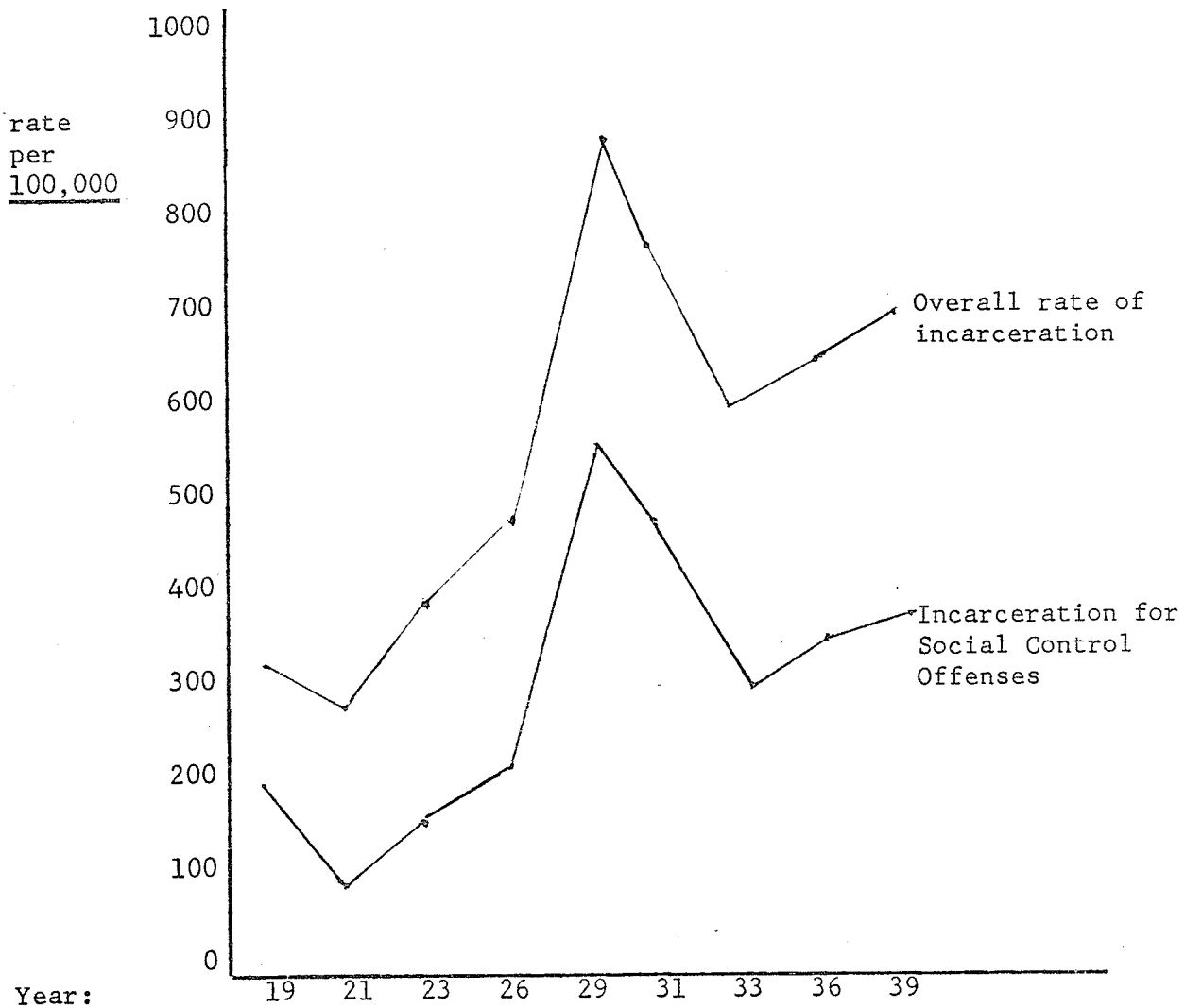
Table 7 graphically illustrates that the rate of incarceration for social control offenses strongly parallels the overall rate of incarceration while offenses against property or person vary independently.

With the exception of 1921, social control offenses account for the majority of incarcerations. During 1921, incarceration rates were lowest in the twenty year period of study. While this is unexpected from our theoretical perspective, given that 1921 was a year of recession, the low rate of social control incarcerations is consistent with the low overall rate of incarceration.⁵

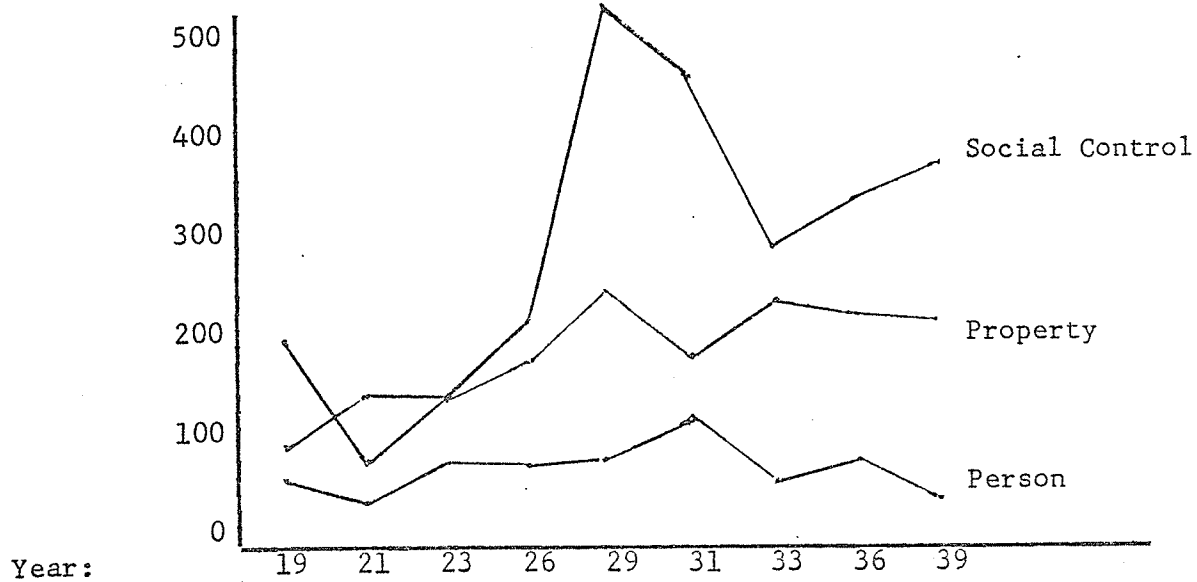
Strong support is given to the hypothesis that incarcerations for social control offenses provide much of "crime wave" rates. While such increases are heaviest in periods of dissent and depression, this must also be qualified in the same manner as the first hypothesis, that is, social control offenses also appear to rise with a rise in the productive life of the society.

5. While incarcerations for property offenses form the bulk of incarcerations during 1921, in actual numbers they are not high in comparison to other years.

a. COMPARISON OF OVERALL RATE OF INCARCERATION WITH INCARCERATION FOR SOCIAL CONTROL OFFENSES



b. COMPARISON OF INCARCERATION RATES PER 100,000 BY TYPE OF OFFENSES



Sentencing

Hypothesis 3 states that the sentence imposed during periods of dissent will be greater than during periods of stability. This hypothesis was first measured by comparing the percent of suspensions or discharges which occurred during high dissent years with those occurring during low dissent years. It was found that there was no difference between the years, with an average of 9% receiving discharges, fines, or suspensions at court in both high dissent and low dissent years.

In comparing the sentences of those individuals who actually served a sentence in prison following their court appearance (Table 8), little differences are found between the length of the sentence imposed and the period of time. While prisoners were 3% more likely to receive sentences of less than one month during low dissent years, an increase in the predicted direction, this small difference disappears when sentences were over one month. No relationship is found between sentences of over three months and period of time.

Table 8 PERCENTAGE DISTRIBUTION OF LENGTH OF SENTENCE BY TIME PERIOD

<u>Length of Sentence</u>	<u>low dissent years</u>	<u>high dissent years</u>	<u>difference</u>
to 1 month	33% (104)	30% (137)	3%
1-3 months	34 (107)	37 (171)	-3
over 3 months	32 (100)	32 (142)	--

*weighted to account for
different number of years
in each period

The only support for the hypothesis that severity of sentence is greater during high dissent years is found when it is noted that the "less serious" social control offenses were greater during high dissent years and, therefore, should have required lighter sentences. In general, however, the actual sentence imposed does not appear to differ greatly from one time period to the other.

