

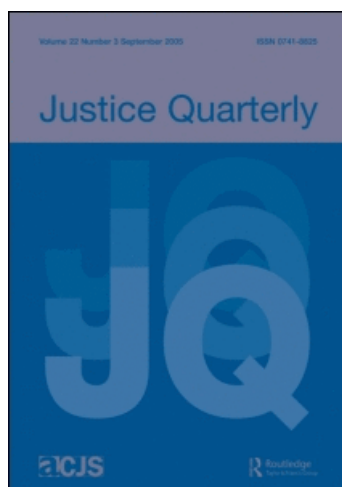
This article was downloaded by: [Northern Illinois University]

On: 25 August 2009

Access details: Access Details: [subscription number 908760220]

Publisher Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



## Justice Quarterly

Publication details, including instructions for authors and subscription information:

<http://www.informaworld.com/smpp/title-content=t713722354>

### Quiescence in women's prisons litigation: Some exploratory issues

Anna Aylward; Jim Thomas

Online Publication Date: 01 June 1984

**To cite this Article** Aylward, Anna and Thomas, Jim(1984)'Quiescence in women's prisons litigation: Some exploratory issues',Justice Quarterly,1:2,253 — 276

**To link to this Article:** DOI: 10.1080/07418828400088141

**URL:** <http://dx.doi.org/10.1080/07418828400088141>

PLEASE SCROLL DOWN FOR ARTICLE

Full terms and conditions of use: <http://www.informaworld.com/terms-and-conditions-of-access.pdf>

This article may be used for research, teaching and private study purposes. Any substantial or systematic reproduction, re-distribution, re-selling, loan or sub-licensing, systematic supply or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The accuracy of any instructions, formulae and drug doses should be independently verified with primary sources. The publisher shall not be liable for any loss, actions, claims, proceedings, demand or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.

# QUIESCENCE IN WOMEN'S PRISONS LITIGATION: SOME EXPLORATORY ISSUES

ANNA AYLWARD

JIM THOMAS

Despite the increase in prisoner civil rights litigation in the past decades, we know relatively little about the bases of such suits, let alone the differences between male and female litigants. Judging from existing literature, we would expect women to join male litigants in challenging the conditions of their confinement. But it seems that there has been a remarkable quiescence among women prisoners in civil rights litigation. Despite such factors as poor living conditions, overcrowding, internal disciplinary problems, lack of job training programs, and unbalanced racial composition (all positively associated with high civil rights litigation rates), it would seem that women are filing proportionally far fewer suits than their male counterparts. Further, women sue for somewhat different reasons. Using data from one federal district in Illinois and two Illinois prisons, we will argue that, compared to their male counterparts, women do not choose litigation for problem resolution, and we will suggest that gender and organizational constraints may account for much of this quiescence.

In the past two decades, prisoner civil rights litigation has become a relatively common form of resistance by prisoners to their confinement conditions (Thomas 1984). Yet, as Alpert (1982) has observed, we know very little about the *process* of prisoner litigation, and virtually nothing about litigation in women's prisons.<sup>1</sup> Judging by the Illinois experience, however, there seems to be a quiescence in civil rights litigation in women's prisons. This paper is exploratory and has four modest goals. First, it will begin to fill an empirical void in our understanding of women's prison litigation. Second, it will examine Adler's (1975) thesis that "gender emancipation" of women contributes to an increase in behavior approximating the male gender role. Third, it will address issues raised in Alpert's

---

<sup>1</sup> For useful analyses, see especially Alpert 1982, 1978a, 1978b; Bailey 1975; Caracappa 1976; Glick and van Geldern 1973; Jacobs 1980; Natale and Rosenberg 1974; Thomas 1984; Thomas and Aylward 1984a, 1984b; Thomas, Aylward and Moton 1984; Turner 1979. For helpful general surveys and summaries of prisoner litigation, see also Ackerhalt 1972; Bronstein and Hirschkop 1979; Bergesen 1972; Dick 1977; DeWolfe and DeWolfe 1979; Hermann and Haft 1973; McCoy 1981; Palmer 1973, 1981).

(1982) excellent paper by examining women's relative quiescence through a comparison of litigation patterns in one women's and one men's prison. Finally, we will suggest directions for future research.

### BACKGROUND

The possibility of obtaining relief from confinement conditions through civil rights litigation is a relatively recent development. The "hands off" doctrine, which held that prison policies were not subject to judicial review, guided state and federal judges until the early 1960s. In the past two decades, however, federal courts especially have been willing to review prisoners' cases, and two types of federal legislation have provided the legal basis for prisoner petitions. The first—federal habeas corpus statutes—authorizes federal court review of the grounds for an individual's continued detention: this review usually addresses the proceedings of the original conviction. These cases, which nationally comprise about one-third of all prisoner litigation, are often criticized as reflecting prisoners' attempts to re-try their original case.

The second basis for prison petitions, from which these data are drawn, comes from reconstruction legislation following the Civil War. The Civil Rights Act of 1866 made it a federal offense for any person "acting under color of any law, statute, ordinance, regulation, or customs" of any state to deprive any inhabitant of the U.S. or its territories of constitutionally protected civil rights. Following ratification of the 14th amendment, which extended federal constitutional standards to the states, the Civil Rights statute was re-enacted in 1871, and survives today as [Title] 42 U.S.C. Section 1983. The relevant language reads:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Although it did not create civil rights, the act offered a mechanism of relief from abuses of constitutional and legislative rights. Rarely used in the years after enactment, this section of Title 42 lay dormant for 90 years until resurrected in *Monroe v. Pape* 365 U.S. 167 (1961). In *Monroe*, the petitioner

alleged that Chicago police violated his civil rights by breaking into his home and searching the premises without a warrant. Supporting the petitioner, the U.S. Supreme Court held that federal law must at times supercede state law motivated by prejudice, intolerance, or neglect, which might therefore subvert constitutionally protected rights. Although *Monroe* was not literally a "prisoner" suit, its reasoning has provided the basis for civil rights litigation that followed.

This essay examines summary decisions of all civil rights suits filed from Dwight and Sheridan Correctional Centers in Illinois over a six year period. A comparison of the two institutions will help illustrate the differences between men's and women's litigation patterns.

### DWIGHT AND SHERIDAN: A COMPARISON

Both Sheridan and Dwight are located southwest of Chicago. Although the security levels and population size were not identical, these institutions were judged to be "similar" on the basis of programs, freedom of movement throughout the prison, and staff-to-inmate ratio. Dwight, the state's only women's institution, was established as a multi-security institution in the early 1930s, and has received all sentenced female felons in the state. Although authorized to accommodate 400 women, as of February 23, 1984, it housed 472 inmates, with 16 more scheduled to arrive that afternoon.

