Chapter Eighteen

Shoplifting Ladies

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*The Kleptomaniac*, Edwin S. Porter's 1905 silent movie, gave powerful definition to the late nineteenth-century female shoplifter. Dealing directly with the pattern of relations that had developed within class, gender, and consumerism in America, Porter told the parallel but very different stories of the thefts committed by two women. The story is simple. A wealthy woman is arrested for shoplifting in Macy's. In court the elegantly attired defendant is accompanied by her husband and a frock-coated lawyer. She is treated with sympathy and given a chair. The two men are treated with deference; they are obviously important. The Macy detectives who argue the case have no chance; the woman goes free over their strenuous objections. In the same courtroom, a poor woman who has stolen a loaf of bread for her starving children goes to jail. Justice, Porter says in this biting social commentary, is not blind, but blinded by money and power.

What made the movie work so well, what made such a blunt point seem more subtle and compelling, was the popular acceptance of a stereotype. American audiences recognized the kleptomaniac instantly. The nineteenth-century women who went "a-thieving" in the department stores had quickly become a type of cultural artifact, remarkable for the very fact that they were "Ladies." Far removed from the subculture of crime—the professional women shoplifters, pickpockets, and sneak thieves who, traditionally, had plagued merchants—these late nineteenth-century thieving women were from an entirely different class and background. The new breed of shoplifter seemed to fly in the face of all previously understood relations of crime, class, and gender.

In April 1908, after years of reporting on shoplifting by the "fair fine ladies," the *New York Times* still wondered at the phenomenon.

It seems impossible that these beautifully gowned, gracefully moving creatures, all polish and delicacy and poise, should harbor among them all one single thief. The word seems absurd, an affront to their well-bred faces and their well-filled purses hanging on jeweled chains. And yet it is indeed from this class that the army of shoplifters is largely made Up.

A highly visible paradox to merchants and the public alike from the time of the Elizabeth Phelps-Rowland Macy fure in 1870, the middle-class woman shoplifter
became the reverse image of the ideal woman shopper. Key elements of the nineteenth century's definition of "female" were worked into an image of female weakness that made sense of the shoplifting phenomenon. But this cultural construct, however serviceable to consumer society and middle-class respectability, profoundly undermined the self-respect of women as individuals and as a group, even while freeing them of the onus of criminality.

The problem of shoplifting exposed the contradictions at the heart of department store consumerism. Middle-class women were the backbone of the stores' clientele, and the shoplifters among them, who seemed to appear so suddenly and in such great numbers in the dry-goods bazaars after 1870, were indistinguishable from other shoppers. But they represented a new category of crime as well as a new social danger. The controversy was not simply over arresting shoplifting suspects. Definitive action would have meant action against the very group merchants were loath to accuse, and in many instances dared not accuse. The interrelation between the store and the middle-class customers was such that there was a widespread reluctance to make demands on the customers even when they were acting against the interests of the institution. Management preferred not to "catch" many of these women, and given this reluctance, the problem ultimately proved insoluble.

Obviously, a few middle-class women were arrested and some names were published in the daily newspapers. Personal embarrassment and family shame must have been high in these instances. However, because of the special characteristics of the crime and of the group committing the crime, there was no immediate moral isolation of the arrested women and little in the way of harsh or judgmental pronouncements by the stores. Merchants were well aware of the fact that exposure of shoplifters fascinated the public, and too often publicity meant sympathy for the thieves. After the well-publicized arrests of four respectable women in Lynn, Massachusetts, the Boston Globe commented on the "many ... expressions of sorrow and sympathy heard for the women who had been tempted and fell," 5 Newspaper articles about the four women dramatized just how ensnared late nineteenth-century men and women were by the phenomenon. At the bail hearing, the reporter for the New York Times described a scene bordering on hysteria. A mob of women filled the court room, the corridors, and the streets in the vicinity of the court.

Some of the best known and most highly respected women in this city came in carriages or walked and stood with their sisters outside the doors waiting anxiously for the signal to enter, ... When finally some of the accused women were allowed to depart, the waiting crowd surged around them, endeavoring to get a glimpse of their faces which were concealed by thick veils and even tried to look into the carriages in waiting to drive them away.6

The reporter concluded that "such a scene was never before witnessed here."

The Lynn shoplifters wondered what their friends would say, and, according to the Globe, one of the women "broke down," but there is little evidence that there was any social ostracism of such women; quite the contrary. Newspapers, magazines, and fiction in various guises all suggest an intense curiosity about and a sentimental attachment to such "unfortunate women." The object of genteel and
generally silly satire in a variety of literary forms, the lady shoplifter was a
nonthreatening figure, often seen as irresponsible, more childlike than adult, unable
to resist momentary temptation and ready to succumb to the "lust of possession."
The popular image of the middle-class shoplifter, sometimes called a kleptomaniac,
was that of victim?