Mode of Release

Related to the severity of the sentence imposed is the mode of release from prison. The mode of release was collapsed into three categories: those who served their full sentence, those who were released by parole or order of the court after serving most of their sentence, and those who did not serve a sentence in prison due to the payment of a fine, discharge of sentence, etc. Table 9 indicates that prisoners were 8% more likely to have their sentences discharged during low dissent years. Thus, while the actual sentence imposed varied little between the two time periods, whether the individual actually served his sentence in prison varied from one time period to the other in the expected direction.

Table 9 PERCENT MODE OF RELEASE BY TIME PERIOD

<u>Mode of Release</u>	<u>Low Dissent</u>		<u>High Dissent</u>		<u>% d</u>
	%	(n)*	%	(n)*	
served no time	38	(138)	30	(163)	8%
served some time	4	(15)	8	(41)	-4
served full time	57	(206)	62	(335)	-5
	99%	(359)	100%	(539)	

G = .12 $r_s = .08$

n = number in sample (weighted
as to number of years)

Table 10 AVERAGE NUMBER INCARCERATED PER YEAR BY MODE OF RELEASE AND BY TIME PERIOD.
AVERAGE INCREASE PER YEAR BY MODE OF RELEASE.

Mode of Release	low dissent		high dissent		average increase per year	% of increase
	n	(%)	n	(%)		
served no time	350	(38)	410	(30)	60 (8)	14%
served some time	40	(4)	100	(7)	60 (-3)	14
served full time	520	(57)	840	(62)	320 (-5)	73
	910	(99)	1350	(99)	440	101%

n = average number of
incarcerations per
year (sample x 10)

Table 10 shows the same percentage breakdown, but this time using the average number incarcerated per year. This table illustrates that 73% of the total increase in prisoners between low and high dissent years was made up of individuals who served their full sentence. While this hypothesis is supported, an examination of individual years reveals that 1919, in contrast to other high dissent years, has a relatively large percentage (57%) discharged at court, paying fines, receiving suspended sentences, or in other ways serving no time in prison, thus serving to diminish the percentage difference between low dissent and high dissent years. Several alternative explanations are available to account for this discrepancy. First, the hypothesis may be incorrect in that 1919 was a year of extremely high dissent. Second, the data may be unreliable since 1919 was missing information on mode of release in 37% of the cases for the year. A third explanation might be that

many more individuals were thrown in jail during 1919 without sufficient cause to hold up in court. Since in all years during the 1930's those being released without serving time is less than during the 1920's, the hypothesis is given qualified support.

Powerlessness

Hypothesis 5 states that the more powerless groups will form a higher percentage of the total prison population during high dissent years than during low dissent years and will provide most of the increase in incarcerations during high dissent years. For purposes of this study, the powerless groups have been identified as the lower occupational class, the younger age group, and the immigrant groups, particularly those from Europe. In addition, an index of powerlessness was computed (as outlined in the previous chapter) by combining the three variables of age, class and birthplace as they applied to a single case.

1. Age Table 11 shows that the younger age group formed 8% more of the total prison population during high dissent years. Providing even stronger support for the hypothesis is the incarceration rate per 100,000 of population; the under 30 age group increased their rate by 250 per 100,000 during high dissent years while the over 30 group only increased by 30 per 100,000. Thus, although the under 30 group comprised only 45% of the prison population during low dissent years, they provided 89% of the total increase between periods.

Table 11 PERCENTAGE AGE GROUPS BY TIME PERIOD

<u>Age</u>	<u>high dissent</u>		<u>low dissent</u>		<u>%d</u>
	<u>%</u>	<u>(n)*</u>	<u>%</u>	<u>(n)*</u>	
under 30	53	(334)	45	(200)	8%
over 30	47	(293)	55	(242)	-8%

*n = number incarcerated (in sample)
weighted by number of years
involved

INCARCERATION RATE AND PERCENTAGE INCREASE OF AGE GROUPS BY TIME PERIOD

<u>Age</u>	<u>high dissent</u> <u>rate*</u>	<u>low dissent</u> <u>rate*</u>	<u>rate</u> <u>increase</u>	<u>% of</u> <u>increase</u>
under 30	870	620	250	89%
over 30	470	440	30	11%

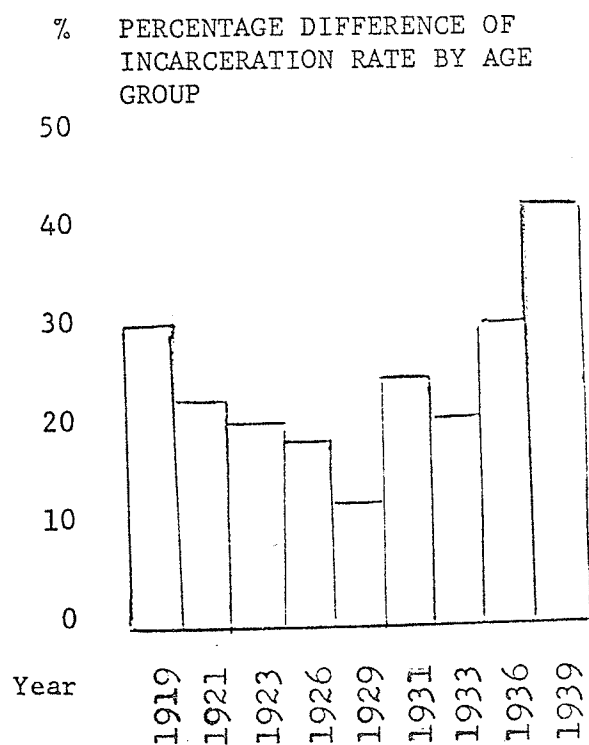
*rate based on population 15-30 years of
age and over 30 years of age in Manitoba
during relevant years

When the age groups are examined for incarceration rates for individual years, as in Table 12, it becomes evident that although the younger age group is always over-represented in the prison population, the gap in incarceration rate parallels our model of political and economic conditions (see bar graph); the overrepresentation of the younger age group drops during the twenties and climbs again during the thirties with the exception of a slight drop in 1933, a time when a partial recovery in the economy was experienced. The under 30 age group, the group deemed most powerless, is proportionately more likely to be incarcerated during high dissent or depressed years, thus supporting the hypothesis.

Table 12 INCARCERATION RATE PER 100,000 FOR AGE GROUPS BY INDIVIDUAL YEARS

Year	under 30 rate (%)	over 30 rate (%)	Difference rate (%)
1919	430 (65)	230 (35)	200 (30)
1921	380 (61)	240 (39)	140 (22)
1923	460 (60)	310 (40)	150 (20)
1926	580 (59)	400 (41)	180 (18)
1929	990 (56)	770 (44)	220 (12)
1931	1000 (62)	610 (38)	390 (24)
1933	760 (60)	500 (40)	260 (20)
1936	940 (65)	510 (35)	430 (30)
1939	1100 (71)	450 (29)	650 (42)

rate based on Manitoba population
for 15-30 age group and over 30
age group for each year



When the number imprisoned by age groups is controlled by type of offense, as in Table 13, it is apparent that most of the increase experienced by the younger age group is accounted for by incarceration for social control type offenses; 73% of the increased incarcerations is accounted for by incarceration of the under 30 age group for social control offenses. The only increase in the over 30 age group is for social control offenses. While the under 30 group are proportionately over-represented in incarcerations for all types of offenses and make up most of the increase during high incarceration years, they are the most over-represented with regard to crimes against property - the over 30 group being much less likely to be incarcerated for property offenses. While the elder group is underrepresented in their rate per 100,000 individuals aged thirty or over, when they are incarcerated, it is most often for social control type of offenses. The over 30 group provide little of the increase during high dissent years; what little they do is for social control offenses.