Sheridan, established in 1950 as a male juvenile facility, was transformed in 1973 into a medium security institution for male adult offenders. The population tends to be younger, low-risk men who might be physically vulnerable in large institutions. Sheridan currently (January, 1984) holds approximately 525 inmates, 25 over authorized capacity, and construction is planned to accommodate an additional 250.

Although both are considered "short-time" institutions, the average stay is estimated at 30 months at Dwight and eight at Sheridan. At Dwight, 44 percent are convicted for murder and "Class X" (i.e. violent) crimes, compared with Sheridan's 26 percent, indicating that a larger proportion of Dwight's population is relatively long-term.

An examination of prisoners' complaints and institutional deficiencies compiled by the John Howard Association's Illinois Prisons and Jails Project (a prison monitoring agency) indicates that overcrowding remains a problem at Sheridan, but complaints in general are relatively minor, and grievance procedures seem to be effective in reducing staff-inmate tension.

In Dwight, by contrast, there are continual complaints about grievance procedures, calculation of "good-time," segregation and disciplinary policies, staff-inmate tensions, and general administrative procedures. There are also complaints of insufficient vocational and other programs. Although there are nearly identical educational and vocational programs at Dwight and Sheridan,<sup>2</sup> there are far fewer women participating (28 percent) than men (50 percent) (Illinois Department of Corrections 1983).

The staff-to-prisoner ratio is comparable at both institutions; Dwight has a 0.34:1 and 0.51:1 security staff and total staff-to-prisoner ratio respectively, while the corresponding ratio at Sheridan is 0.40:1 and 0.55:1. As of January, 1984, Dwight had the highest ratio of disciplinary tickets per prisoner of any institution in the state (1.9 per prisoner), and Sheridan, one of the lowest (0.7 per prisoner); the ratio throughout the entire Illinois prison system is 0.9 per prisoner. This indicates either unusual disciplinary problems or high staff-inmate tension.

Finally, the ethnic composition of the two institutions is dissimilar. At Dwight, whites comprise only 32 percent of the population, while at Sheridan, whites comprise over half (55 percent).

Both institutions are considered to meet standards of legal access as mandated by federal courts. Each library system guided by the "approved recommended list" prepared by the American Library Association and the American Correctional Association, purchases law books. Staff indicate (and the libraries' shelves confirm) that legal resources are given a high priority. Although civilian library staff are not authorized to assist prisoners in preparing cases (other than to identify relevant source books), inmate library clerks are available at both institutions to help litigants. Sheridan's library is open from 8 a.m. to 4 p.m. and at least two evenings a week. The institution also provides access to the library at least one afternoon a week to segregated inmates, and offers an "information delivery service" which, upon request, will send legal information to

<sup>2</sup> There are six programs at Dwight: Basic education, general education, special education, "chapter 1," two-year college, and four-year college. Sheridan has all but the four-year college. Specific vocational programs at Dwight (with enrollments) were limited in 1983 to an apprenticeship program (12), building maintenance (15), commercial art and photography (14), cosmetology (10), and office occupations (14). An additional 55 women (or 11 percent) work in "prison industry" (the sewing shop), producing clothes for the state's institutions. At Sheridan the programs are somewhat more varied: Auto body (12), auto mechanics (10), barbering (17), building maintenance (2), cooperative work training (1), meat cutting (1), small engine repair (20) and welding (31).

the segregation unit. Dwight's law library is open weekdays from 8:30 a.m. to 3 p.m. and additional appointments with library clerks may also be made. Legal resources are made available to segregated inmates at least once a week.

### TENTATIVE HYPOTHESES

Given the conditions at each institution, we would expect several litigation patterns to emerge from Dwight. First, if the civil rights and social protest movements of the 1960s have contributed to legal activism of male prisoners (e.g., Jacobs 1980, Fogel 1979, Thomas 1984), one might expect similar litigation by women prisoners. Moreover, there is evidence that women have increasingly been using courts generally as a means of addressing perceived civil rights abuses (O'Connor 1980). It is not unreasonable to expect incarcerated women to have joined in using the courts as an instrument in prison reform.<sup>3</sup>

Second, evidence suggests that prisoner civil rights litigation is generated especially in institutions where conditions are perceived to be inadequate or below minimum standards (Thomas and Aylward 1984a). Accordingly, women should be taking an increasingly active role in litigation as a means of challenging these conditions.

There is also convincing evidence that prison behavior and health problems are positively correlated with an increase in population and social density (e.g. Call 1983, McCain, et. al. 1980, Walker and Gordon 1983). A preliminary analysis of state and national data from 1980 suggests a correlation between the size of a state's prison population and its number of prisoner suits (Thomas, Aylward and Moton 1984). Overcrowding is especially acute at Dwight, which has averaged about 10 percent over capacity during the period of this study (and is currently about 25 percent over capacity); at Sheridan, overpopulation is about half of that (5 percent). As of December, 1984, 69 percent of the Dwight population was double-celled (in cells intended for one inmate), although this has recently increased. At Sheridan, "only" 42 percent of the population is double-celled. If the number of prisoner suits is related to the prison population of

---

<sup>3</sup> Because women's rights struggles were essentially a middle-class movement, some might argue that there is no reason to conclude that they would necessarily have had an impact on incarcerated women, since, at this prison at least, most are from the lower economic strata. Interviews conducted at Dwight in 1980 and 1982, however, reveal that there is considerable awareness of, sensitivity to, and at least ideological acceptance of, the definitions of issues and strategies for action.

the state or the institution per se, or to a sudden, dramatic increase in that population (Thomas and Aylward 1984a), we would expect legal petitioning to mirror these conditions.

Third, in Illinois, prisons with a high composition of non-whites tend to generate more litigation than do prisons with a more balanced ethnic ratio. Thomas and Aylward (1984a), for example, have found that prisoner civil rights suits are highly correlated with the percentage of black inmates. If this holds true for women's prisons, we would expect Dwight, with a 68 percent non-white population, to be correspondingly influenced.

Fourth, if Adler (1975) is correct in arguing that the women's movement has broken normative gender bonds, thus contributing to increased crime by women, we would expect increased litigation by women. Adler has observed:

The closer we look at women who are making their way in a man's world, the more they look like men in their profile of physical diseases, their psychological configurations, their criminal deviances, and their addictive patterns (Adler 1975:132).