Beyond periodic determined pronouncements about the scourge by retail trade
groups by the 1890S, only in the occasional newspaper editorial was there ever any
serious condemnation of the woman herself. The Boston Globe took note of the
public's fascination with the massive shoplifting caper uncovered in Lynn and
warned that "education and social position" should not make these women exempt
from the fullest penalties of the law. The excuse of "pride and vanity" must not
mark their escape from such punishment as would be meted out to the humblest
working girl in Boston guilty of a similar offense.9

Despite their obvious reluctance to act, in the face of substantial losses depart-
ment stores were forced to confront the problem of the middle-class shoplifter. The
Retail Dry-Goods Association of New York offered one solution-prosecution-
but the member stores never consistently supported such a hard line.
The situation in New York during 1904 and 1905 demonstrates the ambivalence
of the stores toward the middle-class shoplifter. A spokesman for the association
announced in the New York Times that shoplifting losses for 1905 had increased
significantly and were expected to reach an astonishing $50,000. This was fol-
lowed by the claim that the stores were fully prepared to deal with the depredations
during the Christmas season already under way. Headlined "Harvest Time of The
Shoplifter," the article was in fact a report on the state of the art in New York City.
In what was to become a perennial threat/promise, the Dry-Goods Association
declared, "No mercy is to be shown to shoplifters, all are to be punished to the
limit of the law, no matter what 'influence' there may be behind them."10 Obviously
the prospect of such huge dollar losses demanded a tough stance, but in fact such
pronouncements remained little more than that. There would be a spor of selective
shoplifting arrests accompanied by an occasional jail sentence, but it was a hit or
miss situation at best, and publicity, which might have deterred some of the thefts,
was kept to a minimum.11

A perfect example of this contradictory attitude toward shoplifters was revealed
in the account of the arrest of a socially prominent woman in November 1904,
"Lawyer's Wife Accused" ran the headline in the New York Times. Mrs. Caroline
Hobart, a name everyone agreed was fictitious, was arrested after being observed
taking several pins from a jewelry counter in a well-known 23rd Street store.
Coming at the height of one of the sporadic efforts by the New York Retail Dry-
Goods Association "to restrict as much as possible this form of theft," the arrest of
the woman became a real problem for the judge, store detectives, and managers
alike. Special Sessions Magistrate Martin Whitman made his feeling very clear in
the overblown prose typical of the period. "This is one of the saddest cases that has
ever come to my attention. Here is a woman who is the wife of one of the most
respected members of the bar of New Jersey and a mother of some very promising
children." But prodded by the determination of the Dry-Goods Association to
pursue these cases, Whitman felt compelled to hold Mrs. Hobart for trial, "much as I would any other person."12

The store manager appeared in Whitman's court the next day and attempted to withdraw the charge. "We have made an investigation and have learned that this woman is a member of one of the best families in the city and, moreover, that she has been suffering from severe illness for three years. We believe that in this instance she committed the theft under stress of some sudden mental defection."13 Here was the essential contradiction: A socially prominent, wealthy woman had given patronage to a store, and even when the woman was caught stealing, management did not want to jeopardize that relationship. Here, too, was the basic confrontation between the courts and the medical profession. Was this theft or disease? Was the woman who called herself Caroline Hobart suffering from a physical or mental disorder, or was she simply a shoplifter who relied on the court to treat her as it had countless other middle-class women? Was this form of shoplifting to be exonerated as a disease or prosecuted as a crime?14 In this case the ambiguities and unanswered questions remain. Apologizing that he had a duty to perform as a public official, Judge Whitman remanded Mrs. Hobart for trial in spite of the manager's attempt to withdraw from the case. There is no further mention of Mrs. Hobart in any of the newspapers.

Occasionally judges were determined to prosecute. When John Wanamaker attempted to drop charges against a customer arrested for shoplifting in December 1882, the judge was adamant. Wanamaker asked his lawyers to intervene and stop the procedure.

I wrote a note to the Magistrate on the 25th of December saying that I did not desire to prosecute the case; but I am informed that he refused to be governed by my note . . . I do not wish to prosecute the case and wish you could withdraw the Bill before it is called by the Grand Jury Y

Faced with a typical action in 1893—wherein a genteel young woman "from one of the best known families in the city" was before him on the charge of stealing a piece of silk and two pairs of gloves at Stern Brothers—a Judge Voorhis displayed his skepticism. "I suppose," he said, "this is another of those respectable family cases."16 The judge interpreted the situation perfectly. When Stern's discovered the woman's identity, they withdrew the charge and the case was dismissed.