Table 13 INCARCERATION RATE PER 100,000 AND PERCENTAGE OF INCREASE FOR TYPE OF OFFENSE BY TIME PERIOD

Type of Offense	Age	low dissent rate	(%)	high dissent rate	(%)	rate incr.	% of increase
Social Control	-30	228	(22)	394	(31)	166	73%
	30+	260	(25)	297	(23)	37	16
Property	-30	299	(29)	342	(27)	43	19
	30+	107	(10)	106	(8)	- 1	--
Person	-30	86	(8)	79	(6)	- 7	-3
	30+	62	(6)	52	(4)	-10	-4
		<u>100%</u>		<u>100%</u>		<u>228</u>	<u>100%</u>

The findings concerning age are consistent with the hypothesis. Most of the increase in incarceration is supplied by the more powerless group for social control offenses. The amount of increase the more powerful age group is responsible for is supplied totally by an increase in incarceration for social control offenses. Therefore, while the younger group is incarcerated more often during high dissent years, the older group will experience some increase in their rate when their offenses are of a social control nature.

2. Birthplace When high dissent years are contrasted to low dissent years, the most powerless group, the Europeans, do not increase their percentage in the prison population as had been hypothesized. In fact, when rates based on their representation in the overall population are examined (Table 14), the largest proportion of the increase in

Table 14 PERCENTAGE AND RATE DISTRIBUTION FOR BIRTHPLACE BY TIME PERIOD

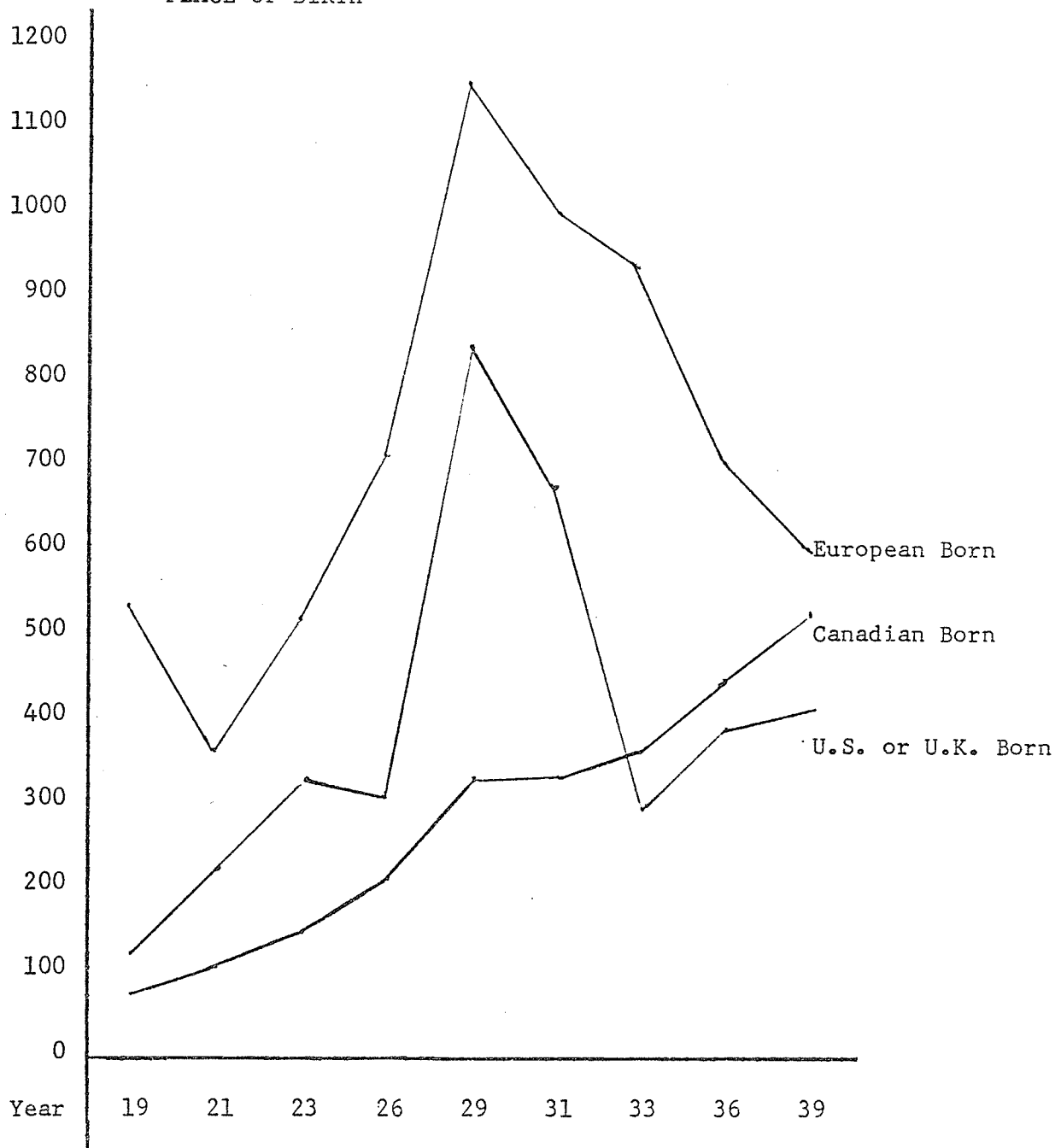
Birthplace	low dissent % (n)	high dissent % (n)	%d	low dissent rate	high dissent rate	rate increase
Europe	34 (141)	27 (163)	- 7	675	703	28
U.S. or U.K.	27 (113)	15 (92)	-12	415	371	-44
Canada	40 (166)	58 (346)	18	196	344	148

n = number in sample weighted for number
of years involved
rate = rate per 100,000 in overall population
- = decrease during high dissent years

incarceration during high dissent years is accounted for by Canadian born individuals. The nature of this increase is best examined by

tracing the incarceration rate of each category of prisoner over the twenty year period. The graph in Table 15 shows the incarceration rate per year for each group; while the European group were disproportionately

Table 15 GRAPHIC REPRESENTATION OF RATE PER 100,000 POPULATION BY PLACE OF BIRTH



incarcerated in all years, they peaked in 1929 and began to drop in rate per 100,000 until 1939 when the three groups were closest to their population representation. As a result of their non-monotonic distribution, the increase from low dissent to high dissent years is largely made up of Canadian born individuals. Since our model assumes that immigrant groups are the most powerless groups throughout the twenty year period of study, the hypothesis would appear to be refuted with regard to immigrants as a powerless group. A possible explanation for the drop in incarceration rate of immigrants might be either that the degree of powerlessness of the Europeans decreased during this period or that many of the Canadian-born prisoners were of European ancestry. An alternative explanation might be that the present over-representation of Canadian Indians began during the latter part of the thirties. Unfortunately, the data does not distinguish between Indian and non-Indian Canadians, so it is impossible to determine the degree to which Indians account for the steady Canadian born increase.

When incarcerations are broken down by type of crime, as in Table 16, the Europeans are more apt to be incarcerated for social

Table 16 PERCENTAGE DISTRIBUTION FOR TYPE OF OFFENSE BY PLACE OF BIRTH COMPARING INCREASE FROM LOW DISSENT YEARS TO HIGH DISSENT YEARS

Offense	low dissent			high dissent			increase*		
	Eur.	U.K.	Can.	Eur.	U.K.	Can.	Eur.	U.K.	Can.
Soc. Con.	54%	64%	50%	66%	61%	50%	12%	-3%	--
Prop.	31	28	38	20	30	41	-11	2	3
Person	15	8	12	14	9	9	-1	1	-3
	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>--</u>	<u>--</u>	<u>--</u>

* denotes a decrease from low dissent to high dissent

control offenses in high dissent years than in low dissent years. The percentage of Canadians incarcerated for social control offenses remains the same whether in high or low dissent years and the change in the percentage distribution of British born prisoners is not significant. In other words, European born and Canadian born experienced an increase in incarceration rate during high dissent years while the U.K. or U.S. born experienced a decrease. The increased incarceration of Europeans was for social control offenses while the Canadian increase was more evenly divided between all types of offenses. Thus, while the largest amount of the increase between low dissent and high dissent years is accounted for by Canadian born prisoners, the European group are much more likely to be incarcerated for social control offenses during high dissent years than during low dissent years. The decrease in "British" prisoners during high dissent years provides a measure of support for the belief that Canadian born prisoners are more powerless during the thirties because of the incidence of Indians among their ranks.

3. Class The class variable could not be standardized to population size in any meaningful way since census data are not classified according to class. However, Blishen has provided a comparison for Manitoba for 1961 to correspond to our classification system. When Blishen's class percentages are compared to the class percentages in the prison population (Table 17), it is evident that the lower class is vastly overrepresented in the prison population, and this overrepresentation is balanced by an underrepresentation in the middle and upper classes.