In this implicit "control theory" of behavior, "gender deviance" may tend to facilitate other forms of non-normative conduct. Thus, we would expect women to act "less like women"—joining men in resolving problems through litigation. In short, if women are truly "sisters in crime," we would expect them to be "sisters in litigation" as well.

Fifth, high ratios of disciplinary tickets are a measure of inmate resistance and low staff morale. This may generate tensions for which litigation is perceived to be the only solution; it may also reflect staff arrogance or harassment which may contribute to litigation. If so, there should be a higher litigation rate in Dwight than Sheridan since the former has nearly three times as many tickets per prisoner as the latter.

Finally, women may have a broader range of legal bases for their petitions (Alpert 1982), thus providing greater opportunity for litigation. For example, in 1983 there were "about 22" women who gave birth while in Dwight (administrators claim that "to our knowledge" none became impregnated while in prison). Although Illinois law stipulates that babies may stay with mothers up to the first 18 months if it is in the "interests of the child," Illinois Department of Corrections (IDOC) policy dictates that a baby be either returned immediately to a close family member or placed in a foster home. Yet, no child care

facilities currently exist at Dwight (two programs were cancelled in the past decade). This apparent contradiction presents ample opportunity for litigation.

Further, we would expect the biological needs of women, which create problems specific to women prisoners (Leonard 1983, Shaw 1981, Shaw, Browne and Meyer 1981), to result in some different causes of action between men and women. Thus petitions from women prisoners would not only increase, but would reflect gender-specific issues such as sexual harassment, child care issues, or sex-related health care.

### METHOD

The data in this discussion come from a study of the summary decisions of all (2,095) federal civil rights complaints<sup>4</sup> filed in Illinois' Northern Division (Chicago) under 42 U.S.C. Section 1983 from August, 1977 through December, 1983. The data are taken from court records compiled by clerks; all petitions from Dwight (13) and Sheridan (43) were examined. Supplemental data are included from case files, from authors' prison monitoring visitations, and from interviews with litigants, lawyers, prison officials and civilian staff. Of these 2,095 petitions, about 95 percent were filed *pro se* (without attorney) and *in forma pauperis* (permission to proceed without payment of customary filing fees). The remainder were filed either by an attorney or filed with the appropriate filing fee by petitioner. All cases from Dwight and Sheridan were filed *pro se* and *in forma pauperis*. If a complaint survives preliminary screening, the *pro se* plaintiff then hires a lawyer, or one is appointed by the court.

The Illinois federal system is divided into three divisions. The Northern Division processes all suits from Stateville and Sheridan Correctional Centers. Although Dwight falls within the jurisdiction of the Central Division, Dwight inmates and federal clerks in both divisions indicate that a civil rights suit from Dwight is rarely filed outside of the Northern Division. A lawyer who is active in women's litigation suggests the reasons why women litigate in the Northern Division. First, there are few "downstate" attorneys willing to handle civil rights cases (and the few who are remain inexperienced); and second, the

<sup>4</sup> These are loosely referred to as "petitions" in some districts, and "complaints" in others. We retain the legally correct term "complaints" throughout when referring to civil rights cases, even though they are often called "petitions" in this district.



Central Division judge who regularly heard prisoner suits "dismissed virtually all cases." Lawyers indicate that Chicago judges are considered relatively more sympathetic to prisoner problems, and the legal support groups available in the Northern Illinois area give at least the perception of a "better chance" for a favorable hearing.

In the Northern Division, prisoner litigation is separated into either habeas corpus or civil rights (Section 1983) cases. A mail survey to 30 litigious federal districts indicates that this district is one of the few that systematically maintains such records. After a case is filed and classified, preliminary review is made by a federal judge (although in some other jurisdictions a federal magistrate may make preliminary screening decisions). There are two basic decisions made during this initial screening. The first concerns the petition of the prisoner to file *in forma pauperis*, and the second deals with the legal and substantive merits of the civil rights complaint. The *in forma pauperis* decision, except in unusual circumstances, is routinely granted. The summary decision is in essence a decision on the merits of the cause of action. If the judge rules favorably, the case advances normally through the judicial process. If the judge rejects the case, it is dismissed without further action, and is rarely re-introduced by the plaintiff. Most cases are eventually dismissed as unfounded, settled out of court, or lost by the petitioner prior to a trial.<sup>5</sup> Of the 13 Dwight cases, none have reached the trial stage.<sup>6</sup>

It might be tempting to argue that "only" 13 and 43 petitions from Dwight and Sheridan respectively are insufficient for generating conclusions. However, "statistical significance" is not necessarily the same as "legal significance." The patterns and processes of litigation, rather than statistical correlations are the focus of our discussion. Moreover, the primary unit of analysis is the institution, not the case.

<sup>5</sup> A comparison with national data during this same period indicates that the proportion of prisoner cases reaching trial stage is comparable, with about 3 percent reaching trial stage, compared with approximately 5 percent for non-prisoner cases (National Institute of Justice, 1982). Although many cases are settled out of court prior to trial, no data are currently available for how many are so terminated. One Stateville jailhouse lawyer estimated between 10-20 percent of the cases that survive preliminary screening are settled in this way.

<sup>6</sup> One case, however, is scheduled to have a trial date set in mid-1984 (Peacock v. Huch, No. 82-C-2413, N.D. Ill. 1982). In one of the rare Dwight cases filed outside of the Northern Division, however, (*Smith v. Rowe*, No. 77-1029 C.D. Ill 1977) the litigant was awarded \$100,000 (Attorney's Fees, 1983) at the trial stage.

## ANALYSIS

The most dramatic pattern emerging from this data is that neither Sheridan nor Dwight prisoners file civil rights complaints at a rate comparable to other institutions; and women in Illinois file proportionately far less frequently, and for somewhat different reasons, than do men.

1. *Number of Petitions.* As Table 1 indicates, evidence did not support the general expectation that Dwight's civil rights litigation would either be more frequent than or would approximate that of men. Only 13 of the 2,095 cases were filed by women (less than one tenth of one percent).<sup>7</sup> By contrast, Sheridan—with only 25 percent more inmates—filed over three times the number of suits. At both Dwight, where all but one petitioner was a "one shot player" (Galanter 1974), and Sheridan, where six litigants filed multiple suits, petitions tend to be filed by one-shotters.<sup>8</sup>

From the roughly three percent of the prison population that is female, we would predict at least three percent of the petitions would be filed from Dwight, if Adler's theories are correct. If litigiousness is positively associated with the length of stay, we would expect Dwight inmates to file more cases. Because Dwight has greater problems of overcrowding, disciplinary infractions, lack of programs, a relatively unbalanced ethnic ratio, adequate legal facilities, and a fairly stable inmate population, women's litigation was expected at least to approximate the patterns of men. Instead, women filed only 0.6 percent of all cases, indicating the depth of female complacency.

