6

Literacy and Criminality

"First, such a system of general education amongst the people is the most effectual prevention of pauperism, and its natural companions, misery and vice." [1] With this statement, made early in his career as Chief Superintendent of Education for Upper Canada, Egerton Ryerson embraced a central tenet of the mid-nineteenth-century school promoter. That education could prevent criminality, if not cure it, was integral to school reformers' programs; and they marshalled reams of evidence, rhetorical and statistical, to prove the perceived relationship between ignorance, or lack of education, and criminality. In their formulations of this social problem, ignorance and crime were associated not only with each other but also with illiteracy, the visible and measurable sign of a lack of schooling.

The prominence accorded formal schooling and instruction in literacy for the masses as social insurance against criminality and disorder forms one significant example of the broad new consensus about education that emerged throughout Anglo-America by mid-century. At a time of massive social change, education increasingly was seen as the dominant tool for social stability in societies in which stratification by social class had replaced traditional paternalistic control by rank and deference and, in which wage labor and its concomitant higher rates of physical mobility destroyed traditional community controls. The changing scale and bases of society, as we have seen, demanded the creation of new institutions, like mass school systems, to aid in the inculcation of restraint,

[1] Ryerson, "Report on a System of Public Elementary Instruction for Upper Canada," in *Documentary History of Education in Upper Canada* (*D.H.E.*), ed. J. G. Hodgins, 6 (Toronto, 1899), 143.

order, discipline, integration—the correct rules for social and economic behavior in a changing and modernizing context. No longer could proper social morality and values be transmitted successfully by informal and traditional means; the transformation necessitated formal institutions to provide morally grounded instruction—aided, eased, and speeded by carefully structured provision of literacy. Literacy became the vehicle for the efficient training of the population and the maintenance of hegemony. Morality without literacy was more than ever seen as impossible; literacy alone, however, was potentially dangerous. Thus the nineteenth-century educational consensus was rooted in the moral bases of literacy; the reduction of crime and disorder ranked high among its functions of socialization. The development and acceptance of this view of education constitutes yet another aspect of the "literacy myth," its expectations permeating thinking about criminality today.[2]

Despite the existence of this unified attitude toward the place of the school in society and the goals of education, the connections advanced between education, literacy, and the reduction of crime and disorder, or conversely, between illiteracy and criminality, were often less than satisfactory or compelling. Egerton Ryerson's statements, consequently, were not always clear, especially regarding the role of illiteracy. To a significant extent, the moral importance of schooling represented the crucial factor, but especially in their use of the statistics of illiteracy, school promoters in Canada and elsewhere confused their arguments, uncertain at times about what form of schooling would best serve their purposes. Their focus on schooling, moreover, obscured the role of other factors that contributed to criminality and made their notions of causality less than convincing. In spite of their explanations, criminality—or, more properly, arrest and conviction—related to much more than illiteracy. Illiteracy, to be sure, was often symptomatic of poverty and lower-class status, which were also associated with arrest

[2] See, for example, The President's Commission on Law Enforcement and the Administration of Justice, *Report* (Washington, D.C.: Government Printing Office, 1967); National Advisory Commission on Civil Disorders, *Report* (Washington, D.C.: GPO, 1968); James B. Conant, *Slums and Suburbs* (New York: McGraw-Hill, 1961); R. A. Dentler and M. E. Warshawer, *Big City Drop-Outs and Illiterates* (New York: Praeger, 1965); David M. Gordon, *Problems in Political Economy: An Urban Perspective* (Lexington, Mass.: D. C. Heath, 1971); Stanton Wheeler, "Delinquency and Crime," in *Social Problems: A Modern Approach*, ed. Howard S. Becker (New York: Free Press, 1966), 201–276; I. K. Feierabend, R. L. Feierabend, and B. A. Nesvold, "Social Change and Political Violence: Cross-National Patterns," in *The History of Violence in America*, ed. H. D. Graham and T. R. Gurr (New York: Bantam Books, 1969), 632–687. Examples of this view are legion; education has long formed a central part of anti-crime social policies and of criminology.

and punishment, but it was only one element among a complex of factors. Ethnicity, class, sex, and the suspected crime, rather than illiteracy alone, determined conviction, as those with fewest resources were most often convicted. Systematic patterns of punishment, apparently, might relate to factors other than guilt alone.

The link between social inequality and the distribution of literacy, on the one hand, and factors of class, ethnicity, and sex, on the other, was vital. Ascribed characteristics determined social stratification, access to economic opportunity, social discrimination, and apparently judicial treatment, too. This contradicted much of the school promoters' rhetoric about the advantages of educational achievement in countering factors of birth—a key promise of modern society. Literacy, the evidence suggests, in spite of schoolmen's arguments and more recent restatements, did not relate directly to individual advancement or to social progress as exemplified by a reduction of criminality. Similarly, illiteracy alone did not relate solely or unambiguously to criminality, nor to poverty or immobility. The centrality of literacy in educational rhetoric and the promise of schooling itself, past as well as present, demand a revised account. The case of criminality, significantly, supports the emerging outlines of a new historical sociology of education, in countering the "literacy myth."

In view of these considerations, this chapter focuses upon the relationship between criminality and illiteracy perceived and discussed by school promoters. Their causal notions and their data are first examined; then they are tested through an analysis of a nineteenth-century gaol (jail) register that included literacy among its data.

I

The extent of criminality was among the most pressing concerns of Upper Canadians in the mid-nineteenth century. Revealing deep tensions and pervasive insecurity in a time of social change, many asked with others in Anglo-America, What has caused this apparent increase in crime and violence; what produces criminality in the populace? The complex answers given to these questions included immigration, poverty, urbanism, immorality, ignorance, and of course illiteracy. These forces, at work in Upper Canada as elsewhere, were woven into a causal explanation of criminality. In these explanations, the connections between ignorance, illiteracy, and criminality, always crucial, formed a central assumption of those who attempted to build and expand systems of mass

schooling. To them, education was fundamental to the prevention of crime and disorder.[3]

Crime in Upper Canada, it was thought, was intimately connected to "an influx of criminal elements from outside the country, and particularly from Ireland." To Ryerson, immigrants were "notoriously destitute of intelligence and industry, as they are of means of subsistence." Neglect of schooling, idleness, and poverty were the causes of this social problem, and foreigners were the greatest offenders. Cities, moreover, were the scene of the greatest difficulty; they represented the seedbed of crime and were of course the centers of reform attention. Crime, according to Ryerson, "may be said in some sort to be hereditary, as well as infectious, . . . to multiply wretchedness and vice . . . [as] the gangrene of pauperism in either cities or states is almost incurable. The city, especially Toronto, provided his usual examples, and throughout his tenure in office he regularly supplied evidence from gaols and prisons to show that inmates came from the most populous places. Summarizing this widely held belief, Michael Katz has concluded, "In the lexicon of reformers the first fact about crime was its urban nature." Criminals and the impoverished were not seen as individuals; rather, they represented a new criminal and pauper class, resulting from social change, which frightened reformers and others in the middle class. There was general agreement on these points throughout Anglo-America and in much of the west.[4]

[3] J. J. Bellomo, "Upper Canadian Attitudes Towards Crime and Punishment," *Ontario History*, 64 (1972), 12, 13; J. M. Beattie, *Attitudes Towards Crime and Punishment in Upper Canada, 1830–1850: A Documentary Study* (Toronto: University of Toronto Centre of Criminology, 1977); Susan Houston, "Politics, Schools and Social Change in Upper Canada," *Canadian Historical Review*, 53 (1972), 249–271; Rainer Baehre, "The Origins of the Penitentiary System in Upper Canada," *Ontario History*, 69 (1977), 185–207. Beattie's collection of documents is very useful.