Table 17 PERCENTAGE DISTRIBUTION BY CLASS COMPARING 1961 POPULATION (BLISHEN*) WITH PRISON SAMPLE

<u>Class</u>	<u>Population (Blishen)</u>	<u>Prison Sample</u>	<u>%d</u>
Lower	31%	56%	25%
Lower-Middle	31	30	-1
Middle & Upper	39	13	-26%
	<u>101</u>	<u>99</u>	<u>-2</u>

* see Appendix for Blishen categories

The overrepresentation of the lower class is most evident with regard to high dissent years (Table 18). The lower class increases their incarceration rate by 98 per 100,000 (of total population) during high dissent years; this represents 87% of the total increase during this period.

Table 18 RATE PER 100,000* AND PERCENTAGE INCREASE FOR CLASS BY TIME PERIOD

<u>Class</u>	<u>low dissent</u>		<u>high dissent</u>		<u>rate</u>	<u>% of</u>
	<u>rate</u>	<u>%</u>	<u>rate</u>	<u>%</u>	<u>increase</u>	<u>increase</u>
Lower	264	(52)	362	(58)	98	87%
Lower-Middle	158	(31)	185	(30)	27	24
Middle	53	(10)	56	(9)	3	3
Upper	31	(6)	16	(3)	-15	-13
	<u>506</u>	<u>(99%)</u>	<u>619</u>	<u>(100%)</u>	<u>113</u>	<u>101%</u>

* each cell based on rate per 100,000 of overall population

With regard to the class variable of powerlessness, the data in this study clearly supports the hypothesis. The lower class provides most of the increase in incarceration rate during high dissent years, thus increasing their own overrepresentation in the prison population.

When the relationship between class and incarceration rate is controlled for type of offense (Table 19), it becomes clear that not only is lower class incarceration responsible for most of the increase during high dissent years but that lower class incarceration for social control offenses is responsible for most of the increase. At the same time, during high dissent years, the upper class decreases

Table 19 NUMBER INCARCERATED AND PERCENTAGE INCREASE FOR CLASS BY TIME PERIOD CONTROLLING FOR TYPE OF OFFENSE

Class	Offense	low dissent		high dissent		increase	% of
		n*	(%)	n*	(%)	n (%)	increase
Lower Class	Soc. C.	315	(29)	528	(36)	213 (7)	56%
	Property	190	(17)	282	(19)	92 (2)	24
	Person	68	(6)	66	(5)	- 2 (-1)	--
Lower Middle	Soc. C.	163	(15)	226	(15)	63 (--)	17%
	Property	123	(11)	142	(10)	19 (-1)	5
	Person	55	(5)	62	(4)	7 (-1)	2
Middle	Soc. C.	45	(4)	64	(4)	19 (--)	5%
	Property	53	(5)	52	(4)	-1 (-1)	--
	Person	20	(2)	16	(1)	-4 (-1)	-1
Upper	Soc. C.	28	(3)	20	(1)	-8 (-2)	-2%
	Property	28	(3)	10	(1)	-18 (-2)	-5
	Person	13	(1)	10	(1)	-3 (--)	-1
		(101)		(101)			

*n = average number incarcerated per year

- = decrease

in incarceration and the middle class increases only for social control offenses.

4. Power The computed variable of "power" ranged from a score of 4 to one of 22. To achieve the top score of 22, an individual would have to be over 30, Canadian born and upper class, while an individual with the bottom score would be under 30, European born and lower class. Table 20 illustrates the breakdown for the power variable. The lowest

Table 20 INCARCERATION RATE AND PERCENTAGE INCREASE FOR "POWER" GROUPINGS BY TIME PERIOD

<u>Power Scores</u>	<u>low dissent rate* (%)</u>	<u>high dissent rate* (%)</u>	<u>increase</u>	<u>% of increase</u>
4 - 7	254 (54)	358 (61)	104	85%
8 - 11	142 (30)	171 (29)	29	24
12 - 18	47 (10)	49 (8)	2	2
19 - 22	27 (6)	14 (2)	-13	-11
	<u>470* (100)</u>	<u>592* (100)</u>	<u>122</u>	<u>100%</u>

*rate = average incarceration per
100,000 of total population
for each category

*rates do not total to same as in Table 1
because of missing information on com-
puted variable

power grouping⁶ accounts for 85% of the increase although they comprised only 54% of the prison population during low dissent years. Thus, the gap in rates between groupings was increased even further during high dissent years.

6. Since middle-class individuals start with a score of 8, those with scores under 7 are always comprised of lower or lower-middle class prisoners.

An analysis of the mean of the power variable for each type of offense (Table 21) indicates that, while the mean is towards the low end of the power scale for all types of offenses, the social control incarcerations are more apt to involve the least powerful. While the difference appears small (varying only from 7.9 to 8.7 overall), it is

Table 21 MEAN SCORE OF THE "POWER" VARIABLE FOR TYPE OF OFFENSE BY TIME PERIOD

Time Period	Social Control	Property	Person
all years	7.9	8.4	8.7
high dissent	7.7	8.1	8.4
low dissent	8.2	8.4	8.9

Expected direction
of increase



significant when it is noted that 54% of all incarcerations during low dissent years and 61% during high dissent years fall below 7.0. Thus, even though the concentration of incarcerations is at the low end of the power scale for all offenses, individuals incarcerated for social control offenses consistently have the lowest scores for power.

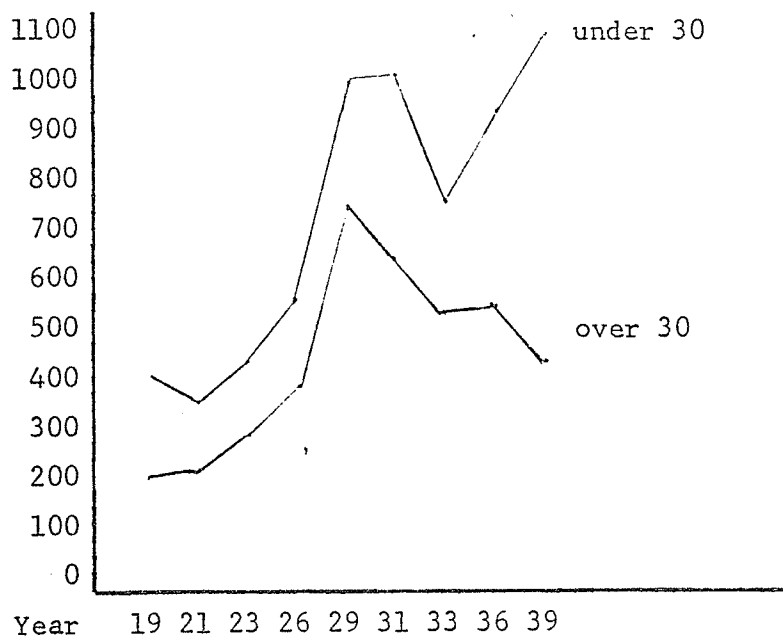
In summary, an analysis of the effects of age and class confirms the hypothesis that the more powerless groups will make up the increase in incarceration rates during high dissent years. This is not confirmed with regard to birthplace, although the European born group provide much of the increase for social control offenses. When incarcerations are broken down by type of offense, the social control

offenses are largely made up of the young, the European born and the lower class groups. The increase in incarceration for property offenses is borne by the young and the lower class groups. When a combination of age, birthplace and occupation are considered, the lowest scores are most often incarcerated during high dissent years and most often for social control type offenses.