When Siegel-Cooper detective George Bernard arrested two middle-class women for shoplifting, one who, it was charged, stole a bottle of perfume, and the other an umbrella, which she unsuccessfully attempted to hide in the folds of her skirt, the store quickly withdrew both complaints the following day: the explanation was that "restitution had been made."17 The judge in the case was clearly unhappy with the situation, but felt he had little room to maneuver. "I don't see what I can do in the matter," Judge Olmsted said regretfully. With no complaint there could be no case.

These cases of shoplifting by the middle-class and socially prominent were replete with contradictions. Judges routinely faced instances of stores backing off from prosecution, and without strong pressure from an interest group comparable to that
which Whitman confronted, most judges felt they were left with no choice but to discharge the prisoner.

Many judges were openly resentful of a system that forced them to participate in such visibly class-based justice. Whitman responded like many magistrates in Special Sessions who heard the shoplifting cases: while he maintained an unconcealed class alliance with many of the suspects, as a judge he was frustrated by a system that resolutely discriminated in favor of the middle class. But with stores rarely willing to prosecute, and defendants able to marshall doctors and lawyers to plead ex-tenuating circumstances and friends to attest to their unblemished respectability, cases of shoplifting by middle-class women were routinely dismissed. Throughout this period it was generally accepted that the poor had simple motives for these crimes, while the rich had complex explanations that required sympathy and understand-
ing.

One further example will demonstrate how a number of these strands interacted and temporarily worked in the woman's favor. Louisa Schloss was arrested for shoplifting in the Siegel-Cooper store in New York in December 1908. Caught leaving the store with a variety of small trinkets in her possession, the woman challenged the arrest on the ground of its absurdity. She was, she said, the wife of a respectable merchant, and she had credit accounts in all the big department stores. Her lawyer, Daniel Blumenthal, produced an affidavit from her physician, which read: "This is to certify that Mrs. Schloss is a patient of mine; that she is a very nervous woman, and I feel that it would be very injurious to her health if she had to go to court tonight. She is very subject to nervous shocks." In spite of the strong objections of store detectives David (Daniel) Kash and Rose McCauley, who swore in court that the woman was a thief, and that they had witnessed her repeated shoplifting, the woman went free. Siegel-Cooper overrode their own detectives and decided that "a mistake had been made." Indeed it had; the mistake was the arrest of a well-connected woman.

Lawyers were obviously aware of the dual system in effect in the Special Session courts. In 1905, counsel for a woman suspected of being a professional shoplifter challenged the magistrate on this very issue; he demanded the same show of "mercy" for his client that the court had shown when it released a wealthy woman convicted of shoplifting the preceding week. The plea, of course, failed. While Judge Whitman could refuse to dismiss the case against Mrs. Hobart, maintaining that "there should be no discrimination, and there will be none in this court whether the accused be poor or rich, socially prominent or unknown," other judges, feeling there was no strong public support for such a position, shied away from prosecuting the middle-class shoplifter.

The situation remained constant into the second decade of the twentieth century. Secrecy remained endemic. While acknowledging that stolen merchandise repre-
sented "sums sufficiently large to constitute a source of real anxiety ... it is impossible to estimate accurately how much is lost in this way." The editors of the influential Merchant's Record and Show Window despaired of reducing the losses. Without publicity, the journal said, without the stores' determination to prosecute,
the amateur shoplifter seemed to be in very little danger. In the few instances where the stores did act decisively, "pressure is generally brought to bear through friends of the culprit, nothing appears in the papers about any shoplifters being punished, and those who have a propensity for casual thievery [think] that none are ever detected."

The group of women who were the cause of the escalating losses and the object of all the concern were neither as rich as the stereotype would have us believe, nor poor in any observable, material way. While the exact dimensions of the problem are unclear, the vital statistics of the women accused of shoplifting in the New York City department stores between 1870 and 1910 lack any distinguishing features. Assembled from reports in daily newspapers, the profile of the women who were caught and whose names entered the public record appear to represent the middle-class shopper.

Popular understanding underscored medical "fact" to connect many important characteristics of shoplifters with the female life cycle, particularly the onset of middle age and the beginning of menopause. Yet of the ninety-seven women whose ages are given, the average age is thirty-six and a half, an age without any particular significance in the reproductive cycle. Many of the ages are probably estimates; occasionally the reporter guesses "between forty-five and fifty" or simply settles on "middle-aged." Of the 190 women in the sample, over one hundred women were "married"; a few were widowed, some were listed as "Miss," but for others there is no indication of marital status. All were white; only two were foreign born, and they were both wealthy Cubans.