[4] Bellomo, "Attitudes," 12; *Journal of Education (J.E.)*, 1 (1848), 300; Ryerson, "Report," 143; Katz, *The Irony of Early School Reform* (Cambridge, Mass.: Harvard University Press, 1968), 170–171. See also, Houston, "The Victorian Origins of Juvenile Delinquency." *History of Education Quarterly*, 12 (1972), 254–280; David J. Rothman, *The Discovery of the Asylum* (Boston: Little, Brown, 1971); Raymond Mohl, *Poverty in New York, 1783–1825* (New York: Oxford University Press, 1971); Carl Kaestle, *The Evolution of an Urban School System* (Cambridge, Mass.: Harvard University Press, 1973); Carroll Smith Rosenberg, *Religion and the Rise of the American City* (Ithaca: Cornell University Press, 1971); Robert Mennel, *Thorns and Thistles* (Hanover, N.H.: University Press of New England, 1973); Steven L. Schlossman, *Love and the American Delinquent* (Chicago: University of Chicago Press, 1977); Katz, "Origins of the Public School," *History of Education Quarterly*, 16 (1976), 381–407; J. J. Tobias, *Crime and Industrial Society in the Nineteenth Century* (Harmondsworth: Penguin, 1972); David Phillips, *Crime and Authority in Victorian England* (London: Croom Helm, 1977); A. P. Donajgrodzki, ed., *Social Control in Nineteenth Century Britain* (London: Croom

These factors were associated with the causes of criminality; ignorance, however, was its putative source. Ryerson and many of his contemporaries urged that their systems of popular education were the most effective preventatives of ignorance, pauperism, misery, and vice.[5] How schooling was to accomplish this, and, conversely, how the lack of schooling resulted in criminality were points on which the school promoters were less clear. At least this was where their statements became vague. To document the apparent relationship and to urge prevention through education was one thing; to explain it was quite another.

Egerton Ryerson enunciated the commonly perceived connection in its starkest and most direct form in his first report.

> Now the Statistical Reports of Pauperism and crime in different countries, furnish indubitable proof that ignorance is the fruitful source of idleness, intemperance and improvidence, and these are the fosterparents of pauperism and crime. The history of every country in Europe may be appealed to in proof and illustration of the fact . . . that pauperism and crime prevail in proportion to the absence of education amongst the labouring classes, and that in proportion to the existence and prevalence of education amongst these classes, is the absence of pauperism and its legitimate offspring.

To this he would soon add the history of Upper Canada. Here, however, Ryerson succinctly stated that ignorance—the lack of schooling—was the first factor in a life of crime. Simply, "the condition of the people and the extent of crime and violence among them follow in like order" from the state of education. Among other evidence he cited English Poor Law Commissioners ("a principal cause of [Northumberland's lack of crime] arises from the education they receive") and the example of Prussia's school system.[6] Others in Upper Canada concurred. The Toronto *Globe,* which disagreed with Ryerson on many issues, declared: "Educate your people and your gaols will be abandoned and your police will be disbanded; all the offenses which man commits against his own peace will be comparatively unknown. . . ." Education was not only effectual; it was also the cheapest agency of prevention:

Helm, 1977); Phillip McCann, ed., *Popular Education and Socialization in the Nineteenth Century* (London: Methuen, 1977); Roger Lane, "Crime and the Industrial Revolution: British and American Views," *Journal of Social History,* 7 (1974), 287–303.

[5] See Alison Prentice, "The Social Thought of Egerton Ryerson" (unpub. paper, 1970), "The School Promoters: Education and Social Class in Nineteenth Century Upper Canada," unpub. Ph.D. Diss., University of Toronto, 1974. See also, Walter Houghton, *The Victorian Frame of Mind* (New Haven: Yale University Press, 1957); Susan Houston, "The Impetus to Reform," unpub. Ph.D. Diss., University of Toronto, 1974; the literature cited above.

[6] Ryerson, "Report," 143, 143–144. See also, Phillips, *Crime,* 154–158.

"The education of the people forms part of the machinery of the State for the prevention of crime." [7] Costs and public expenses were important, and often central to the school promoters' arguments. To them, schools were both cheaper than gaols and prisons and a better investment. Naturally, they felt that "it is much better to prevent crime by drying up its sources than by punishing its acts." [8] The school represented a form of police.

Ignorance and illiteracy, as Ryerson argued, were the first causes of poverty and crime, the latter two in turn being inextricably linked. Each was seen to cause the other, particularly among immigrants and in cities.[9] The result was a simple causal explanation or model of criminality: ignorance caused idleness, intemperance, and improvidence, which resulted in crime and poverty. Ryerson and other promoters saw crime not only as the inevitable offspring of this chain of factors, but they also labelled each factor a crime itself. For example, idleness and ignorance were more than causes, they were also offenses: "If ignorance is an evil to society, voluntary ignorance is a crime against society . . . if idle mendicancy is a crime in a man thirty years of age, why is not idle vagrancy a crime in a boy ten years of age? The latter is the parent of the former." [10]

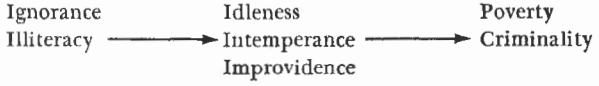
Ignorance also led to poverty, and education, conversely, to success. The *Globe* agreed: "If we make our people intelligent, they cannot fail to be prosperous." The poor, therefore, were ignorant, often living lives of crime and withholding their children from school—preparing the future class of criminals. Families and parents were blamed for the prevalence of ignorance, nonattendance, and the resulting illiteracy; neglectful parents were as guilty as their children. They were "bringing up and sending abroad into the community [children] who are prepared

[7] Toronto *Globe*, Dec. 11, 1851, Dec. 11, 1862; Ryerson, *Annual Report of the Chief Superintendent of Education*, 1857, 17. On their disagreements, see J. M. S. Careless, *Brown of the Globe* (Toronto: Macmillan, 1959, 1963), 2 vols.; C. B. Sissons, *Egerton Ryerson, His Life and Times* (Toronto: Ryerson Press, 1937, 1947) 2 vols.

[8] *J. E.*, 10 (1857), 9; *Globe*, Dec. 11, 1851; "Truancy and Juvenile Crime in Cities, 1859–1860," in *D. H. E.*, 15 (Toronto, 1906), 1–5. See also, R. D. Storch, "The Policeman as Domestic Missionary," *Journal of Social History*, 9 (1976), 481–509.

[9] Katz, *The Irony*, 180, found the same in Massachusetts.

[10] *Annual Report*, 1857, 47; Prentice, "The School Promoters," 66. The stark simplicity of the causal model is striking:



by ignorance, by lawlessness, by vice, to be pests to society—to violate the laws, to steal, to rob, and murder. . . ." The crime, therefore, was not only against the victim alone, for "training up children in ignorance and vagrancy, is a flagrant crime against Society," depriving it of "examples, labours, and talents . . . and inflicting upon it serious disorders and expenditures." [11]

The eradication of ignorance through education was the solution, a characteristically Victorian one. Schooling was the right of each child and the preparation of each citizen, as well as the security of the rich. Consequently, a neglect of education—and nonattendance—was itself a crime, for social order would be "better conserved by having [Toronto's] thousands of idle boys industriously and appropriately receiving instruction in her hitherto empty schoolhouses than in contracting vicious habits in the streets and on the sidewalks of the city." Nevertheless, crime persisted, especially among the young, after the founding and expansion of mass public school systems. Rather than reexamine his premises, Ryerson like most other reformers maintained that further provision for schooling was needed and that the schools, being less than full, were not reaching all of the children.[12] Arguments explaining criminality continued to be stated negatively, stressing the results of nonschooling (or improper schooling) and not the specific ways in which education would prevent crime.

In their explanations, reformers seldom considered other factors, or whether their factors might be reordered. In their disregard of the social and economic realities that determined school attendance and inequality they did not judge poverty, for example, to be a cause of ignorance or illiteracy. Upper Canada's Chief Justice Robinson made this clear in addressing a Grand Jury: "I am satisfied that no proper excuse can be given for the Children of the poor not being sent to the Schools ready to receive them in Towns and Cities." It is difficult to censure schoolmen for ignoring problems of immigration, poverty, and neglect, for they saw these as all too real. Their notions of causality, however, may be questioned, for they were unable to recognize poverty as a structural feature of capitalist society. To them pauperism and idleness stemmed from ignorance; economic failure and social deviance derived from moral

[11] *Globe,* Dec. 11, 1851; "Address of Dr. Daniel Wilson to the Teachers Association, 1865," *D. H. E.* 19, 48; "Truancy and Juvenile Crime," 4; Globe, Dec. 11, 1851; *J. E.,* 10 (1857), 9. On attendance, see the studies of Davey, Katz, and Bamman, cited in Ch. 4.

[12] *J. E.,* 1 (1848), 151; 2 (1849), 96; "Truancy and Crime," 2. See also, "Address of Wilson."

weakness, and many were considered paupers by choice, not by chance or structural inequality, blame falling especially on the lower class. By definition, the lower class family was the seedbed of paupers and criminals, with its environment of immorality and neglect.[13] Ignorance, idleness, and intemperance remained the result of individual behavior, and the reformers' typically Victorian response was to advocate education as a preventative of illiteracy, ignorance, and criminality: in one sweep this was the role of the state—to be a police force in behalf of morality.