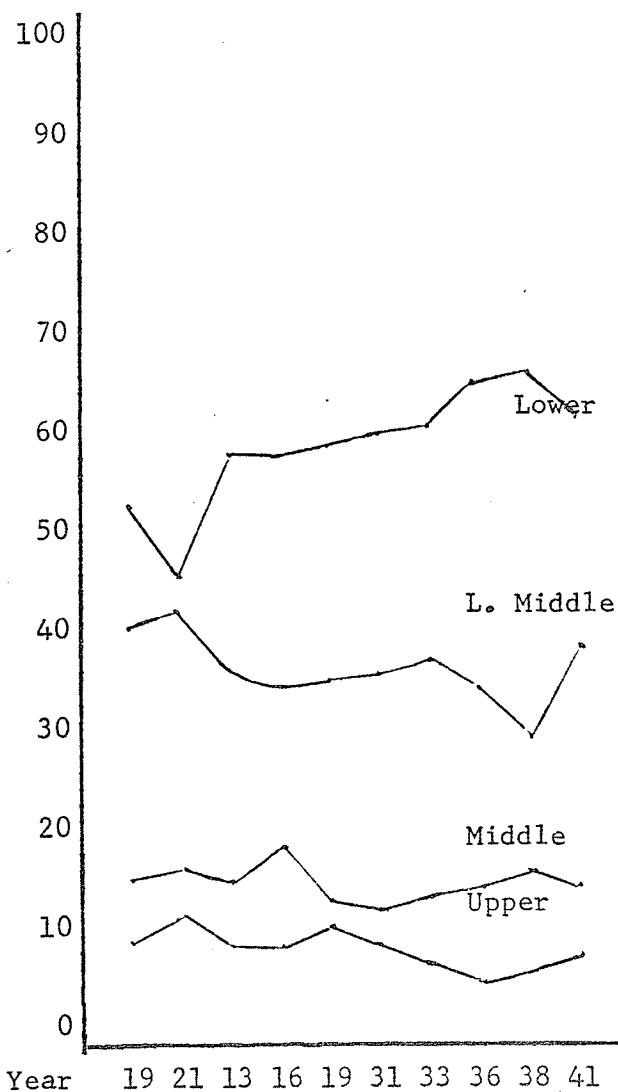
Incarceration of the Least Powerful

Support has been given to the hypothesis that the least powerful groups increase the most during periods of dissent and depression, and that this increase is largely composed of social control offenses. However, it has also been hypothesized that incarceration rates will be highest among the most powerless groups in all time periods. Table 22 provides graphic support for this hypothesis. At no time is the older age group incarcerated more often than the younger one, and at no time is a higher class grouping incarcerated more often than a lower one. With regard to birthplace, however, the Canadian born overtake the British born by 1933 and the Europeans by 1939. As previously stated, this does not in itself refute the hypothesis since it is not known, from our data, at which point in time Indian Canadians began to make up the bulk of prison incarcerations.

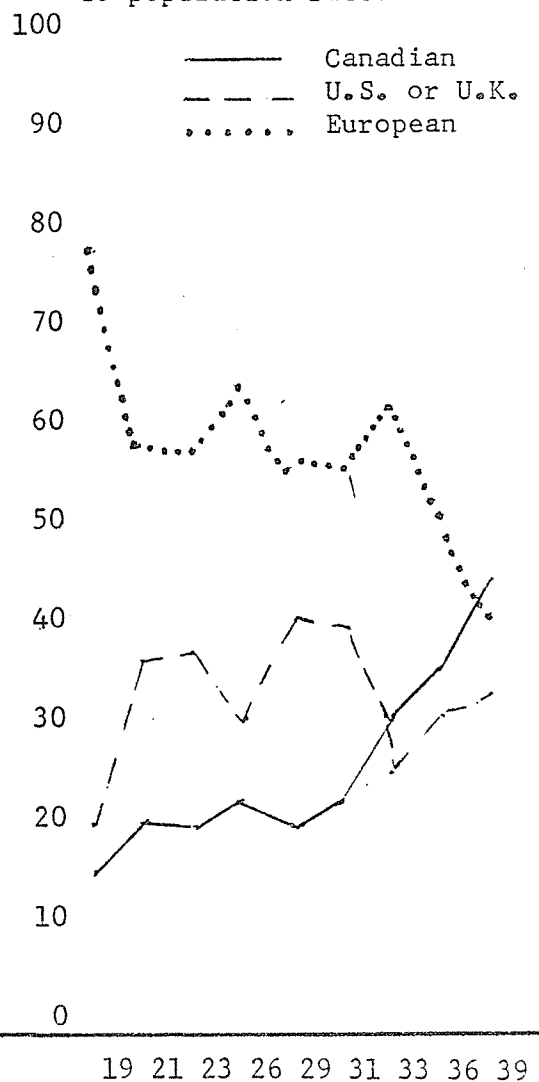
a) INCARCERATION RATES PER 100,000 BY AGE GROUP



b) PERCENTAGE OF INCARCERATION BY CLASS



c) PERCENTAGE OF INCARCERATION BY BIRTHPLACE - standardized to population rates



Class Relationship to Type of Offense

Hypotheses 7 and 8 state that incarcerations for offenses against the person will be least class related, while incarceration for social control offenses will be more strongly related to lower class persons. Table 23 illustrates the percentage of each class incarcerated for each offense. The percentage difference between the lower and upper classes is the least for crimes against the person, the most for social control offenses; as well the lower class

Table 23 PERCENTAGE DISTRIBUTION OF CLASS INCARCERATION BY TYPE OF OFFENSE

<u>Class</u>	<u>Person</u>	<u>Property</u>	<u>Social Control</u>
Lower	42	54	62
Lower Middle	39	30	27
Middle	11	13	8
Upper	8	4	3
	<u>100%</u>	<u>100%</u>	<u>100%</u>
% difference between Upper and Lower	34%	50%	59%

provides 20% more of the incarcerations for social control offenses than for incarcerations for person offenses. Thus, the hypotheses are supported. While these hypotheses are more concerned with class, some interesting observations may be made concerning the other power variables. Table 24 records the percentages for offense by age, birthplace, and the power variable.

Table 24 PERCENTAGE DISTRIBUTION OF AGE, PLACE OF BIRTH AND POWER BY TYPE OF OFFENSE

	AGE				PLACE OF BIRTH						POWER				
	- 30	30 +	Total	Range	Europe	U.S.U.K.	Canada	Total	Range	2 - 7	8 - 11	12 - 22	Total	Range	
Person	49	51	100	2	37	17	46	100	29	52	30	18	100	34	
Property	65	35	100	30	22	18	60	100	42	55	30	15	100	40	
Soc.Con.	41	59	100	18	62	23	45	100	39	61	29	10	100	51	

Incarcerations for property offenses are most likely to come from the under 30 age group; 65% of prisoners incarcerated for this offense were under 30. With regard to birthplace, the Europeans accounted for the majority of incarcerations for social control offenses. Offenses against the person were the least correlated with either age or birthplace. Since the European immigrants were more likely to be over 30, while at the same time being disproportionately incarcerated for social control offenses, one should expect that the percentage of imprisonment for property offenses would be highest among the more youthful group. Other possible alternatives can also be considered: Having had less time to become established, the young are less likely to have the opportunity to become involved in the more lucrative but less punished property crimes. As well as not having yet developed more "acceptable" means of accruing property, they are also less likely to have acquired the means and skills for evading jail terms. Thus,

they are as likely to be imprisoned for property offenses as well as social control ones. While there are any number of possible reasons for property incarcerations to be composed mainly of those under 30, the scope of this research does not permit any conclusions in this regard.

The power variable records a pattern similar to that of the class variable, the social control offenses being the most related to degree of power and person offenses being the least related, although the percentage differences are lower due to the influence of age and birthplace.

Sanctioning - Sentence and Mode of Release by Powerlessness

The ninth hypothesis to be tested states that those possessing the least power will be most likely to receive the longest sentence. Table 25 reports the percentages of each category for length of sentence.

Table 25 PERCENTAGE DISTRIBUTION FOR LENGTH OF SENTENCE BY AGE, BIRTHPLACE AND CLASS

<u>Sentence</u>	<u>Age</u>		<u>Birthplace</u>			<u>Class</u>			
	under 30	over 30	Europe	U S. or U.K.	Canada	Lower	lower middle	middle	upper
Discharged	10	8	7	8	9	6	12	14	8
to 1 mo.	26	32	28	30	30	27	33	26	48
1-3 mos.	32	35	41	33	29	38	30	20	18
over 3 mos.	32	26	24	29	33	29	25	40	26
	<u>100</u>	<u>101</u>	<u>100</u>	<u>100</u>	<u>101</u>	<u>100</u>	<u>100</u>	<u>100</u>	<u>100</u>
	G-.07		G-.02			G-.12			

In relation to age, the younger category were 6% more likely to receive sentences of more than three months. At the same time, they were also slightly more likely to have their sentences discharged or suspended at court. Whether this was due to a greater leniency or as a result of the elder group receiving more bail and thus being discharged at court without ever spending time in jail is open to question. Without information from court records as well as prison records, this cannot be determined. In any case, the percentage difference is small and not significant. Statistically, Gamma portrays only a very slight relationship between age and sentence - the younger group receiving the lengthier sentence. With reference to birthplace, the differences in sentences are equally insignificant, there appearing to be little difference in the sentences imposed.

