

Anne M. Butler, *Gendered Justice in the American West: Women Prisoners in Men's Penitentiaries* (Urbana, IL: University of Illinois Press 1997)

Despite the growing interest in American prison history, little systematic research has been done on the history of imprisoned women or on the penal institutions of the West. In *Gendered Justice in the American West*, Anne M. Butler, a history professor at Utah State University and author of a previous book on prostitutes in the American West, begins to fill in these gaps. Using state documents, newspaper accounts, and archival sources, Butler covers the years 1865-1915 and the central penitentiaries of nineteen states from the Mississippi River through "the inland West" (i.e., excluding the far western, coastal states). Butler confines her analysis to "those state/territorial prisons built for and managed by men" explaining that "federal facilities or women's reformatories remain outside the scope of the text." (5) In fact, though she does not say so, none of the states Butler studies acquired a federal prison or state reformatory for women during the period under consideration.

Butler focuses on the social location of women as both criminals and citizens. Each chapter is structured around the experiences of a different woman prisoner, supplemented by similar stories from other states. While Butler concentrates on the women's prison experiences, she also moves beyond the penitentiary to examine the treatment of women throughout the criminal justice process, from arrest to trial through pardon or parole. Chapters are organized thematically: one deals with prison violence, another with the health problems of incarcerated women, a third with prison work, and so on.

Butler's central argument is that "women, faced with distinct social, economic, and political disadvantages in the West generally, found [that] inside male penitentiaries their womanhood exposed them to gender-specific physical and mental violence." (6) Men's penitentiaries were gendered institutions that "exuded as much masculine presence as any cowboy campfire or military bivouac." (5) Because relatively few women committed serious crimes, there was no demand for separate female prisons, and such women were incarcerated alongside men. In the American West, then, there was no social space for the female offender. Invested in the concept of dichotomous gender roles, Westerners viewed women's participation in crime as a violation of feminine standards. Women who seemed to behave like men were not only locked up like men but also subjected to additional punishment for their gender transgressions. Many experienced sexual, physical and psychological abuse. For example, commitment procedures forced them to undress in front of men. Moreover, punishments such as head-shaving were more humiliating for women than men.

According to Butler, gender also shaped the nature of women's violence. Although women committed more violent acts than stereotypes suggest, "women's violence...often lacked craftiness for planned attack, thirst for economic gain, or lust for political advancement. Rather, fear, self-defense, and

anger gave birth to the criminal aggression of western women.” (113) Her overall thesis seems to be that crime and justice are influenced by gender and in turn affect gender behaviour. This is a plausible hypothesis, one supported by nearly all the literature on women (or gender) and crime — and now by Butler’s western example as well.

Butler compares and contrasts the experiences of various inmates, thus underscoring the impact of race, class, and religion on definitions of female criminality and on the level of care incarcerated women received. Western prisons, as defined here, held a wide range of prisoners, including Louisianians, Hispanics, Mormons, European immigrants, and former slaves. The book’s many photographs help bring such women to life and emphasize how personal attributes affected their fate as criminals. Women of colour were incarcerated in male prisons at a strikingly higher rate than their white counterparts. Belle Harris, a white Mormon imprisoned in 1883 for refusing to testify against her husband on a polygamy charge, was praised by prison officials and the general public for standing by her husband and family. In contrast, Ida Jones, an African American prostitute charged with murder, was considered dangerous and vicious. In a legal climate that generally defined female criminals as unfit women, Butler argues, women of colour faced stronger social censure.

Male officials brutalized female inmates. Some raped the women; others used them as sexual favours to encourage good behaviour among male inmates. Women sometimes tolerated sexual exploitations, partly because it could secure protection and minor concessions, partly because refusal could lead to worse abuse. In one example Butler tells of “Old Jane,” a black prisoner who “gave birth to a mixed-blood child fathered by a white convict doctor, who bragged of his coercive sexual relations....As punishment for the pregnancy, guards separated Jane from the newborn and placed the mother in the dungeon, but not before subjecting her to public head shaving.” (136)

While *Gendered Justice* provides a rich descriptive picture of the experiences of women convicts in the American West, Butler’s theoretical work in the early part of the book promises more than the research actually delivers. Set up by a wonderfully theoretical introduction, the reader is left to make connections between it and the later examples. Moreover, in the body of the book, Butler draws insufficiently on other studies of female incarceration which could provide a context for her findings or enable her to counter others’ theses. As a result, her stories sometimes have an anecdotal quality.

The only way we can really tell how gender affected incarceration is through comparisons. Butler does compare the treatment of female and male prisoners, within specific prisons and within the prisons of the region, but she gives no tables that would enable us to compare male and female conviction offenses, for example, or the length of sentences for similar crimes, or types of punishment for rule infractions. Enough data now exists that Butler could have compared the treatment of women in these western prisons with that of women

in other parts of the country during the same period. Sometimes Butler argues that women were treated like men (e.g., lashed or strung up in stocks); at others, she shows that they were treated differently. Clearly, gender did play a role, but given her approach it is difficult to pinpoint exactly what this role was and how, specifically, it affected institutional treatment.

On the other hand, *Gendered Justice* dramatically illustrates the involvement of the criminal justice system in the construction and policing of gender roles. It reveals an astounding need on the part of some men to control the lives of women and their willingness to expend enormous energy regulating even small details of women's deportment. It also illustrates a punitiveness that Butler ties in to the needs of the developing West itself. "In a turbulent West, if the new body politic could not control women, the least of its citizens, what hope did it have for regional domination?" (226) Thus Western society in the late-nineteenth and early twentieth centuries punished women, "not only for legal transgressions, but especially for gender violations," and for this, "the male penitentiary proved an excellent choice." (225)

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