Schoolmen were certain that ignorance and illiteracy lay at the heart of criminality. Statistical evidence was gathered as proof: data which described the educational condition of prisoners assumed guilty of criminal offenses. Ignorance of course meant more than illiteracy, but the latter was taken to be its measurable sign. From these statistics, educational promoters derived their arguments, and, reciprocally, in them they found continuing support. As a result, illiteracy itself was raised to a causal factor in their explanations, along with ignorance. Wherever in the west promoters inquired, the same results were found: the periodic examination of the literacy of the arrested and convicted served to bolster the cause of education. As direct evidence of ignorance and lack of schooling, these tabulations became the statistical foundations upon which the rhetorical house explaining criminality was built.

It is indeed significant that gaols and prisons, as well as reformatories, regularly inquired into the educational condition of their inmates, and that literacy was the universal measure chosen. Since illiteracy was accepted as the sign of ignorance, the knowledge of the prisoners' achievement or status was an essential concern. Moreover, efforts were made in Upper Canadian prisons to provide instruction in reading and writing, and J. George Hodgins, Ryerson's lieutenant, pressed for the establishment of prison libraries. Not only did annual prison reports detail the literacy of all inmates, but chaplains and schoolmasters told also of their repeated efforts to instruct their pupils, and tabulated their numbers and progress. They also linked criminality with ignorance and sought to replace it with literacy; "such being the almost barbarous ignorance in which the great majority of the convicts have been raised, it would seem an unnecessary cruelty to deprive them of the means of the 'limited education' which the humanity of Christian legislation has provided for them in this institution." R. V. Rogers, a chaplain who failed to secure funds for library, schoolroom, or schoolmaster, summed up the goal in instruction: "a Professed School of Reform, without the

[13] "Truancy and Juvenile Crime," 2, 1–5; "Address of Wilson." See also the studies of school attendance and urban poverty cited above; Gareth Stedman Jones, *Outcast London* (Oxford: Oxford University Press, 1971).

needed Machinery for Reformation—a Penitentiary in Name—A Jail in Fact!!" [14]

Egerton Ryerson referred to English and European statistics in his first report, and often included them in his *Journal of Education*. A decade after that report, he presented the evidence for Upper Canada itself: "How intimate and general is the connexion between the training up of children in ignorance and vagrancy and the expenses and varied evils of public crime may be gathered from the statistics of the Toronto Gaol during the year 1856, as compiled by the Governor of the Gaol from the Gaol Register." As on other occasions, he reproduced the statistics of literacy for the inmate population. For 1,967 prisoners, the registers provided this distribution:

	Male	Female
Neither read nor write	401	246
Read only	253	200
Read and write imperfectly	570	198
Read and write well	68	——
Superior education	1	——

Just what levels of skill these categories may have described will be considered below; regardless, Ryerson's conclusions from them rang familiarly in support of his stated assumptions. To him, and to most reformers, they revealed that more than 95% of the incarcerated "had grown up without the advantages of a good common school education; and that less than 5 per cent of the crimes committed, were committed by persons who could even read and write well."

Here then was the evidence for his causal model and for the centrality of illiteracy. But what was to be done? Ryerson continued, arguing prescriptively, that these were "facts which show that had a legal provision been made, such as would have secured to all these 1967 prisoners a good common school education, the number of prisoners committed to the Toronto Gaol would scarcely have exceeded one hundred, . . . their crimes would have been prevented, and the time, trouble, and expenses attending their detection and punishment would have been saved." [15] Of course there was a certain circularity in these common arguments, for it was assumed that in keeping the potential youthful offenders off the streets and in the schoolrooms the prisons would be emptied of the great bulk of their numbers (95% to Ryerson). Funds

[14] Report of the Board of Inspectors of Asylums, Prisons, & etc., Penitentiary Reports, Canada, *Sessional Papers*, esp. 1841, 1846–1849, 1852–1858, 1862; 1852–1853; 1847. See also, Baehre, "Origins." In England, see Phillips, *Crime;* Tobias, *Crime*.

[15] *J. E.*, 10 (1857), 9; see also *ibid.*, 20 (1867), 64, and "Truancy and Juvenile Crime."

saved on the one would be freed for the other. Yet no evidence of this expected result was produced to accompany the assertions.

Ryerson was far from unique in recognizing the importance of literacy in the educational prevention of crime or in the use of illiteracy statistics to support his arguments. Either summary statistics or the more prevalent practice of presenting raw numbers of prisoners, or arrested persons, at each level of education was a standard feature, significantly, of both the educational and the penitentiary reports of the last century. This was common to both the United States and Great Britain; Massachusetts reports, for example, frequently cited them, whether the discussion related to prisons, juvenile reformatories, or schools, which were all seen as weapons attacking the same social problems.[16] Standard also was the reproduction of foreign statistics to illustrate the universality of the problem, or to demonstrate that progress could sometimes be made: either to censure or to applaud the situation at home.

Others in fact went further than Ryerson in their investigations of the relations between illiteracy and criminality, continuing of course to equate ignorance in criminals with illiteracy. Reformers in the United States, in particular, scoured the records to produce statistical summaries that rang with the truth of arithmetic exactness, as part of the contemporary emergence of social research and social science. One such summary was a report by James P. Wickersham to the National Educational Association, which investigated the charge, "that a very high proportion—60 per cent, I think—of the convicts then confined in the prisons of Philadelphia, were high school graduates." His response, "Education and Crime," concluded to the contrary, in 1881,

1. That about one-sixth of all crime in the country is committed by persons wholly illiterate.
2. That about one-third of it is committed by persons practically illiterate.
3. That the proportion of criminals among the illiterate is about ten times as great as among those who have been instructed in the elements of a common-school education or beyond.

These facts led Wickersham to conclude that the amount of crime is about as uniform from year to year as the amount of ignorance or illiteracy.[17] Ten years earlier, another commentator established an even

[16] See Katz, *Irony;* Rothman, *Discovery;* Phillips, *Crime.*

[17] Wickersham, "Education and Crime," *The Journals and Proceedings and Addresses of the National Education Association of the United States,* Session of the Year 1881 (Boston, 1881), 45, 50; see also 45–55.

stronger relationship between illiteracy and criminality. E. D. Mansfield surveyed Europe as well as the United States, finding a high correlation between illiteracy and criminality wherever he looked. His mathematical calculations led him to conclude,

> *First.* That one-third of all criminals are totally uneducated, and that four-fifths are practically uneducated.
> *Second.* That the proportion of criminals from the illiterate classes is at least tenfold as great as the proportion from those having some education.[18]

Despite the certainty with which education was advanced as the best preventative of criminality and the evidence that repeatedly revealed that the criminals were largely ignorant, the eradication of illiteracy did not always seem to reduce crime. Of course, schools, as Ryerson argued, are "not responsible for defects in criminal laws, or police or municipal regulations."[19] Yet, as attendance increased (and as more police forces and prisons were established), Ryerson continued to reprint the gaol statistics, and it is revealing that he never reported a diminution in crime. The happy result of expanding educational provision in reducing offenses was not often to be found. In Massachusetts, for example, Frank Sanborn, the first Secretary of the State Board of Charities, discovered that the number of illiterates in the prison population fell by 50%, from 74 to 38%, between 1854 and 1864. In spite of such apparent progress, Sanborn was startled. First, he discovered that in England and Wales, without a system of common public schools, only 33% of prisoners could neither read nor write, and in Ireland only 50% could not. More importantly, while Massachusetts' figures led him to believe that the proportion of illiterates among the prison population was far greater than that among the entire population, the decrease over a decade in criminal illiteracy had *not* been accompanied by a corresponding decline in crime.[20]

[18] "The Relation Between Crime and Education," *Report of the U.S. Commissioner of Education* (Washington, D.C., 1872), 586–595; see also his "The Relation Between Education and Pauperism," *ibid.*, 596–602 on the role of poverty. Mansfield states, "Pauperism and crime are so closely allied that the same individuals belong to both fraternities. . . . The same man is a criminal or pauper depending to circumstances. He steals when he cannot beg, and begs when he cannot steal," 602.

[19] *J. E.*, 10 (1857), 9; see also "Truancy and Crime."