2. *Causes of Action.* *Cause of action* refers to the specific issues or alleged violations on which petitioners base a suit. Court clerks identify the primary cause of action in screening, and we rely on their classification. A random check of cases indicates that our own interpretations are virtually identical with the clerks, and identification of the causes of action from Dwight and Sheridan is explicit and easily identifiable. The

<sup>7</sup> One case was jointly filed by a husband and wife in separate institutions. The case was excluded because, according to both the federal clerk and the case file, the complaint was written and processed by the male, and did not challenge prison conditions or policies at either institution.

<sup>8</sup> "Repeat players" at both Dwight and Sheridan approximate those in the state's four maximum security prisons where the most active 10 inmates filed a total of 266 suits, or 13 percent of the total. At Sheridan, three prisoners filed three petitions apiece, and three filed two each. This is especially unusual considering that one inmate was reputed, according to Chicago media, inmates and staff, to have graduated from Harvard Law School. One Sheridan inmate suggested this lawyer focused primarily on habeas corpus suits as a lucrative pastime. At Dwight, all petitioners were one-shotters except for one, who filed six complaints in two years.

Table 1:  
Section 1983 complaints filed in U.S. Federal Court (Illinois, Northern Division) from Dwight, Sheridan, and other Illinois maximum security prisons (August, 1977 through December, 1983).

Prison (and population)*	Year							Totals
	1977	1978	1979	1980	1981	1982	1983	
Dwight (425)	0	1	6	2	2	1	1	13
Sheridan (515)	6	6	8	11	5	2	5	43
Stateville (2,200)	57	124	129	155	146	151	106	868
Pontiac (1,850)	35	116	43	43	22	29	31	319
Menard (2,500)	17	31	35	44	32	35	9	203
Joliet (500)	10	13	22	21	14	34	17	131
Other Sources	21	51	72	61	50	74	158	487
TOTALS:	146	342	315	337	271	326	327	2,064**

\*Annual average population

\*\*Total does not include 31 petitions filed from other sources for which year is unknown

causes identified are the *primary* bases for the suits, and do not include "tack-on" or secondary issues unrelated to the primary grounds.

We have identified six broad categories: violence, internal due process, external due process, prison conditions, bill of rights issues, and issues relating to the original case.

"Violence" refers to physical assault on inmates by prison staff or other inmates. Sheridan prisoners filed six (14 percent) petitions alleging prison violence. This is slightly lower than the statewide rate alleging violence (19 percent). At Dwight, there was one case alleging violence (guard assault).

"Due process" includes all cases in which the petitioner alleges a violation of fourteenth amendment protections against deprivation of life, liberty or property without due process.

"Internal due process" refers to those institutional policies which may generate perceived problems, especially in punitive actions which involve extension of time to be served or loss of property. These suits are filed most frequently at Dwight, where there were three internal due process cases (23 percent), while at Sheridan there were 13 (30 percent). One resident attributed such suits to "staff arrogance," an abuse of discretionary power when attempting to control or punish inmates.

"External due process" policies are those over which the institution has no control (e.g., IDOC policies, fiscal allocations, legislative mandates). They are listed separately because the administration cannot deal with these matters by grievance procedure or policy; therefore, the administration's policy is not a factor in the litigation. At Sheridan, there were three complaints (7 percent) targeting external causes, and none at Dwight. Such suits from other prisons represented 6 percent of the total. One clear pattern emerging from the data is that prisoners at neither institution use civil rights litigation to challenge external policies. This suggests that many complaints could be addressed at the institutional level through modification of administrative policy or sensitivity to problems generating staff-inmate tensions.

"Conditions" refer to complaints which challenge the conditions, administrative policies, or facilities of an institution (e.g. lack of programs, poor food, unfair policies, inadequate medical care). Complaints alleging poor prison conditions are filed at over twice the rate at Dwight (N=7; 54 percent) than at Sheridan (N=9; 21 percent), compared with 26 percent in the rest of the state.

Petitions which allege violation of constitutional Bill of Rights issues (e.g. speech, religion,) are classified as "Bill of Rights" issues. Such petitions are regarded as one measure of prisoner political awareness because it requires a fair degree of political sophistication to understand them—they tend to challenge abstract principles of justice rather than specific conditions relating to a single inmate.

There were only three Bill of Rights cases filed from Sheridan (7 percent), and only one from Dwight (8 percent). All three Sheridan cases challenged what was perceived as constraints to court access. The single Dwight case alleged institutional racism against both staff and inmates. The fact that prisoners in neither institution are using the broader Bill of Rights issues as a political weapon may tend to negate the radical criminologists' argument that prisoners are politically savvy.

Those suits challenging the procedures of the original cases have been classified as "original case." At Dwight, only one such case was filed (8 percent), while at Sheridan 9 cases challenging some aspect of the original case were filed (21 percent). One case from each institution alleged police brutality in the original arrest.

There are several differences in cause of action patterns emerging from the two institutions. At Dwight, suits cluster around conditions (N=7) and internal due process (N=3). At Sheridan, complaints cluster around internal due process (N=13), original case (N=9) and conditions (N=9). Neither institution generated "garbage" (i.e. frivolous) suits.<sup>9</sup>

Both Dwight and Sheridan litigants filed a broad range of specific complaints. At Dwight, health care issues were dominant (N=4). None was gender-specific; three alleged slow treatment for injuries or disease; one suit alleged inadequate treatment for a vision problem. The remaining complaints were scattered fairly evenly across a variety of issues. At Sheridan, by contrast, the single most salient issue was that of the original proceedings (N=8), suggesting that Sheridan inmates, who were expected to serve relatively short terms of incarceration, were nonetheless using civil rights issues to challenge the

<sup>9</sup> As one reviewer of this paper suggested, because *habeas corpus* cases are reputed to be used most often for frivolous claims, Section 1983 complaints are probably a stronger means for assessing the quality of prisoner petitions. "Frivolousness" is often used by administrators or court officials to refer to cases *without legal merit* rather than lacking some other substantive cause. Whether a suit is "frivolous" or not depends, it seems, on whether the administration, the petitioner, or the courts are doing the defining, since each group adopts dramatically different criteria.

Table 2:  
Causes of Action of Section 1983 complaints (and number granted) filed in U.S. Federal Court (Northern Division, Chicago) from  
Dwight, Sheridan and other sources, August, 1977 through December, 1983.

