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Review of *Gendered Justice in the American West: Women Prisoners in Men's Penitentiaries* by Anne M. Butler

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Gendered Justice in the American West: Women Prisoners in Men's Penitentiaries. By Anne M. Butler. Urbana: University of Illinois Press, 1997. Illustrations, selected bibliography, index. vii + 262 pp. $29.95.

In the late nineteenth century, after decades of agitation by women reformers, several states in the East and Midwest opened separate prisons for women. Such was not the case in much of the West, where parsimony and prejudice combined to make politicians indifferent to the condition of women convicts. As Anne Butler documents, the small but growing number of women prisoners in penitentiaries run by and for men suffered horrifically. Gender, she argues, "represented an additional penal burden for women inmates," who suffered from the same foul and stingy diet, brutalizing labor, dangerous living conditions, and cruel tortures as men. To these were added rape, pregnancy and childbirth, and sometimes child rearing–often with little or no sympathy or accommodation from prison administrators.

Focusing on the period from 1865 to 1915, Butler draws on penitentiary, pardon, and other public records from nineteen states, using an elastic definition of the West which stretches to encompass both Louisiana and Montana, but excludes the Pacific coast states. Combing case files and newspapers, Butler reassembles stories long lost, enriching her chapters with anecdotes vividly told. Many women, especially African Americans, were convicted and imprisoned on the flimsiest of evidence, or for outrageous interpretations of their situation: an abandoned wife, sentenced

for "kidnapping" her own infant by placing it for adoption; a deaf African American servant convicted of theft, though clearly unable to understand or participate in the proceedings against her. Butler also effectively suggests the survival strategies adopted by women: marshalling friends outside to lobby for a pardon; entering into a sexual relationship with a guard; capitalizing on race to play the lady in hope of being treated like one.

Butler writes with conviction, her passion for her subject occasionally leading her to press her point further than the evidence will go. Several times she seems to claim that women prisoners were representative of all women confronting the criminal justice system, writing, for example, "when a child died from a mother's assault, conviction was a certainty." But this claim can only be tested by examining local police and court records to see if all women accused were convicted (they weren't). Women in penitentiaries were not representative; they were the absolute losers in a system that was, admittedly, stacked against them. The power of Butler's book is that it clearly shows the enormity of what they lost.

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