[20] Board of State Charities, Massachusetts, *Secretary's Report*, 1865 (Public Document Supplementary, no. 19), quoted in Katz, *Irony*, 184. These statistics must not be confused with national rates of literacy for the British Isles determined by the percentages of signatures on marriage registers. There is no necessary relationship. For other attempts to relate illiteracy with crime rates, see Phillips, *Crime*, 154–161; Howard Zehr, *Crime and the Development of Modern Society: Patterns of Criminality*

Ryerson and Sanborn were not alone in making these unsettling discoveries, which ran so counter to their models and expectations. Some sought to explain continuing high rates of crime by referring to improved enforcement and enlightened judicial systems. Usually, however, the result was a confused, sometimes contradictory posture by school reformers and public officials who used the illiteracy statistics to demonstrate that ignorance was a primary cause of criminality. Witness the efforts of Wickersham, for example, in this quandary, as he discussed the hypothetical possibility that Prussia possessed more criminals than France in spite of its better schooling and higher literacy rates. "It will be found that the cause is not in her schools but in spite of her schools, for in Prussia, as in all other countries, an illiterate man is many times more likely to commit crime than one who is educated." This alone was not a sufficient reason for continuing criminality; the cause could also be "a crime-producing factor in his nature or in the circumstances that surround him which his education has not been able to eliminate." Education would then fail to achieve its goal. With this information in mind, however, Wickersham could conclude securely and optimistically, "Were it not for the restraining effects of intellectual, moral, and religious factors, our opinion is that [crime] would completely disrupt society and resolve its broken fragments into chaos." [21] Ryerson, of course, argued the same point.

In effect, school promoters hedged their positions nicely. If education failed to decrease criminality, as they predicted, they retreated to explanations that stressed a poor environment, immigration, poverty, heredity, the wrong sort of education, or nonattendance. If, however, ignorance, as discovered by the statistics of illiteracy, was the cause, educational provisions would protect order, with training in literacy the essential aim. Some spokesmen attempted to use both arguments and to have their claims accepted both ways, seemingly unaware of the potential for circularity or contradiction. The way around problems of argument and evidence often centered upon their definitions of ignorance, and as a result the applicability of literacy statistics varied according to the meaning chosen. Illiteracy, then, represented either *the fact* of ignorance or merely *one possible* symptom of the lack of a proper education. To the former, statistics of prisoners' literacy were relevant and germane evidence. To the latter, measures of literacy—or of intellectual

in Nineteenth Century France and Germany (London: Croom Helm, 1976), 59, 167; V. E. McHale and E. A. Johnson, "Urbanization, Industrialization, and Crime in Imperial Germany," *Social Science History*, 1 (1977), 236–237.

[21] Wickersham, "Education and Crime," 50.

education—were insufficient and inappropriate proof to connect illiteracy with ignorance and criminality. Literacy, if unrestrained by morality, could be very dangerous; an individual's literacy alone was hardly a guarantee of his orderliness and proper socialization. In spite of the clear differences in the role of literacy in their discussions of criminality, schoolmen turned to both models, revealing their confusion and the contradictions inherent in their use of literacy.

By the mid-nineteenth century, the school was more than ever before recognized as the vehicle required to replace the traditional roles of moral training by family and church, and its success was sometimes determined by the proportion of literate men and women produced for the society. Literacy, then, indicated that the expected training had occurred; illiteracy, conversely, meant a lack of schooling or the presence of a deeper ignorance rooted in personal deviance such as schooling could not eradicate. The provision of schools to teach literacy properly was sufficient for the *Globe*: "Give the child the *simple rudiments* of education and to him all else is opened . . . if we make our people intelligent, they cannot fail to be prosperous: intelligence makes morality, morality industry, industry prosperity as surely as the sun shines." The process was automatic; intelligence, morality, and prosperity followed, in order, from literacy. Prison chaplains and masters agreed. J. T. Gardiner claimed, "Reading and studying of books is a powerful means of leading men to consider and abandon the evil practices by which their youth may have been contaminated." Or, as a Kingston Penitentiary schoolmaster exclaimed, "To be a reading man, is to be a powerful man, . . . a moral man and a useful member of society." [22] Here, illiteracy was equated with ignorance, and statistics of prisoner illiteracy were relevant and necessary to the arguments.

Simultaneously, arguments were advanced that stressed the insufficiency of literacy as a preventative of crime. Ryerson, for one, remarked that schooling did not always end in moral training, as "much of this moral degradation and social danger must be charged on the neglected or perverted, culture of the Schools." False education, "which severs knowledge from its relations to duty," could be found in many schools, and as a result, "a reading and writing community may be a very vicious community, if morality be not as much a portion of education as reading and writing." Henry Hayhew in England was even more vehement in his critique of Ragged Schools. These institutions, he concluded, "may be, they are, and must be, from the mere fact of bringing so many boys

[22] *Globe*, Dec. 11, 1851 (emphasis added); *Report* of the Board of Inspectors of Asylums, Prisons, & etc., 1857, 1860. See Ch. 1, above; Baehre, "Origins." For similar confusion in England, see Phillips, *Crime*.

of vicious propensities together, productive of far more injury than benefit to the community. If some boys are rescued . . . many are lost through them." [23] Some schools could stimulate rather than prevent crime, and if schooling prevailed without morality at its core, illiteracy could diminish while crime increased, much as Frank Sanborn had discovered. The result of the expansion of this sort of education, it was argued, could be no more than the production of more clever and skillful criminals.

The issue, usually implicit, was confronted directly by the *Christian Guardian,* which under Ryerson's editorship addressed earlier doubts about the dangers of overeducation. Responding to the question "Does Mere Intellectual Education Banish Crime?" the *Guardian* noted that "the only ascertained effect of intellectual education on crime is to substitute fraud for force, the cunning of civilized for the violence of savage life." To increase intellectual power without inculcating moral principles would make a man restless and dissatisfied, "hating those that are above him, and desirous of reducing all to his own level." To convince its audience of the truly conservative nature of proper schooling, as Ryerson continued to do as Chief Superintendent, the *Guardian* explained that intellectual and secular education alone were insufficient. The formation of the Christian character was the only proper end, and literacy itself did not erase the crucial ignorance. The fault of the age, they concluded, was that "men have hitherto been prone to take for granted, that it was only necessary to teach the Art of reading, and before this new power all vice and error would flee away." Education such as this might not cause crime, but it did not prevent it. This was the argument which Ryerson made central to his discussions and promotions in the succeeding decades. Schooling, he often urged, included the moral as well as the intellectual; literacy, the tool of training, was to be provided in carefully structured institutions. The pace of social change demanded no less a solution; the maintenance of the social order and hegemony mandated it. Prison chaplains and instructors agreed, too, contradicting their other statements. Reading and writing, while important, were not education; accompanying instruction in morality was necessary and the moral faculties must be trained directly.[24] The role of literacy was to provide the vehicle for the efficient transmission and reinforcement of morality and restraint.

[23] Ryerson, "Report," 150, and Thomas Wyse, *School Reform,* as quoted, 151; Mayhew in the *Morning Chronicle,* March 29, 1850, quoted in Tobias, *Crime,* 207. See M. Hill and C. F. Cornwalles, *Two Prize Essays on Juvenile Delinquency* (London, 1853), 220, quoted in Tobias, *Crime,* 207. See also Stedman Jones, *Outcast London.*

[24] *Christian Guardian* (C. G.), July 2, 1834; see also *The Church,* Oct. 12, 1839, May 15, 1851; *Reports* of the Inspectors, 1862, 1852–1853. See also, Ch. 1, above.

These were the principal lines of argument regarding the relationships joining ignorance and criminality. Forming two poles in the elaboration of the perceived connections, they were *not* seen as exclusive or contradictory. Each was used as it fit the circumstances: definitions and processes differed with the argument chosen, with both functioning toward the same end. School promoters vacillated between the two, but they continued in many cases to employ the statistics of literacy regardless of their line of argument. If the first formulation were expounded—that learning to read led naturally to the inculcation of restraint and morality—the use of literacy and the prisoners' statistics was both necessary and appropriate. If, however, the second argument were advanced—that morality is distinct from literacy or intellectual training—the use of literacy as a measure of proper education was highly problematic and unsatisfactory. For "the moral [man] must advance contemporaneously with the intellectual man, else we see no increased education, but an increased capacity for evil doing." [25]

In this formulation, literacy was hardly the crucial element—or an appropriate test: its role was unclear, and individuals could be ignorant whether literate or illiterate. Its importance instead lay in its usefulness for effective and efficient mass schooling in a growing and changing society. Nevertheless, those who argued in this way continued to draw upon the statistics of criminal literacy, while their words denied the relevance of this evidence. Thus, Egerton Ryerson, within the span of several pages, could both recognize the potential immorality and viciousness of the literate and employ the gaol registers as proof for his explanations, thereby contradicting himself with his own data. So did Wickersham, Mansfield, and British reformers. Apparently, very few ever realized that the literacy statistics simply could not be used to prove both arguments. In attempting to do so, school promoters confused and contradicted their own efforts, reducing their credibility and forcing us to reexamine both their assumptions and their explanations. The questions about which they were so certain bear reopening.