Prison	Violence	Cause of Action				Bill of Rights	Original Case	Unknown*	Totals**
		Internal Due Process	External Due Process	Conditions					
Dwight	1 (1)	3 (3)	0	7 (4)		1 (1)	1 (1)	0	13 (10, 77%)
Sheridan	6 (6)	13 (6)	3 (2)	9 (3)		3 (3)	9 (2)	0	43 (22, 56%)
All Others	380	475	119	534		169	322	40	2,039 (62%)
Totals:	387	491	122	550		173	332	40	2,095 (62%)

\*No cause of action ascertainable or known

\*\*Percentage includes only those complaints on which a decision was made. At Sheridan, four complaints were either transferred or the decision was pending. There were 61 petitions from other sources on which no decision was made.

original sentence or conviction. The second most-litigated problem at Sheridan was that of institutional grievance procedures ( $N=5$ ). At Dwight, where such procedures were perceived by inmates to be a "sham," there was no comparable litigation, while at Sheridan, the grievance procedures were seen to be somewhat more useful. At Sheridan, there were also four suits challenging the issues of assault by officials and health care. The only gender-related issue was raised in a Dwight suit alleging lack of adequate facilities for visiting children. The remaining suits addressed prison policies or conditions, suggesting that whatever gender-specific problems women may have in prison, litigation is not seen as a mechanism for challenging them.

Curiously, there was little litigious response to two highly publicized incidents at Dwight. The first was a recurrent salmonella outbreak among both staff and prisoners which resulted in the closedown of the institution's kitchen; and the second involved a "sex scandal" in which women were solicited for sexual favors for high-ranking prison administrators. The latter resulted in at least one alleged pregnancy, the firing of several high-ranking staff, and the resignation of the warden. The lone suit in response to the Dwight sex incident was filed—and lost—in the Central District. There were no comparable incidents at Sheridan, suggesting that women may not seek relief through litigation even when dramatic events may warrant it.

These data suggest that, although causes of action may differ somewhat, they do not appear to be directly gender-specific. This does not mean that there are no problems specific to women in Dwight, but rather that these are not reflected in legal struggle.<sup>10</sup> This offers some support for the theory of the "leveling" power of total institutions (Goffman 1962): inmates may be similarly affected by institutional deprivation in ways that transcend individual characteristics.

One striking feature of these data is the high success rate of women petitioners (see *Table 2*). Sheridan's success rate of

<sup>10</sup> Parenthetically, it seems unusual that no litigation has been generated by women from Cook County Jail. This anomaly is further underscored when compared to the men's division, which generated 243 petitions during this period. This lack of litigation by women at Cook County could be traced to several sources. The first is the relatively short term of incarceration (about three months). More important, however, is the lack of legal resources for use by women. The law library available to women is small, poorly equipped, and available to women inmates only three times a week for three hours a day. However, due to the shortage of staff and the higher importance placed on male legal needs, if the female inmates' law librarian is needed to assist or replace one of the staff in the male inmates' library, the women's section is simply closed, according to jail officials.

56 percent in preliminary decisions is comparable to the overall state rate of about 62 percent. At Dwight, by contrast, women's petitions survive the initial screening at a rate of 77 percent. This would seem to challenge arguments that Section 1983 has become increasingly ineffective (Caracappa 1976), or that Illinois decisions are categorically biased against plaintiffs (Bailey 1975).

An examination of case files does not indicate that women are more proficient in drafting suits, nor are the suits better-written. In fact, judging by grammar, the number of hand-written petitions, spelling and similar criteria, it appears that women are not as adept in petition writing. The number of cases cited and the level of legal sophistication seem to demonstrate that women are not as thorough in legal research. The higher success rate at Dwight may be due to the fact that women do not file nuisance suits; consequently, when they do become sufficiently motivated to litigate it is usually for a good cause. The high success rate of women may also be explained by greater sensitivity on the part of judges to women's complaints and thus greater willingness to grant favorable preliminary judgement.

## DISCUSSION

In sum, there is no evidence that women prisoners are using the courts, either as a means of social/institutional struggle or as a means of "doing time." Dwight, with 3 percent of the State's inmate population, is filing about 0.6 percent of the petitions. Despite such factors as poor conditions, overcrowding, internal disciplinary problems, lack of programs, and unbalanced racial composition—all positively associated with high civil rights litigation rates—women are filing proportionately far fewer suits than their male counterparts, and file for dissimilar reasons.

When Alpert (1982) asks "Which way is the pendulum swinging?" in women's litigation, the proper answer would be that it is not swinging at all. If Dwight is representative of women's litigation in other states, we must conclude that women are simply not "sisters in litigation," or if they are, it is a small family indeed.

We tentatively conclude that the characteristics of a prison and its population (e.g. race, overcrowding) may not play as significant a role in the number of suits generated in women's prisons as they do in the number of suits filed by male prisoners. If the number and nature of petitions do not correspond to



the fluctuations in prison population, it would seem that the impact of these variables is less direct in both Dwight and Sheridan than they may be in maximum security institutions (e.g. Thomas and Aylward 1984a). There may, therefore, be other factors which explain prisoner litigation in some prisons, including the following.

Administrative policies, particularly grievance procedures, may be one way of channeling inmate dissatisfaction away from courts (e.g., Brakel 1982, McArthur 1974). This may account for Sheridan's lower litigation rate in comparison to other Illinois prisons, but it does not explain the difference between these two institutions, since Sheridan's policies are considered "more effective" than those at Dwight.<sup>11</sup> The grievance system at Sheridan may function to defuse problems prior to their occurrence by "managing" a litigious population in order to maintain the public image of a smoothly functioning prison. As Szymkowiak (1982: 12) has observed:

The Sheridan staff attempts to resolve all the conflicts prior to their going to another branch of the system. This is consistent with the warden's desire for a low profile. The population of Sheridan is less aggressive and much calmer, thus there are not as many complaints of civil rights suits due to a mutual respect between the staff and the residents. Some pressure exists on each side, but basically there is little reason to file a civil suit . . . By limiting civil rights suits, the atmosphere in the correctional center remains tranquil. This allows each man to do his time easy and quickly and allows the staff to do their job. The grievance committee is the most prevalent civil suit suppresser, due to its exposure to problems that could result in the filing of a civil suit.