The class variable shows the strongest relationship to length of sentencing, the lower classes being more likely to receive the lengthier sentence. Regardless of whether the sentence variable was measured for collapsed categories of light versus heavy sentences or for uncollapsed sentences, the direction of the relationship is consistently negative - the higher the class, the lower the sentence. The relationship is not very strong, however, since it is not always a monotonic one; for instance, the middle class group are the most likely to receive sentences in excess of three months. Overall, hypothesis nine is only weakly supported; however, it should also be remembered that the lower class, while receiving slightly higher sentences, are also the group most often incarcerated for the "less serious" social control offenses.

The relationship between class and length of sentence proved to be somewhat stronger during low dissent years; Gamma correlation between sentence and class for high dissent years versus low dissent years being as follows:

	high dissent	low dissent
Gamma	.08	.19

It thus appears as though sentences are less class related during high dissent years than during low dissent years, that is, although there is little difference found in the severity of the sentence between the two periods of time, the higher sentences were given more often to lower class individuals during low dissent years. Any explanation for this finding must be considered in conjunction with the findings regarding whether the individual actually served his full term in prison or not.

Hypothesis ten states that those possessing the least power will be more likely to serve their full sentence in prison. While the sentences given are not strongly class related, whether or not the prisoner served a full term is more clearly class related. Table 26 indicates that the lower classes are more likely to serve their full sentence than are the higher classes, regardless of time period, thus supporting the hypothesis with regard to class. This relationship is clearest during low dissent years because those in the upper class are more likely to serve their full sentence during high dissent years. Thus, during high dissent years, while upper class law-breakers are fewer in number and percentage, they receive similar sentences and are as likely to serve them out. While fewer upper class individuals get into prison during high dissent years, those who did have as harsh a

Table 26 PERCENTAGE DISTRIBUTION FOR MODE OF RELEASE CATEGORIES BY CLASS AND CONTROLLING FOR TIME PERIOD

<u>Mode of Release</u>	ALL YEARS				LOW DISSENT				HIGH DISSENT			
	Lower	Lower middle	Middle	Upper	Lower	Lower middle	Middle	Upper	Lower	Lower middle	Middle	Upper
not served	27	36	43	58	28	45	57	68	27	33	40	36
served some	5	7	6	3	5	5	--	5	7	10	10	--
served full	68	37	51	40	67	51	43	26	65	47	50	64
	100	100	100	101	100	101	100	99	99	100	100	100
	G= .26				G= .38				G= .18			

treatment as the rest of the prisoners.

From Table 27, it can be seen that class provides the only consistent support for the hypothesis linking length of sentence and

Table 27 GAMMA CORRELATIONS FOR MODE OF RELEASE* WITH CLASS, AGE, BIRTHPLACE AND POWER BY TIME PERIOD

<u>Mode of Release with</u>	<u>low dissent</u>	<u>high dissent</u>	<u>all years</u>
Class	-.41	-.19	-.28
Age	-.02	+.06	+.04
Birthplace	+.18	-.09	+.06
Power	-.17	-.07	-.11

* mode of release (1) served none
(2) served full

powerlessness. Whether or not the prisoner serves any of his sentence appears to bear little relationship to age. The European immigrant is most likely to serve his full sentence in low dissent years, and the Canadian born the most likely to serve his sentence in high dissent years. This finding is consistent with the increase in Canadian born incarceration during the 1930's and suggests that the measure of powerlessness based on birthplace may not be a valid one throughout the twenty year period.

Indices of Powerlessness and Sanctions

Hypothesis eleven states that class will be more strongly related to incarceration rates and severity of sanction than will the other indices of powerlessness. The study supports this. The clearest difference in incarceration rates has already been shown to occur between class groupings. The differences between distribution in the overall population and distribution in incarceration rates is shown in Table 28. While the class distribution of the general population is drawn from Blishen's estimates for 1961, it is assumed that the class distribution of the general population from 1918 to 1939 was not vastly different. It has also been demonstrated that class is more consistently and strongly related to social control offenses, to length of sentence and to whether or not the prisoner served his full sentence.

Table 28 PERCENTAGE DISTRIBUTION FOR MANITOBA POPULATION* AND PRISON SAMPLE BY CLASS, BIRTHPLACE AND AGE

		<u>Manitoba population</u>	<u>Prison population</u>	<u>%difference</u>
Age	under 30	38	50	12
	over 30	62	50	12
		<u>100</u>	<u>100</u>	
Birthplace	Europe	16	30	14
	U.S. or U.K.	18	20	2
	Canada	66	50	16
		<u>100</u>	<u>100</u>	
Class	Lower	31	56	25
	Lower Middle	31	30	1
	Middle & Upper	39	13	26
		<u>100</u>	<u>99</u>	

*Manitoba population based on census data for age categories and birthplace categories. Manitoba population for class is based on Blishen estimate see Appendix

Hypothesis 12 states that mode of release will be more highly correlated with class than will length of sentence. The previous section of this chapter bears this out; as noted, Gamma for class with sentence was $-.12$ while it was $-.28$ for mode of release, thus supporting this hypothesis.

Summary

The results of this study have shown that prison incarceration rates are higher during periods of high dissent or economic depression. At the same time, however, a reverse effect also appears to take place. While the rates are, on the whole, higher during high dissent or depressed years, at the same time, they rise within periods of economic expansion. Thus, while the rate drops from 1919 to 1921, it steadily increases throughout the twenties, reaching a peak in the boom year of 1929; a decline in incarceration rate then occurs during the early thirties, although the rate never falls to the level of 1926. Although higher in the thirties than in the twenties, the rate of prison incarceration rises with economic expansion. While the conflict hypothesis is supported with regard to broad periods of time, it has to be qualified within periods.

Regardless of the period of time in which incarceration rates increase, the increase is mainly attributable to an increase in social control offenses. Incarceration for social control offenses is higher during periods of dissent and depression but also increases within periods in the same manner as does the overall incarceration rate. In fact, the incarceration rate for social control offenses closely parallels the overall rate. Offenses against the person are the most stable over the years with very slight increases or decreases from year to year. Incarceration rates for offenses against property fluctuate more than those against the person, in some years dropping when social control incarcerations increase and in others increasing when social control incarcerations increase. In general, however, it is

incarcerations for social control offenses which decide whether overall rates will be high or low.

Almost all of the increase during high dissent years is attributable to incarceration of the least powerful; 89% of the increase were individuals under thirty years of age and 87% had a lower class occupation. During 1919, a year of high dissent and also of high paranoia with regard to the "alien", 31% of all prison incarcerations involved individuals born in Austria. In Manitoba, Austrian-born individuals comprised only 3.6% of the total population in 1916, decreasing to only 2.9% in 1921.⁷ While individuals of European descent were vastly overrepresented throughout the twenties, their numbers began to fall during the thirties. As a result, the majority of the incarceration increase was composed of those of Canadian birth. Because of a lack of information as to the number of Canadian Indians incarcerated, it is felt that birthplace as a measure of powerlessness may indeed be faulty. When a combination of age, birthplace and occupational class were taken together, the lowest four scores on a 19 point scale accounted for 85% of the increase. Thus, the conflict hypothesis that increases in incarcerations involve the least powerful groups is strongly supported.

7. Census data indicates that 8.7% of Manitoba's population in 1916 were born in the Austria-Hungarian complex of countries, as distinct from Austria alone. During this period, the term "Austrian" was often used to describe central Europeans generally. It, therefore, is conceivable that many of those listed in the prison records were not actually born in Austria. The figures may be an indication of heritage rather than birthplace.

While the powerless groups provided much of the increase in incarceration during high dissent years, they did so mainly for social control offenses. Most of the incarceration rate for these offenses were borne by those under 30, of European extraction and with lower class occupations. All of the increase in property incarcerations during high dissent years came from the under thirty age group, while incarcerations for offenses against the person actually decreased during these years. Thus, the majority of increasing crime rates was produced by incarceration of the more powerless groups for social control offenses. While these groups were incarcerated the most often during all time periods, they were even more overrepresented in the increase during high dissent years.