Some contemporaries realized the contradictory use of literacy tabulations, and not all accepted the use of this evidence. From Great Britain, for example, came a scathing attack on their application to demonstrate the relationship between education and crime. W. B. Hodgson, addressing the Social Science Association in 1867, declared that although there may be "fallacies more palpable than that . . . ignorance of reading and writing is productive of, or accompanied by, a greater amount of crime . . . there can be few more gross and serious." While granting that the inability to read or write may represent the ignorance of all

[25] *C. G.*, July 2, 1834; see also Ryerson, "Report," *passim*.

that lies beyond, he concluded that "the ability . . . (not to cavail about the degree of ability), by no means as gives the knowledge of aught beyond. Negatively, the ignorance implies much, positively the knowledge implies little." Twenty years later, another English commentator, Rev. J. W. Horsey, continued the attack on the role of literacy and education in the equation which accounted for criminality. "One can get no clear evidence or trustworthy statistics," he discovered, "to prove that the greater attention to educational matters has largely diminished even juvenile crime. There are fewer boys and girls sent to prison happily, but this arises from various causes, and *not entirely from their increased virtue and intelligence* [emphasis added]." [26] The statistics did not prove the case; the explanation was faulty. The expansion of educational provision, it would seem, did not prevent crime. If the convicted were and continued to be illiterate or if more were literate, there must be other causes, or the factors must be ordered differently. Illiteracy by itself could not represent the first cause of criminality, and their relationship must be mediated by other factors.

Other problems also result from the use of literacy statistics in the usual manner. First, and most superficially, school promoters naturally found what they were looking for; the statistics became part of a self-fulfilling prophecy. And, they could be manipulated. For example, if one-third of prisoners were illiterate, it was then claimed that (at least) one-third of all crimes were committed by the illiterate—a questionable deduction in itself and an assertion of group culpability disproportionate to the group's share of the population. This does not negate, however, the possibility that the criminals may have had a lower rate of literacy than the population at large. But the degree of difference could vary radically from place to place and year to year. To compare prisoners with others whose abilities exceeded the level of "neither read nor write" is very difficult, and entire populations, enumerated only by censuses or evaluated by signature frequencies on marriage registers, were never questioned about their *levels* of education, but only about literacy or illiteracy. The very ambiguity of the classifications for the different levels of ability obscures their meaning as well as their comparability, for nowhere are they defined.[27]

Several difficulties are apparent here. First, we are never told how prisoners compared with the population at large on levels of education

[26] Hodgson, *Exaggerated Estimates of Reading and Writing as a Means of Education* (London, 1867), 6–7; J. W. Horsey, *Jottings from Jail* (London, 1887), 57, quoted in Tobias, *Crime*, 206 (emphasis added).

[27] David Phillips' comments on classifications and categories in England is revealing. *Crime*, 155.

above that of simple literacy or illiteracy. Nor are we told how they compared with the arrested-but-not-convicted or with the unapprehended criminal. The reinforcing role that the statistics played obscured attention from these questions. Furthermore, there is no a priori reason for contemporaries' ceaseless combination of illiterates with those of imperfect education in applying this evidence to support their explanations. This was also done without regard to the wider distribution of educational skills in the society.

Problems with the employment of criminal statistics are exacerbated by the irregularity of the statistical relationships found for the past century. Stability in rates of crime could be accompanied by increases or decreases in rates of inmate (or popular) literacy. Similarly, rises or falls in rates of crime do not correspond unvaryingly to changes in either criminal or popular literacy rates, which seem to have been remarkably stable in the face of movement in rates of other relevant factors.[28] As the century passed, more children enrolled in and attended school, and rates of adult literacy increased, yet there was no corresponding discussion of crime's reduction as a result. At best reformers claimed that more offenses would have been committed or that the situation was worse elsewhere. Regardless, the asserted beneficent role of literacy and education was never proved. In sum, too many ambiguities and contradictions exist among the relationships within the simple causal models of Ryerson and other reformers, who consequently failed to establish convincingly that illiteracy caused criminality and that the association was either direct or causal, unmediated by other factors of potentially greater significance.

II

The data used by the reformers, the detailed nineteenth-century gaol registers, have survived for places in Upper Canada (and elsewhere), allowing us to move beyond the rhetoric and to directly reexamine the relationships claimed by educational promoters. In discussions of the connections between education and crime, the low level of literacy of the criminal-inmate population represented, as we have seen, the most

[28] See V. A. C. Gattell and T. B. Hadden, "Criminal Statistics and their Interpretation," in *Nineteenth-century Society*, ed. E. A. Wrigley (Cambridge: Cambridge University Press, 1972), 363–396, Statistical Tables and *passim.*; Zehr, *Crime;* McHale and Johnson, "Urbanization"; Phillips, *Crime*. The entire issue requires far more serious study; see, for example, Lane, "Crime."

frequently cited item in the annual tabulations of prisoners' conditions, to the neglect of other regularly collected information about them. The registers, on an annual and individual basis, also inquired about birthplace, religion, age, sex, occupation, moral habits, crime or offense, and judgment by the authorities, all in addition to the educational status of each arrested person.

With this information, patterns of arrest and conviction may be re-created. As we will see, conviction was in fact associated with illiteracy, but the clearest patterns of successful prosecution related directly to ethnicity, occupational class, and gender, when the effects of illiteracy are statistically controlled. These important factors, largely ignored in nineteenth-century explanations of criminality and key features of social stratification, blur a direct connection between illiteracy and conviction, for they intervened to form patterns of systematic discrimination and prosecution by the judicial system. Illiteracy, of course, was often symptomatic of factors that made for high rates of punishment, as both were rooted in social inequality; however, the most illiterate groups did not always fare the worst in judgments. Illiteracy's role was in many ways a superficial one, acting through its links with poverty and structural inequality, and not necessarily with guilt. The interaction of the major factors was more complex and subtle than the causal explanations of men like Ryerson would allow, forcing us to develop a new, more sophisticated understanding of crime and punishment in the past and a reevaluation of the role played by literacy. School promoters' and reformers' use of aggregate tabulations obscured the complex interrelationship of variables; in their certainty, the literacy statistics served as blinders.

The manuscript gaol registers of Middlesex County, Ontario, for the year, 1867–1868, were selected for this analysis. The earliest registers to be located, they provide complete information on all persons arrested, permitting us to distinguish between the convicted and the acquitted, and to analyze their characteristics. Urban crime and prosecution form the core of this discussion, as Middlesex County was dominated by the fledgling metropolis of London, a source of the majority of the county's criminals, although its population represented less than one-fourth of the county's 48,000 inhabitants in 1861. The city and the country were growing, prosperous centers of trade and transportation in western Ontario.

In the 13 months the register spans, 535 men and women were arrested, their profiles and characteristics recorded. Overwhelmingly urban residents, 64% claimed London as their home, with an additional 3% reporting other Ontario cities as theirs. They were arrested for a broad

Table 6.1
Literacy of Middlesex Criminals (in Percentages)

	All arrested	Convicted	Acquitted
Neither read nor write	17.8	22.7	7.2
Read and write imperfectly	62.6	63.5	60.8
Read and write well	16.3	11.9	25.9
Read and write very well	3.2	1.7	6.0
Total	535	362	173

range of crimes (over 60 in all) and two-thirds of them were convicted. Arrest and conviction, however, were far from random, as certain groups (the Irish and English) were disproportionately arrested and one group (the Irish) were most often convicted. Similarly, those holding lower-class occupations, the officially unoccupied, and women were dealt with severely, as were those arrested for crimes associated with drink and vagrancy.[29] Literacy related to these patterns in both reinforcing and contradictory ways.