One former Sheridan inmate explained the importance of the *perception* of using grievance procedures:

[The grievance] procedure helps [at Sheridan] because the inmate then has a channel to file a grievance, and sometimes it helps, and sometimes it doesn't. Mostly it doesn't. But the officer [who is causing trouble] has to answer to the grievance so usually after the grievance is filed, even though nothing official is

<sup>11</sup> Although formal grievance procedures are defined by IDOC policy, at Dwight there is no informal line to the warden as exists at Sheridan. At Sheridan, the wardens are, according to current and former inmates and staff interviewed, accessible, "fair," and willing to attempt to resolve perceived problems through a variety of formal and informal mechanisms. For example, the warden has instituted "warden's call-ons," where any inmate can, on alternate Friday afternoons, approach any of the three wardens with a grievance. This may contribute to reduction in litigation, especially "frivolous" petitions.

done, a lot of times the officer backs off because he did have to respond in writing to this grievance.

This suggests that such structural factors as organizational policy may have some impact on the amount and type of litigation that is filed. More specifically, both the literature (e.g. McCoy 1981) and our own research suggest that the less effective and responsive a prison's grievance mechanism, the more litigation from that prison is expected. We would therefore expect a high rate of litigation from Dwight. It is a powerful indicator of female litigious quiescence that a much lower rate is observed than would be found in a comparable men's prison with a better grievance system.

Although the data are inclusive, they do not support the argument that dissolving gender bonds would necessarily impel women toward behavior approximating that of men, for we would expect female prisoners to reflect such influences through participation in prison litigation. Women, despite their often violent criminality, may not be as aggressive as men. One experienced jailhouse lawyer at Stateville described the "typical" active litigant:

It's something you pick up. You've got to come in aggressive. You've got to come in trying to get down for yourself, and we recognize those people when they come into the [law] library. They come in asking questions, "Show me what's in this book. My lawyer cited this case, where do I find this at?" And one thing leads to another. The aggressiveness of a person when he comes in is detected not only by the other prisoners, but detected by the administration.

Such aggressiveness, often considered a male trait, does not seem to be common among women. This suggests that drawing a "profile" of women that shows them to be similar to men (Adler 1975) may be overstating the facts. Gender socialization, which deemphasizes such traits among women, may be at least one factor in low litigation rates from Dwight.

Given the lack of cases dealing with gender-specific issues, it would seem that the existence of greater opportunity for women to file gender-related civil rights issues is simply not bearing fruit. The only such case from Dwight concerns child care, and it does not explicitly address the problems of women in prison. Instead, the medical issues at Dwight involve injuries and vision. Although interviews with Dwight inmates during 1980-84 reveal a variety of gender-specific (and other) complaints, litigation is not perceived by the women as a response to these problems.

Apathy among women may also contribute to litigious quiescence. Women complain that it is difficult to mobilize other women to do anything perceived to be "in their self interests," such as generating support for college programs or organizing collective action against abusive guards. One long term woman prisoner complains that political apathy has to be overcome before beginning even minimal resistance to prison conditions at Dwight. She observes: "These women have time to write love letters to each other, but not letters to try to change anything."

Lower litigation rates might stem from a lower political consciousness among women. The high degree of political consciousness that exists particularly among black male prisoners (Leger 1983) does not seem to exist among women in prison. Women may not recognize the connection between legal action and the political factors shaping prison conditions.

According to jailhouse lawyers, there are a variety of reasons why inmates in "good time" (i.e. medium or minimum security) institutions, such as Dwight and Sheridan, do not sue. One jailhouse litigant explains that there are very few prisoner-generated civil rights suits in medium "soft-time" institutions because the inmates a) tend to be young and inexperienced, b) do not want to be perceived by the administration as troublemakers, c) are not aware of the efficacy of litigation, d) are not politically motivated, and e) are unaware of how their immediate self-interests could be served by litigation. He argues that this also contributes to a lack of prisoner role models and thus creates a tradition of passiveness that is difficult to overcome, in turn making it more difficult for legally active prisoners to file suits.

One Sheridan inmate explains how the threat of being labeled a "troublemaker" and fear of reprisal may discourage inmates from "hassling" the administration through litigation:

The inmates "know" that to be in a [lesser] security prison is a privilege, not a right, and this privilege can be revoked at any moment . . . Additionally [at Sheridan] the inmate is younger and inexperienced in doing time. The administration has more total control of the inmate population because of "ideology"—if you fuck up, back [to maximum security] you go.

At Dwight, there are 200 women in minimum security, and staff indicate that "not following the program" is considered a valid reason for either demoting a woman to a stricter security grade (or for finding grounds to do so), or for preventing transfer from a lower grade to a higher one. Further, prisoners and

other observers at Dwight consistently claim that staff informally reward women who are perceived "not to rock the boat." Such rewards include less "hassling," increased opportunity for placement in honor dorms or programs, and a better chance that guards will "look the other way" when minor rule infractions occur. Some residents consider legal quiescence as one way of "following the program" to attain institutional rewards.

Women in Dwight may also remain tied to conventional gender roles through a variety of mechanisms that encourage passive behavior and self-images as "young ladies." For example, women are consistently referred to as "girls," and some job titles (e.g., "house girl" for inmate cellhouse janitors) reinforce a self-image of passivity and submission (men in prison are virtually never called "boys"). In addition, about 11 percent of the women work in "prison industries" (a euphemism for the sewing shop). This is a sought-after position where women can earn as much as \$300 a month for piece work, and where "lady-like" behavior is a prerequisite both for entry and maintaining the position. The supervisor explains:

I have no trouble in here. There's no dirty talk and no back talk. I tell them we have rules and regulations, and they'll abide by the rules or out they go.

Finally, jailhouse lawyers in Pontiac and Stateville, two highly litigious prisons, emphasize the importance of in-house legal peer support groups, which do not exist in Dwight. Inmate support may provide an atmosphere of collegiality that contributes to both the quantity and quality of litigation. A successful former law clerk at Stateville indicates that one of the most useful resources he had was the chance to discuss case problems with numerous other litigants:

Without that collegiality, you have a difficult time as a jailhouse lawyer. The most difficult time I have in training kids, the kids who come in, is how to use the law books. They get out of high school and they can barely read or write, and you bring them down here and they're lost. Taking them to a book, and sitting them down with it, they try to read the whole case, and they don't know how to go through and pull out, how to find, the relevant sections. They're just blown away by all the books, and all the stuff, all the cases, you have to know. Some of them can't handle it, and those that can, it takes about a year. Sometimes it takes two or three years.

Another prolific jailhouse lawyer in a large institution explains the time-consuming process of becoming a proficient litigant:

It takes about a year to train a jailhouse lawyer. You have to be able not to just read and write, but write intellectually, how to think, how to reason, how to translate your ideas onto the paper.