Despite the larger number of incarcerations for social control offenses during high dissent years, the sentences given were not reduced. Although the hypothesis that sentences would be higher during these years is not supported, the contention that crime is used as an ideological force is upheld since the actual serving of the sentences increased during high dissent years. The prisoners in the Eastern Judicial District were less likely to serve their full sentence during low dissent or prosperous years. The exception to this was 1919, when a relatively large number of prisoners were discharged or suspended at court, in contrast to the other high dissent years. As previously mentioned, this might well have been as a result of large numbers taken to jail without the evidence to hold them further.

Class was the only measure of power to be related to sentencing. Although the sentences imposed did not increase during high dissent

years, the lowest class was slightly more likely to receive lengthier sentences. The upper classes were much less likely to serve their sentences regardless of year, but this was more marked during low dissent years. During high dissent years, there appeared to be more equity when more individuals had to serve their full sentences. In contrast, during low dissent years when more releases occurred, there was more likelihood of class disparity. In regards to birthplace, the European immigrant was the most likely to serve his full sentence in low dissent years, and the Canadian-born during high dissent years; this is consistent with the possible switch in the least powerful group during the thirties.

In all cases class was more highly correlated with incarceration rate, sentencing, and mode of release than were other measures of powerlessness. Whether the prisoner served out his sentence in prison or not provided a stronger correlation with class than did the actual sentence imposed.

While many of the study hypotheses have been supported by the study, much of the support for those regarding differences between different periods of time must be qualified. The implications of this study for further research will be considered in the concluding chapter.

Chapter 5

CONCLUSIONS

There appears to be little doubt that the economic and political life of the society has an effect on the prison incarceration rate. However, there seems to be contradictory results as to the effect of the economy depending on whether a broad or a narrow perspective is employed. Incarceration rates are significantly higher during periods of depression and dissent; on the other hand, incarceration rates, within these broad periods, rise with an expansion in the economy. Whether the rise in incarceration occurs during relatively stable periods or not, it is almost entirely made up of incarcerations for social control offenses. Such increases mainly involve individuals from the most powerless groupings in society. The "high crime rate" for a period does not appear to mean that there are larger numbers of rapes, murders, assaults and robberies committed by poorly socialized individuals; there is little correlation between pauperism and serious criminality.

Several alternative possibilities come to mind to explain the high incarceration rate during 1929 - a new prison had just been built at Headingly and the majority of prisoners no longer had to be sent by rail to East Braintree; as well, a new consolidated Liquor Control Act had been enacted during 1928. In isolation, such factors might partially explain the increased imprisonment for social control offenses during that year. However, these facts do not explain the steady increase in incarceration rate throughout the twenties, at a time when productivity was increasing. What has not been explored is

whether all groups shared equally in the new prosperity or if the gap in economic condition between upper and lower class groupings also increased during economically productive years. The experience during 1918-19 suggests that this might well be the case. At a time when the overall state of the Manitoba economy was still being affected by the war time boom, the lower class groups in society were suffering a decline in real wages. The result was widespread dissent and increased incarceration for social control type offenses coupled with an actual decrease in numbers of prisoners serving their sentences.

A number of questions are raised by the results of this study. Does the incarceration rate rise during expansionary periods because inequality is more readily perceived by the lowest economic groupings, thus making them increasingly prone to challenge the social order? Is the trigger that sets off dissent not economic distress itself but the deterioration of social control caused by a lack of legitimacy accorded the system? Does this lack of legitimacy occur with a rise in the perception of inequality during productive periods as well as during times of unrelieved hardship?

While conflict theory states that incarceration will be heaviest during recessionary periods when labor is not needed, it also emphasizes that criminal law is as much concerned with authority as it is with property. The political function of law, from this perspective, is concerned with maintaining legitimacy for the ruling class. If the ruling class is to maintain its position of authority then some target other than itself must be found. A conspiracy against the more powerless groups exists, not in the sense of a plot, but in its overall

consistent pattern. The class distribution in prison suggests systematic discrimination against the poor. Being poor becomes the crime, evidenced by the type of offense they are imprisoned for. While the majority of acts punished by imprisonment are "petty in terms of social dangerousness" (Chambliss, 19:203), such imprisonment is useful in ideological terms. The "criminal" is a useful scapegoat. If the poor and the criminal are one and the same, their dissatisfactions and dissent need not be heeded.

Maintaining legitimacy, however, appears to be a more complex affair than one would think at first glance. The ideological assumptions behind penal policy during expansionary periods might very well differ from those held during periods of recession.

During expansionary periods, the penal system meshes with and enforces the work system, punishing potential workers who remain unemployed. Work norms can be maintained in the majority of the population by evoking the image of the "criminal" unemployed for the able-bodied poor to see and shun. To the extent that public attention is directed to the dangers and injuries associated with these criminals, the injuries of capitalism itself are obscured. At the same time, the poor are seen as criminal because they have attitudes which must be changed - they are "inadequately socialized" because they are young, are foreign, or have not been exposed to the proper attitudes for functioning in a capitalist system. So the ideology insists they must be rehabilitated or Canadianized in order to become good productive citizens. The need to educate and rehabilitate is strongest during prosperous periods when labor is needed. This need to educate is

illustrated in a letter from the Chief Turnkey for the Eastern Judicial District during the Royal Commission into Provincial Jails in 1915:

If the illiterate foreigners could learn our ways of living and thinking and the laws of the land they would make better citizens, and this would in the long run save the country a lot of trouble and expense (letter to Justice Curran, November 5, 1915 PAMRG3C18).

During prosperity, drunken behavior and vagrancy among potential laborers cannot be tolerated. At such times, attitudes of "criminals" become as important as their behavior. If the proper attitude is exhibited, it is assumed that rehabilitation has occurred and the individual can then be released from prison. Whether the sentence is served or not is irrelevant so long as the proper attitude is expressed.

During periods of depression or widespread dissent, the emphasis changes. When a well disciplined labor force is not the paramount concern, the emphasis shifts from rehabilitation. Instead, a warehousing of excess labor is required. Prisoners are not counted among the ranks of the unemployed. As well, dissent must be emphasized as criminal and dissidents kept apart from society. While the function of law may change its emphasis, however, it is the same ill-defined social control "crimes" which provide the major basis for imprisonment.

If the foregoing is to be verified, this research is inadequate. Further research is required into the prevailing assumptions behind correctional policy during different time periods. During periods of prosperity, it should be shown that the emphasis is on rehabilitation, on instilling proper work habits and attitudes and greater leniency should be shown in the suspension or shortening of sentences when the

proper attitude is displayed. During depressed periods, a harder line would be displayed by those in positions of power regardless of the status or attitudes of the offender. Rehabilitation and education would be less important and sentences would not be commuted to the same degree. The combination of incarceration rates and severity of sanctions exhibited in this study suggests the possibility that such might be the case: the higher classes were more likely to be released without serving their sentence during low dissent and prosperous years. Further research needs to be done into the basic assumptions guiding official policy in the correctional field. Such research would incorporate more "soft" data into the statistical findings of incarceration rates.

The scope of further research also needs to be extended to include court data. This study included many individuals who spent time in prison before a court appearance, but excluded many individuals who were charged but awaited their court appearance without incarceration. Future studies would benefit from the inclusion of court data in order to determine if court suspensions and fines are implemented more during periods of low dissent among those individuals who received bail as well as among those awaiting sentence in jail. Such a study would do a great deal to shed light on such contradictory findings of this study as the high suspension rate during 1918-19. Lacking court data, this study is unable to determine if more individuals had their sentences suspended during 1918-19 or if more individuals were incarcerated with insufficient evidence to sentence them in court.

In order to incorporate more fully the use of prisons into

a total societal picture, other institutional devices of social control need to be examined. The distribution of powerless groups in mental hospitals and other rehabilitative institutions needs to be juxtaposed to that of prisons. This study had to ignore information on insanity charges during the early years of the study since a change occurred in the method of dealing with insanity convictions.¹ Without data on mental hospital incarcerations, a large portion of the social control picture may be being ignored. If other institutions provide the same picture as that of prisons, the tenet that social control measures are tightened during periods of depression and dissent will be strengthened.