Differences in educational background existed among the convicted, the acquitted, and the arrested (Table 6.1). Among the arrested, for example, the number who read well or very well exceeded the number of illiterates ("Neither read nor write"), as more educated than uneducated persons were apprehended as suspects. Reformers, of course, would not accept this distinction, for as we have seen they readily combined the numbers with an imperfect grounding in literacy with the illiterates. For Middlesex, they would have observed, rather, that 80% of those arrested and 86% of those convicted lacked a "good common-school" education. If their combinations were justifiable, it remains interesting that 68% of those acquitted had not been well educated and that over 60% of those arrested were imperfectly educated; many supposedly ignorant individuals, in other words, had not been found guilty. More important than that is the slight difference in educational achievement between those suspected and those convicted as criminals; the proportion largely unedu-

[29] I acknowledge my gratitude to Edward Phelps, Regional History Library, University of Western Ontario, who not only saved these records from destruction, but also drew my attention to them and made them available to me. I have discussed the general patterns found in the analysis of the registers in "Crime and Punishment in the Nineteenth Century: The Experience of Middlesex, County, Ontario," Canadian Social History Project, *Report*, 5 (1973–1974), 124–163 and have described the registers in "Crime and Punishment in the Nineteenth Century: A Note on the Criminal," *Journal of Interdisciplinary History*, 7 (1976–1977), 477–491. The latter includes a listing of all crimes and their classification.

cated ("neither" or "imperfectly") diverged marginally from one group to the other, although somewhat more from those released. Ignorance, as defined by those who assumed it to be the first cause of crime and signified by a lack of education, apparently did not significantly differentiate suspects from convicts. It was only slightly better in distinguishing the acquitted from the accused, much as David Phillips also found in England's Black Country.[30]

It is far from evident, nevertheless, that the reformers' combination of the lowest educational classes was justified in the first place. The representativeness of the imperfectly educated, in comparison with the larger population, is the main point at issue; and, in fact, there is little reason to consider them very much overrepresented among either suspects or convicted criminals. They were arrested, convicted, and acquitted with the same frequency as those who were better educated. In addition, the published tabulations of prisoners' illiteracy in the province's *Sessional Papers* did not include them in its statistical tables, providing only county totals of those who could not read or write at all. It is possible, moreover, that the imperfectly educated were broadly representative of popular levels of literacy and schooling. As the next chapter argues, the high statistical level of literacy in Upper Canada may well belie a lower qualitative level of achievement and usefulness.

Direct evidence on this question comes from research in progress in the extraordinary Swedish sources, conducted by Egil Johansson, of Umeå University. The parish catechetical examination registers include, for some years and on an individual basis, measures of both oral reading ability and comprehension. For Bygdeå parish in 1862, Johansson discovered that of those who achieved the highest grade in oral ability, 77.6% comprehended only partially at best. Of those who read orally with less proficiency, 28% had poor comprehension, while less than 4% read with "passable" understanding. The ability to read well did not correlate highly with an ability to understand or to use that ability;

[30] Phillips, *Crime*, 158–161, Tables 18–19. Phillips concludes, "This shows that there was a higher degree of illiteracy among those committed to trial than among the population as a whole (bearing in mind that three-quarters of the accused were male)—*but not very much higher*, even by the mid-1850s. The criminal offenders of the area were slightly less literate and less educated than the population of the area, *but not very much less; certainly not enough to sustain the thesis that their delinquency was directly attributable to their want of adequate education*. . . . But then, they came from the working classes, in an area where the working classes were ill-provided with the facilities for education," 160–161 (emphasis added). Note that he combines "neither read nor write" with "read only" but not with "imperfectly" in comparing gaol records to marriage registers. Phillips' is a modest but important study which stands out among recent historical studies of crime.

regardless of literacy level, few comprehended even passably and only a tiny proportion totally understood what they read.[31]

The implications of these findings for a country with a long heritage of high levels of literacy can not be minimized. Not only do they effectively contradict the efforts of Ryerson and others to join the imperfectly literate with the illiterate as being without education, they also suggest that the imperfect range was a broad one, which encompassed a large proportion of the population. In this way, the close correspondence of the imperfectly skilled's distribution among the arrested, convicted, and acquitted persons is significant and should be expected. In all likelihood, they were men and women broadly representative of the city's and county's educational condition. They can not simply be combined with the illiterate in the effort to prove that a paucity of schooling, or ignorance, contributed directly to criminality, its apprehension and conviction. A rejection of the school promoters' categorization radically revises the statistical relationship that purportedly linked ignorance and illiteracy with criminality. No longer may it be claimed that five-sixths of the convicted were exceptional persons without education; only 23% remain fairly within those ranks. The evidence leads us to concur in David Phillips' conclusion that it is "certainly not enough to sustain the thesis that their delinquency was directly attributable to their want of adequate education." [32]

That fewer than one-fourth of the convicted criminals were illiterate, and that fewer than one-fifth of the arrested were uneducated, severely modifies the contentions of reformers. The weight of numbers shifts to individuals who were at least partially educated, and who may now be seen as the great majority of the supposed offenders. Among the arrested, as noted, the well-educated equalled the illiterates; among those convicted, the illiterates outnumbered those with a good education, but the margin is not large (10 percentage points). The illiterates who were convicted only slightly overrepresented their distribution

[31] Johansson, "Literacy Studies in Sweden: Some Examples," in *Literacy and Society in a Historical Perspective: A Conference Report,* ed. Johansson (Umeå: Umeå University, 1973), 56. The incomparable Swedish parish registers provide data on annual examinations on the quality of literacy as determined by either oral ability or comprehension. Sponsored by the state church, the examinations record individual and community progress over the years as well as demographic and socioeconomic data. Available from the seventeenth to the nineteenth centuries, they allow more detailed analysis of literacy's transmission, dimensions, and correlates, as well as distinguishing levels of literacy, than any other Western sources. Johansson has begun a large-scale project, but unfortunately little work has focused on the relationship of reading to comprehension. See also, Ch. 7, below, for more evidence and discussion.

[32] Phillips, *Crime,* 160.

among all arrested persons. The balance swings, however, when the convicted are compared with the acquitted: the illiterates constitute a small portion of those released, representing only one-third of their proportion among the convicted. But this difference must be qualified too; the illiterates, significantly, were not underrepresented among the acquitted, for their proportion corresponded closely to the 1861 rate of adult illiteracy in London, home of the majority of those persons arrested. Although they were somewhat overrepresented among all arrested, a direct causal relationship linking illiteracy with criminality, as promoters claimed, should have led to a far greater underrepresentation of illiterates among those found innocent and released rather than only a proportionate representation.

Illiterates in Middlesex and London were not the most frequent offenders; nevertheless, they were punished with greater regularity than others.[33] While their place in the criminal population was far from the extraordinary one reformers claimed, 5/6 of them were convicted if brought to trial—the frequency of conviction seemingly related directly to education. Does this signify some measure of truth in reformers' arguments, that although the convicted were not overwhelmingly illiterate, the uneducated suspects were almost certainly guilty? Their incredible rate of conviction, in fact, was related first of all to patterns of discrimination and social prejudice against the Irish, the lower class, and women—individuals in these groups were convicted most often regardless of their level of literacy. Punishment was of course more frequent for the least educated members of these groups, for good reasons, as we will see; and illiteracy related more directly, perhaps, to arrest and successful prosecution than it did to guilt or criminality. Social inequality was the root of both illiteracy and conviction, and the actions of the courts were based in the social hierarchy.

We can not doubt, moreover, that the agencies of law enforcement and justice, the constabulary and the courts, accepted the dominant explanations of criminality, naturally accusing the ignorant and the illiterate, who were very often poor, and expecting them to be guilty. The ideology of criminality and its causes, and the mechanisms of inequality were operationalized as illiterates, with supposedly unrestrained ignorance and immorality, were perceived as a threat to social order. Their other characteristics—of class, gender, and ethnicity—only reinforced their social marginality and the severity with which respectable society would react to them. As a result, their vulnerability increased.

[33] Conviction rates for each group are as follows: Neither read nor write, 86.3%, Read and write imperfectly, 68.7%, read and write well, 49.4%; read and write very well, 35.3%.

No doubt they were visible, not hidden in ghettos like the poor today (given the patterns of residence of these cities), laboring outdoors when employed, living amid other classes, or perhaps begging in the streets.