In men's institutions, especially in maximum security prisons where inmates generally have longer sentences (and thus more time and motivation), the "typical" jailhouse lawyer tends to be articulate, literate and politically aware. One inmate who has spent time in both Stateville and Sheridan expresses the attitude of inmates, staff, and jailhouse lawyers:

At Stateville [prison lawyers] were a lot more common. People with longer sentences, especially at Stateville, had longer, had more interest in studying law than they did at Sheridan. Sheridan was basically a lot of young people. They didn't give a damn about the law, and they were going to get out in six months anyway. But Stateville holds more people with longer sentences. You could go by the law library, and it would be packed with people reading law books.

Because there were few female jailhouse lawyers, and because they tend to be weak "one-shotters," petitions from Dwight women may be both fewer and of lesser quality.

### DIRECTIONS FOR RESEARCH

We suggest that gender and structural factors may affect litigation in women's prisons. As a consequence, we propose several issues that could be integrated into a larger study. First, differential socialization of, and attitudes toward, females may contribute not only to appreciation of the utility of legal struggle, but may also shape the way in which women "do time." As Thomas (1984) indicates, lawsuits can provide a means for men in maximum security institutions to resist unnecessary forms of social domination. Women, on the other hand, may develop alternative coping strategies, as Giallombardo (1974) and Mawby (1982) suggest. This requires further examination of the way in which gender socialization shapes the phenomenology of "doing time."

Second, the criminal justice system may apply gender-specific policies to prisoners. There may be pressure to encourage the female offender to remain in her traditional role, which could reduce recognition of and ability for conflict and struggle as a form of institutional resistance (Haft 1973). As suggested above, both formal and informal reward systems, types of programs, and administrative policies may either facilitate or hinder litigation. We have argued that, in Dwight at least, these

factors combine to hinder litigation in gender-specific ways. Passivity, prisoner control mechanisms, and gender biases of staff may all serve to reaffirm traditional gender roles. Sensitivity to such issues could bring to light differences not only in inmate social organization, but also in the factors which generate these differences as well as the behavioral and organizational consequences of such differences.

Finally, Alpert (1978a) has argued that the variable of self-concept may be a crucial determinant in explaining who will seek legal aid (and thus litigate). This suggests that self-concept is tied to the issue of self-help, which may be linked to what Lind (1980) has called the "traditional sexualization of female crime." This "sexualization" trivializes female defiance and reinforces the notion that women are less capable of resistance than men. This lack of resistance is reinforced partly by such structural factors as an institution's social organization, which reduces self-help opportunities, and lack of resources, which thwarts petitioning.

Far more data are needed from which to draw specific conclusions and a theory regarding litigation and other forms of prisoner resistance. If quantity and quality of litigation are affected by such factors as sex, then the term "prisoner litigation" is misleading insofar as it implies a homogeneous population of litigants. It is suggested here that such homogeneity does not exist. To understand prisoner civil rights litigation, we must also understand the often subtle gender and structural differences between institutions and their populations.

Although we attempt to illustrate trends in prisoner litigation in two prisons, our intent is to raise broader—especially gender-specific—issues both in litigation and in corrections. Further research into civil rights litigation in women's prisons will provide insights not only into the social organization and policy consequences of women's prisons, but also into how different prison populations experience these institutions.

#### AUTHOR IDENTIFICATION NOTE

An earlier version of this paper was presented at the Illinois Sociological Association annual meeting, October, 1982. The study was funded in part by a Northern Illinois University Graduate School grant, Summer, 1982. Herb Rubin and Robert Suchner provided the resources and encouragement for this project. Candace McCoy provided patient and sensitive help, and Malcolm Spector, Shelvin Singer, and Noreen Sugrue also

gave useful comments on an earlier draft. Dale Hayes and Eileen Pausbach of the U.S. Division Court Office of Prisoner Correspondence (Northern Division) and Jeanette Musenga of the John Howard Association also gave assistance. We are especially grateful to prison jailhouse lawyers and others who have assisted us. We are also indebted to the editors and anonymous reviewers of *Justice Quarterly* for their sensitive critique of an earlier draft.

Authors are listed in random order. Anmarie Aylward received her M.A. degree from Northern Illinois University in 1984, and is currently a researcher with the Illinois Criminal Justice Information Authority. Jim Thomas is assistant professor of sociology/criminal justice at Northern Illinois University. In addition to civil rights litigation, he also writes on social theory and negotiated social order in prisons.

Requests for reprints should be sent to Jim Thomas, Department of Sociology, Northern Illinois University, Dekalb, Illinois 60115.

## BIBLIOGRAPHY

- ACKERHALT, A.H. (1972) "Court Orders Broad Relief to Inmates Throughout Virginia Penal System Where Constitutional Rights Have Been Violated." *Buffalo Law Review*, 2 (Fall): 347-366.
- ADLER, F. (1975) *Sisters in Crime: The Rise of the New Female Criminal*. New York: McGraw-Hill.
- ALPERT, G.P. (1982) "Women Prisoners and the Law: Which Way Will the Pendulum Swing?" *Journal of Criminal Justice*, 10(1): 37-44.
- (1978a) "The Determinants of Prisoners' Decisions to Seek Legal Aid." *New England Journal of Penal Law*, 4 (Spring): 309-325.
- (1978b) *Legal Rights of Prisoners: An Analysis of Legal Aid*. Lexington (MA): Lexington Books.
- Attorney's Fees (1983) *Prison Law & Advocacy*, 4, (Nov-Dec): 4.
- BAILEY, W.S. (1975) "The Realities of Prisoners' Cases Under 42 U.S.C. Section 1983: A Statistical Survey in the Northern Division of Illinois." *Loyola University Law Journal*, 6: 527-559.
- BERGESEN, B.E. (1972) "California Prisoners: Rights Without Remedies." *Stanford Law Review*, 25 (November): 1-50.
- BRAKEL, S.J. (1982) "Administrative Justice in the Penitentiary: A Report on Inmate Grievance Procedures." *American Bar Foundation Research Journal*, (1982 Winter): 111-140.
- BROWN, B.A., FREEDMAN, A.E., KATZ, H.N. and PRICE, A. (1977) *Women's Rights and the Law*. New York: Praeger.
- CARACAPPA, J.P. (1976) "Sections 1983 and the New Supreme Court: Cutting the Civil Rights Act Down to Size." *Duquesne Law Review*, 15: 49-96.
- BRONSTEIN, A.J. and HIRSCHKOP, P.J. (1979) *Prisoners' Rights*, (1979). New York: Practising Law Institute.
- CALL, J.F. (1983) "Recent Case Law on Overcrowded Conditions of Confinement: An Assessment of its Impact on Facility Decisionmaking." *Federal Probation*, (47) 1983: 23-32.
- DE WOLFE, R. and DE WOLFE, A.S. (1979) "Impact of Prison Conditions on the Mental Health of Inmates." *Southern Illinois Law Journal*, No 4: 497-533.