A more specific problem with this study has been the use of birthplace as an index of powerlessness. While one-third of Winnipeg's population was foreign born during the early years of this century, the use of birthplace as a measure of powerlessness neglects the ethnic background of Canadian born prisoners. While the incarceration rate of Canadian born individuals overtakes that of immigrants in the late thirties, the ethnic background of prisoners might not change.² Equally as important is the lack of knowledge as to the number of Canadian born prisoners who were of Canadian Indian ancestry. Without

1. Since a majority of the individuals held under such charges were immigrant females, the incorporation of mental hospital records is especially important in any analysis of female deviancy. During the period of our study, females were often incarcerated in private or church run homes rather than provincial jails. For this reason, female prisoners were excluded from the analysis of this study.

2. - The problem here is to determine at what stage of the assimilation process ethnicity is no longer an issue.

such information the scale indicating degree of powerlessness according to birthplace is deficient. Further studies should make every effort to determine the ancestry of Canadian born prisoners.

To sum up, while it has been confirmed that the overall rate of incarceration is greater during periods of dissent and depression, conflict theorists must also turn their attention to the fact that incarceration rates increase with the increased productivity of the overall community. Given the fact that increases are generally made up of incarcerations of powerless individuals for social control offenses, the major tenets of conflict theory are upheld; however they require modification to incorporate the finding of increases during expansionary periods. Economically, as much attention needs to be paid to the gaps in living conditions between powerless and powerful groups during expansionary periods as to the differences between periods. Politically, greater attention to the notion of law as part of the ideological system is required; the control of dissent is important, but so is the identification of low status individuals with crime. Inequalities in the system during productive periods can thus be seen as items of individual failure rather than social failure.

Since the emphasis of law appears to be on controlling and criminalizing dissenting or non-productive behavior, law can be seen as a body of rules reflecting the ideology of the dominant group and designed to maintain the status quo. The social function of this ideology is not to provide a true knowledge of the social structure but rather to hide the real contradictions by providing a legitimating rationale for the working of society. Such legitimation not only

justifies oppression but also sets the limits of what is relevant in terms of social action. If it is accepted that dissent is criminal, then dissent will be seen as unjustifiable. Thus, while controlling dissent and providing a willing labor force are important functions of law, when "law as ideology" is taken as the major tenet, increases in incarceration during expansionary periods may be seen as necessary to justify increasing inequities.

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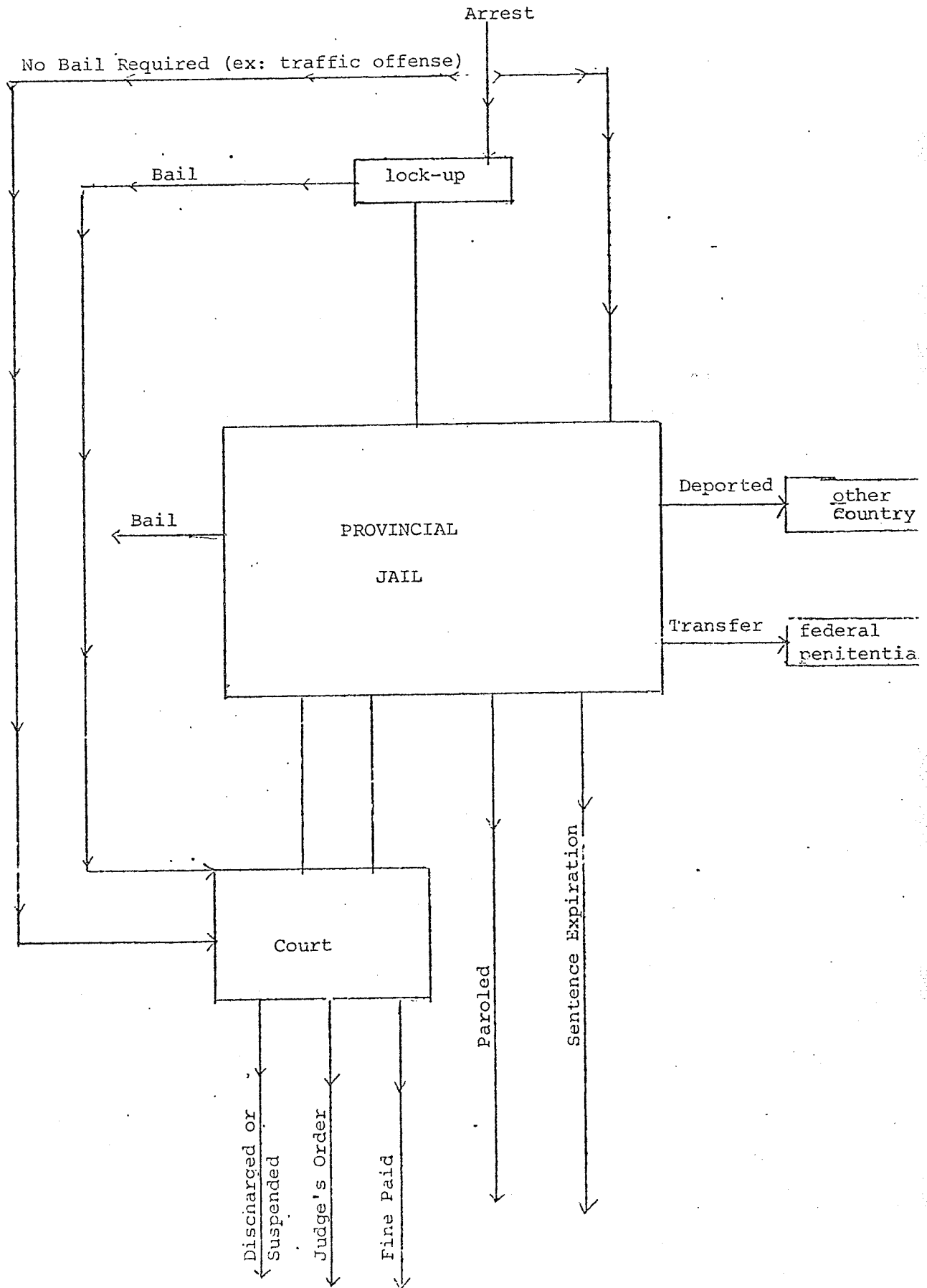
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APPENDIX I

PATHS INTO PROVINCIAL JAIL RECORDS



APPENDIX II

I. CATEGORIES OF OFFENSES

1. Social Control
 - A. General (ex. vagrancy, unlawful assembly)
 - B. Alcohol (ex. public drunkenness, breach of Manitoba Temperance Act)
 - C. Morality (ex. keep bawdy house, alleged paternity)
 - D. Administrative (ex. breach Municipal Act, breach Customs Act)
2. Property
 - A. General (ex. theft, robbery)
 - B. White Collar (ex. embezzle, forgery)
3. Person
 - A. General (ex. assault, rape, murder)
 - B. Domestic (ex. neglect child, breach child maintenance)
4. Automobile
5. Other
 - A. Secondary (ex. escape legal custody)
 - B. Insanity
 - C. No information

II. SENTENCE

1. discharged, suspended, paid fine
2. to one month
3. one to three months
4. over three months - three to six months
 - six months to one year
 - one year to two years
 - two years to five years
 - five years to ten years
 - over ten years
 - death

III. MODE OF RELEASE

1. not served sentence (discharged, suspended, fine)
2. served some sentence (parole, other release after some time served)
3. served full sentence (sentence expiration)

IV. INDICES OF POWERLESSNESS

Age

1. under 30 - under 18
- under 21
- 21 to 30
2. over 30 - 31 to 40
- 41 to 50
- over 50

Birthplace

1. Europe
2. United Kingdom or United States
3. Canada

Class

1. Lower (to 30.00 on Blishen scale)
2. Lower-Middle (30.01 to 39.00 on Blishen scale)
3. Middle (39.01 to 59.00 on Blishen scale)
4. Upper (59.01 up on Blishen scale)

Power

Combination of:

age - under 30	1
- over 30	2
+ birth - East Europe	1
- West Europe	2
- U.S. or U.K.	3
- Canada	4
+ class - lower	2
- lower-middle	4
- middle	8
- upper	16

APPENDIX III

Percentage and Cumulative Percentage Distribution of the Manitoba Labour Force by Socio-economic Index, 1961 (Blishen)

Socio-Economic Index	Rank Interval	No. of Occupations (N=320)	Manitoba	
			%	Cum %
70+	1-24	24	4	4
60-69	25-50	26	4	8
50-59	51-86	36	9	17
40-49	87-138	52	22	39
30-39	139-241	103	31	70
Below 30	242-320	79	31	100
Blishen (1967)				