Illiterates would have few resources to employ for their defense, whether for legal aid or in a bribe attempt. They also lacked the kind of formal training and experience to deal effectively with the procedures and the language of a courtroom. Prepared by family, work, and life, rather than by the organizational context of the school, illiterates could perhaps be intimidated, uncomprehending, unable to respond properly or usefully or to make themselves understood in a situation where their guilt might be presumed. Class and cultural differences in language and perception could reduce their chances for a fair hearing and frustrate their efforts, too.[34] Some of them also might welcome the gaol as a refuge,

[34] The cognitive consequences of illiteracy and literacy are far from clear, although *formal training* in literacy does seem to be closely associated with more abstract thought processes, generalization of solutions, classification and association, changes in concept formation, use of language in description, *in some contexts and some tasks.* As Scribner and Cole put it, "differences in the social organization of education promote differences in the organization of learning and thinking in the individual . . . the school represents a specialized set of educational experiences which are discontinuous from those encountered in everyday life and that it requires and promotes ways of learning and thinking which often run counter to those nurtured in practical daily activities," "Cognitive Consequences of Formal and Informal Education," *Science,* 182 (1973), 553, 553–559. Among a large and generally murky literature, see also, Scribner, "Cognitive Consequences of Literacy," unpub. paper, 1968; Scribner and Cole, "Research Program on Vai Literacy and its Cognitive Consequences," *Cross-Cultural Social Psychology Newsletter,* 8 (1974), 2–4; Jack Goody, Cole, and Scribner, "Writing and Formal Operations: A Case Study Among the Vai," *Africa,* 47 (1977), 289–304; Patricia M. Greenfield, "Oral or Written Language: The Consequences for Cognitive Development in Africa, the United States and England," *Language and Speech,* 15 (1972), 169–178. See also, H. E. Freeman and G. C. Kassebaum, "The Illiterate in American Society," *Social Forces,* 34 (1956), 371–375; Don A. Brown, "Educational Characteristics of Adult Illiterates: A Preliminary Report," *New Frontiers in College-Adult Reading,* 15th Yearbook of the National Reading Conference (Milwaukee, 1966), 58–68. However else illiteracy may have handicapped urban residents in these nineteenth-century cities and however else their experiences may have prepared them, the conclusion that they were not prepared to stand well in the formal context of judicial proceedings seems warranted.

To this we must add the important function of class and cultural differences in speech patterns, which may well have contributed further to a poor showing and disadvantagement in courts. See, among his many writings, Basil Bernstein, "Some Sociological Determinants of Perception," *British Journal of Sociology,* 9 (1958), 159–174; Doris R. Entwhistle, "Implications of language socialization for reading models and for learning to read," *Reading Research Quarterly,* 7 (1971–72), 111–167, "Developmental Sociolinguistics: Inner-City Children," *American Journal of Sociology,* 74 (1968), 37–49. These areas obviously require further attention, perhaps in a situational, phenomenological, or ethnographic actor-oriented framework.

a warm shelter with food regularly provided. Expectations, ideology, inequality, and physical circumstances all combined to result in patterns of conviction.

Ethnicity was one factor upon which the wheels of justice turned, as the courts meted out judgments of varying severity to arrested members of different groups. With extraordinary frequency, the Irish (Catholic as well as Protestant) were arrested and convicted (86%), well above the mean rate of conviction (68%), and more often than any other ethnic group (Table 6.2). Significantly, the Irish were not marked by the highest levels of illiteracy. Among the arrested, five ethnic groups had greater proportions unable to read or write than the Irish Catholics and three counted more than the Protestants; yet these groups were not convicted as regularly (Table 6.3). Conversely, native-born Canadians (Protestant and Catholic) were most often illiterate, but they were acquitted most frequently. Conviction clearly was determined by more than measurable ignorance.

Within each ethnic group, rates of conviction corresponded to level of education, illiterates being most often convicted. Nevertheless, Irish Catholics, and Protestants to a lesser extent, were convicted most frequently regardless of their educational attainment. Catholics who read and wrote well, in fact, were successfully prosecuted with slightly higher frequency than those who were imperfectly skilled (91 to 85%). These patterns imply biased judicial proceedings against Irish men and women in mid-nineteenth-century London and Middlesex, and discrimination against them regardless of their literacy. Illiterates of course were selected for severe prosecution, and Irish illiterates, especially Catholics, were almost certain to be convicted. Ethnicity, however, was the key, as it was in the economic and occupational stratification of mid-nineteenth-century urban society. As social inequality often derived from the facts of ethnic ascription, successful prosecution apparently did too. Irish men and women, especially Catholics, faced inequality in courtroom as in marketplace. Concomitant poverty and illiteracy could only reinforce their precarious position; illiteracy was hardly a prior or first cause in itself. Their acquisition of literacy, thus guaranteed neither their economic success nor their security from undue criminal prosecution.

Class, status, and wealth, as signified by occupational rank, represented a second factor that determined the course of justice.[35] Lower-class workers, the unskilled and the officially unoccupied (predominantly

[35] The occupational classification is, as in Part One, based on the IASHP-Five Cities Project Scale. Of course, as evidenced above, we know that occupation is an imperfect proxy or approximation of social class, status, or wealth. The literature cited in Ch. 2 is again relevant.

Table 6.2
Rate of Conviction for Each Ethnic Group, Controlling for Level of Literacy

	Irish Catholic	Irish Protestant	Scottish Presbyterian	English Protestant	Canadian Protestant	Canadian Catholic	Others	Total
Neither read nor write								
N	5	7	3	3	24	16	24	82
%	100.0	87.5	100.0	75.0	75.0	94.1	92.3	86.3
Read and write imperfectly								
N	35	29	13	38	39	23	53	230
%	85.4	80.6	72.2	63.3	54.9	51.1	82.8	68.7
Read and write well								
N	10	4	1	7	15	0	6	43
%	90.9	66.7	16.7	50.0	46.9	0.0	37.5	49.4
Read and write very well								
N	1	0	2	2	0	1	—	6
%	50.0	0.0	100.0	40.0	0.0	33.3	—	35.3
Total arrested								
N	59	53	29	83	137	64	110	535
Total convicted								
%	86.4	75.5	65.5	60.2	56.9	60.9	77.3	67.7

Table 6.3
Middlesex Criminals: Ethnicity by Literacy

	Irish Catholic	Irish Protestant	Scottish Presbyterian	English Protestant	Canadian Protestant	Canadian Catholic	Others	Total	Percent convicted
Neither read nor write									
N	5	8	3	4	32	17	26		
%	8.5	15.1	10.3	4.8	23.4	26.6	23.6	17.8	86.3
Read and write imperfectly									
N	41	36	18	60	71	45	64		
%	69.5	67.9	62.1	72.3	51.8	70.3	58.2	62.6	68.7
Read and write well									
N	11	6	6	14	32	2	16		
%	18.6	11.3	20.7	16.9	23.4	3.1	14.5	16.3	49.4
Read and write very well									
N	3	3	2	5	1	—	3		
%	3.4	5.7	6.9	6.0	1.5		2.7	3.2	35.3
Total arrested									
N	59	53	29	83	137	64	110	535	
%	11.0	9.9	5.4	15.5	25.6	12.0	20.6		67.7
Total convicted									
%	86.4	75.5	65.5	60.2	56.9	60.9	77.3	100.0	

women), were arrested and convicted far more often than those higher ranking (Table 6.4). Here there was a direct relationship with illiteracy, for literacy corresponded to occupational class as it did in the larger society: within each occupational rank, the uneducated were punished most frequently. The class convicted most often, however, the semiskilled, was not the most illiterate (10.3% illiterate). The unskilled, with slightly higher illiteracy (13.3%), were punished far less often, while those with no occupation, and much greater illiteracy (30.5%), were convicted no more often.

As with the Irish, lower-class workers were selected for severe judgments; the poor and the unemployed, with least resources for defense and subsistence, were disproportionately arrested and convicted. Their numbers included many Irish and women as well as illiterates; these factors combined, cumulatively, to produce swift pronouncements of guilt. They were by and large precisely the individuals expected to be offenders by popular opinion and theories of criminality. Lower-class status and poverty could be synonymous conditions, and they could often result in illiteracy as well as a need to resort to crime. Simultaneously, the lower-class family was also believed, due to its supposed immorality, lack of restraint, and failure in socialization, to be the breeding grounds of criminality and pauperism. Idleness was equally an offense, for in the formulations of the reformers, poverty or the structural features of society and economy did not cause illiteracy or ignorance. Despite prevailing notions (with their impressive continuity), social inequality, with its base in class and ethnicity, was an important source of convictions, whether reinforced by illiteracy or not.