- DICK, R.P. (1977) "Prison Reform in the Federal Courts." *Buffalo Law Review*, 28 (Winter): 99-146.
- FOGEL, D. (1979) *We Are the Living Proof*. Cincinnati: Anderson.
- GALANTER, M. (1974) "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change." *Law and Society Review*, 9 (Fall): 95-160.
- GIALLOMBARDO, R. (1974) *The Social World of Imprisoned Girls: A Comparative Study of Institutions for Juvenile Delinquents*. New York: John Wiley.
- GLICK, B. and VAN GELDERN, J. (1973) "Change Through the Courts." Pp. 281-312 in F.O. Wright (ed.), *The Politics of Punishment: A Critical Analysis of Prisons in America*. New York: Harper.
- GOFFMAN, E. (1961) *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates*. New York: Anchor.
- GOLDIN, D. (1982) *Organizing Humanities Programs for Prisoners: A Guide for Planning and Delivery*. College of Continuing Education, Northern Illinois University and Illinois Humanities Council.
- GOLDIN, C. and THOMAS, J. (1984) "Adult Education in Correctional Settings: Symbol or Substance?" *Adult Education Quarterly*, 34 (Spring): (In press).
- HAFT, M.G. (1973) "Women in Prison." Pp. 341-355 in Hermann, M.G. and Haft, M.G. (eds.), *Prisoners' Rights Sourcebook: Theory, Litigation and Practice*. New York: Clark Boardman.
- HAHN-RAFTER, N. (1982) "Hard Times: Custodial Prison for Women and the Example of New York State Prison for Women in Auburn, 1893-1933." Pp. 237-260 in N.E. Hahn-Rafter and E.A. Stanko (eds.), *Judge, Lawyer, Victim Thief: Women, Gender Roles and Criminal Justice*. Boston: Northeastern University Press.
- HERMANN, M.G. and M.G. HAFT (Eds.). (1973) *Prisoners' Rights Sourcebook: Theory, Litigation and Practice*. New York: Clark Boardman.
- ILLINOIS DEPARTMENT OF CORRECTIONS (IDOC). (1983) Illinois Department of Corrections News. December 30, Springfield, IL.
- JACOBS, J.B. (1980) "The Prisoners' Rights Movement and Its Impacts, 1960-1980." Pp. 429-470 in N. Morris and M. Tonry (eds.), *Crime and Justice: An Annual Review of Research*, Chicago: University of Chicago Press.
- (1977). *Stateville: The Penitentiary in Mass Society*. Chicago: University of Chicago Press.
- LEGER, R.C. (1983) "Black Attitudes in Prison: A Sociological Analysis." Paper presented at the annual meetings of the Society for the Study of Social Problems, Detroit.
- LEONARD, E.B. (1983) "Judicial Decisions and Prison Reform: The Impact of Litigation on Women Prisoners." *Social Problems*, 31 (October): 45-58.
- LIND, M.C. (1980) "Re-designing Lilith: Misogyny and the New Female Criminal." Pp. 1-36 in C.T. Griffiths and Nance, M. (eds.), *The Female Offender*. Criminology research centre, Simon Fraser University.
- MC ARTHUR, V. (1974) "Inmate Grievance Mechanisms: A Survey of 209 American Prisons." *Federal Probation*, 46 (December): 41-47.
- MC CAIN, G., COX, V.C. and PAULUS, P.B. (1980) *The Effect of Prison Crowding on Inmate Behavior*. Washington: U.S. Department of Justice.
- MC COY, C. (1981). "The Impact of Section 1983 Litigation on Policymaking in Corrections: A Malpractice Lawsuit by Any Name Would Smell As Sweet." *Federal Probation*, (45): 17-23.
- NATALE, F.V. and ROSENBERG, C.F. (1974) "And the Walls Come Tumblin Down: An Analysis of Social and Legal Pressures Bearing on the American Prison System." *New York Law Forum*, 19 (Winter): 609-637.
- National Institute of Justice. (1982) *Annual Report of the Director of the Administrative Office of the U.S. Courts 1982*. U.S. Government Printing Office, Washington.
- O'CONNOR, K. (1980) *Women's Organizations' Use of the Courts*. Lexington (MA): Lexington.
- PALMER, J.W. (1973) *Constitutional Rights of Prisoners*. Cincinnati: W.H. Anderson.
- (1982) *Constitutional Rights of Prisoners: 1981 Cumulative Supplement*. Cincinnati: Anderson.
- SMART, C. (1977) *Women, Crime and Criminology: A Feminist Critique*. London: Routledge and Kegan Paul.
- SHAW, N.S. (1982) "Female Prisoners View Their Health." *Journal of Prison Health*, 1 (Spring/Summer): 30-43.



- SHAW, N.S., BROWNE, I. and MEYER, P. (1982) "Sexism and Medical Care in Jail." *Women and Health*, 6 (Spring/Summer): 5-24.
- SORENSEN, V. (1982) "Educational and Vocational Needs of Women in Prison." *Corrections Today*, May/June: 66-69.
- SZYMKOWIAK, J.I. (1982) "An Analysis of Corrections: Sheridan Correctional Center." Unpublished manuscript, Department of Sociology, Northern Illinois University.
- THOMAS, J. (1984) "Law and Social Praxis: Prisoner Civil Rights Litigation and Structural Mediations." In S. Spitzer and A. Scull (Eds.), *Research In Law, Deviance and Social Control*, VI. Greenwich (CT.): JAI Press. —
- THOMAS, J. and AYLWARD, A. (1984a) "Trends in Prisoner Civil Rights Litigation: A Preliminary Overview." Forthcoming.
- (1984b) "Discretion and Judicial Decisions: The Case of Civil Rights Litigation." Unpublished manuscript, Department of Sociology, Northern Illinois University.
- THOMAS, J. AYLWARD, A. and MOUTON, D. (1984) "Demographic Factors in Civil Rights Litigation." Paper prepared for the Illinois Sociological Association annual meetings, Chicago.
- TURNER, W.B. (1979) "When Prisoners Sue: A Study of Prisoner Section 1983 Suits in the Federal Courts." *Harvard Law Review*, 92 (January): 610-663.
- U.S. Department of Justice. (1982) *Sourcebook of Criminal Justice Statistics: (1982)*. Washington: U.S. Department of Justice.
- WALKER, B. and GORDON, T. (1980) "Health and High Density Confinement in Jails and Prisons." *Federal Probation*. (44): 53-58.