The courts' decisions to convict also pivoted upon the gender of the suspect, as women were convicted in 80% of their cases compared with 60% of men (Table 6.5). Regardless of literacy, ethnicity, or crime, women received harsh judgment; this was related to both their lack of occupation (and earnings) or idleness and their high rate of illiteracy (27%). Falling into categories which were severely adjudged (10% were semiskilled too), they no doubt were seen as failing in society's expected standards of truly feminine behavior.[36] They were not at home, nurturing a family or being properly domestic; their perceived deviance endangered the maintenance and propagation of the moral order, the family, and the training of children. While Irish and illiterate women were convicted most often, women were punished more often than men

[36] See, for example, Barbara Welter, "The Cult of True Womanhood," *American Quarterly*, 18 (1966), 151–174, and the literature on women and the family cited in Chs. 2 and 3.

Table 6.4
Rate of Conviction for Each Occupational Category, Controlling for Level of Literacy

	Professional/ proprietor	Nonmanual, small proprietor, farmer	Skilled artisanal	Semiskilled	Unskilled	None	Total
Neither read nor write							
N	—	0	2	6	15	59	82
%	—	0.0	66.7	100.0	83.3	88.1	86.3
Read and write imperfectly							
N	—	8	27	37	59	99	230
%	—	44.4	65.9	86.0	59.6	73.9	68.7
Read and write well							
N	1	4	17	2	8	11	43
%	100.0	30.8	51.5	28.6	57.1	57.9	49.4
Read and write very well							
N	0	5	1	0	—	—	6
%	0.0	62.5	20.0	0.0	—	—	35.3
Total arrested							
N	4	40	82	58	131	220	535
%	0.8	7.5	15.4	10.7	24.5	41.2	
Total convicted							
%	25.0	42.5	57.3	79.3	62.5	76.8	67.7

Table 6.5
Rate of Conviction for Each Sex, Controlling for Level of Literacy

	Male	Female	Total
Neither read nor write			
N	33	49	82
%	76.7	94.2	86.3
Read and write imperfectly			
N	132	98	230
%	62.6	79.0	68.7
Read and write well			
N	37	6	43
%	50.0	46.2	49.4
Read and write very well			
N	6	—	6
%	35.3	—	35.3
Total arrested			
N	345	190	535
Total convicted			
%	60.3	81.1	67.7

within each ethnic group and for virtually all crimes. Pervasive inequality had deep roots in sexual stratification.

The crimes for which individuals were often arrested and found guilty, not surprisingly, were moral offenses. The most prominent of these was vagrancy: an offense marked by high rates of conviction and often linked with illiteracy (Tables 6.6, 6.7). This was of course the crime of idleness, to which ignorance and illiteracy were presumed to lead directly. Perceived as dangerous, rather than sympathetically as the poor in need of aid, arrested vagrants were largely women (77%, while only 35% of all arrested) who were visible and seen as moral failures. Vagrancy would be a charge quite easy to prove, and it is unlikely that poor, homeless women unaware of legal subleties could plead other than guilty. The shelter of the gaol might often be welcome, too, for there were few other institutions to care for them.

Crimes related to drink, the offense of intemperance, which could also be easily proved, illustrate the discrimination against the Irish. Perhaps as a function of the myth of the drunken Irishman, these offenses received serious attention; the Irish were arrested for drunkenness twice as often as they were for all other crimes combined (43 to 20%). Those suspected of drunkenness, however, were among the least illiterate of all arrested (11.4%), yet they were among the most often convicted (82%).

Table 6.6
Rate of Conviction for Each Category of Crime, Controlling for Level of Literacy

	Against property	Against persons	Related to drink	Related to prostitution	Vagrancy	Against by-laws	Others	Total
Neither read nor write								
N	16	7	5	7	39	7	1	82
%	72.7	77.8	100.0	70.0	100.0	77.8	100.0	86.3
Read and write imperfectly								
N	41	42	22	22	82	10	11	230
%	43.6	70.0	81.5	61.1	95.3	76.9	61.1	68.7
Read and write well								
N	10	11	7	1	6	2	6	43
%	33.3	57.9	77.8	12.5	85.7	66.7	54.5	49.4
Read and write very well								
N	1	0	2	—	—	—	3	6
%	16.7	0.0	66.7	—	—	—	42.9	35.3
Total arrested								
N	152	89	44	54	133	25	38	535
Total convicted								
%	44.7	67.4	81.8	55.6	96.2	76.0	51.5	67.7

Table 6.7
Middlesex Criminals: Crime by Literacy

	Against property	Against persons	Related to drink	Related to prostitution	Vagrancy	Against by-laws	Others	Total	Percent convicted
Neither read nor write									
N	22	9	5	10	39	9	1	82	
%	14.5	10.1	11.4	18.5	29.3	36.0	2.6	17.8	86.3
Read and write imperfectly									
N	94	60	27	36	86	13	19	230	
%	61.8	67.4	61.4	66.7	64.7	52.0	50.0	63.5	68.7
Read and write well									
N	30	19	9	8	7	3	11	43	
%	19.7	21.3	20.5	14.8	5.3	12.0	28.9	16.3	49.4
Read and write very well									
N	6	1	3	—	—	—	7	6	
%	3.9	1.1	6.8	—	—	—	18.5	3.2	35.3
Total arrested									
N	152	89	44	54	133	25	38	535	
Total convicted									
%	44.7	67.4	81.8	55.6	96.2	76.0	51.5		67.7

A severe moral offense, intemperance was punished regardless of the literacy of the suspect.

Even the relationship among immorality, illiteracy, and criminality, so central to explanations of deviance, was ambiguous. Moral offenses were certainly judged harshly, but contrary to Ryerson's formula, immorality was not always related to illiteracy. When the moral habits of the arrested are noted, the "intemperate", significantly, included fewer illiterates (14%) than the "temperate" (22%).[37] Prostitution, in fact, clearly a moral offense, was marked by neither high rates of illiteracy nor a high rate of conviction. (Females arrested were of course convicted more often than their male clients.) Prostitutes were among the most literate of arrested women, and they were convicted less often than virtually all other female suspects.

Importantly, too, the offenses in which these illiterate men and women were overrepresented, along with the poor, the Irish, and women, were precisely those cases in which the police, the magistry, and other authorities had their widest discretionary latitude. With regard to the offenses against public and official morality, which met with highest rates of conviction, the authorities could choose whether an actual offense or crime had been committed and whether to move toward arrest and prosecution. In other words, largely involved here were "victimless" offenses against public order. In such cases, the character and characteristics of the supposed offender and the observation and evaluation of the officer interact in determining whether a crime has been committed and an arrest should be made. Vagrancy, for example, consists of the apprehension in a public place of one who often has no means or right to enter a private place. Sociologically, then, the nature and forms of offenses and the authorities' responses contributed directly to the processes of arrest and conviction.

The fact that for any crime illiterates were disproportionately convicted obscured the ambiguities and contradictions behind this first and most obvious relationship. Blurred from school promoters' and other reformers' vision, or ignored perhaps as contrary to expectations or even as incomprehensible, were the literacy of the suspected and acquitted as well as that of the convicted, patterns of discrimination, and differing rates of conviction for various offenses. Indeed, the crime for which most arrests were made, property offenses, was least-often convicted and was marked by the literacy, not the illiteracy, of the suspects. Most judicial action seemingly was focused upon crimes of idleness, intemperance,

[37] All arrested men and women were classified by moral habits, on the registers: specified as "temperate" or "intemperate."

and disorder (by-law violations), crimes which were expected to follow directly from ignorance, even though they did not constitute a majority of supposed offenses. Both educational promoters and the judiciary in accepting and disseminating the "literacy myth" presumed the illiterate (or ignorant), the Irish, and the idle to be guilty of social offenses and criminality. It is not surprising that they were found guilty so often. Expectations—then and now—influenced justice, even though the perceived connection between illiteracy and criminality was neither the only nor the important relation. The "literacy myth" continues to influence thinking about criminality, the operations of the criminal justice system, and social policies.[38] Education alone, like literacy by itself, does not provide an answer.

[38] See the literature cited in Note 2, above. This is not to suggest that approaches have not become more sophisticated; rather, I stress the continuity of ideas and explanations regarding the role of education. The parallels are especially striking and are more than coincidental. See also, "Study links life of crime to illiteracy," *Dallas Times Herald*, 13 November 1977.