Whatever their exact ages and specific nationalities, the largest number of women were in the middle stages of life—set in their domestic, housewifely roles, responsible for home, children and husbands. Age was significant not in its connection to the reproductive cycle but in what the women were doing: shopping. The overwhelmingly female presence in the department stores represents both the strength of conventional gender boundaries and the "social changes which had occurred in the day to day functioning of the urban middle-class home." Shopping denoted freedom from one sort of labor and signified, as well, the intricate texture of women's lives in which domestic work and leisure were often confused.

A great many women were out-of-town visitors: Chicago; Dayton; Philadelphia; New Orleans; San Francisco; Canton, Ohio; Charlestown, Massachusetts; and Corning, New York, were a few of the more distant permanent addresses. Many of the women were from various parts of New Jersey, southern Connecticut, Westchester and Rockland Counties, and Brooklyn, and appeared to be in the city on legitimate shopping expeditions that culminated in their arrest for shoplifting. For women from the more remote suburbs and smaller cities—such as Sophie Hall, the visitor from Wilmington, Delaware—the atmosphere in the large department stores must have been particularly intoxicating. The unusual crowds of women, the profusion of merchandise and choices, and the routine overselling contributed to what all observers agree was often an over-stimulating environment. We tend to forget that both the size and the special atmosphere in the stores were unique to large urban centers at the end of the nineteenth century.
The occupations of only three alleged shoplifters were specified: one woman worked as a milliner, another was an insurance agent, and the third, the wife of a suburban minister, was the superintendent of the primary department in the Sunday School of the Church of the Puritans in New York City. Presumably, some of the other women, particularly the unmarried women, were employed; but statistically, most of these middle-class women, married or single, would not have held paying jobs. They would have been engaged primarily in the domestic sphere, and shopping was one of their major domestic roles. "The task may be a pleasant one or it may be a trial," the New York Tribune explained to readers in 1901, "but it is one of the duties connected with housekeeping." Women had become the purchasing agents for the family; men were the primary wage earners, but women were the unchallenged wage spenders. Even the masculine trade often came through the women in the family. They were "the natural and regular customers in the department stores."27

The occupation of the husband or father, the public badge of female identity, was mentioned often enough to give us a good sense of the economic circumstances of the family. While there was wide variation in employment patterns, in no case was the male a common laborer or a factory worker, or unemployed. In only one instance was the husband described in a way that might suggest working-class status: Mr. Lynch, the New York Times reported, was "a respectable, hard working mechanic." Of the other men, three were Protestant ministers, two were described as engineers, four were in insurance, one was an artist, and one a town official in Newton, New Jersey. One man was a conductor on the New Jersey Railroad and another was a superintendent on the Jersey City Railroad. The largest number of the husbands (and the father of one woman) were in a range of businesses: produce merchant, liquor dealer, shoe dealer, contractor's supplies, hardware merchant, grocer, and representative of a large machinery house. There were three lawyers, a judge from Sandusky, Ohio, a retired physician, and a Republican politician from Brooklyn. A number of these men were simply described as "an influential man," "well connected," or "wealthy retired businessman." The most important-sounding title was that of Mr. Russell Raymond, who was secretary and manager of the American Safe Deposit Company and a trustee of the American Savings Bank. These men were, with few exceptions, solidly middle class, more often than not from the professional, managerial, and business ranks.

What conclusions can be drawn from this sample? The women do not appear to typify the "new woman," the college-educated social worker or the woman prominent in local community or national affairs who has been studied in this period. While there were, undoubtedly, some club women and active feminists among them, the women arrested for shoplifting epitomize the traditional nineteenth-century domestic model, that vast majority of women who were enmeshed in what some observers demeaned as the "idle busyness" of housekeeping. Certainly the middle-class status and respectability of the women is evident. They belong to that broad, amorphous, middling group of women whose role lacked a degree of definition and whose contribution, in a culture that valued hard work and money, was ill-defined.
The scenario of arrests had certain common features. The drama began when the suspect was stopped and told the manager wished to see her. Detectives generally waited until the women were leaving the store-in fact they often stopped suspects on the sidewalk-both to minimize possible disturbance in the store and to ensure that the intention to steal was unmistakable. In most instances the woman apparently made little objection to this part of the routine and quietly followed the detective to the manager's office or special room used to question suspected shoplifters. Creating a case was the next step. Away from crowds and curious eyes the suspect was asked about the unpaid merchandise thought to be on her person. At this point she was usually charged with shoplifting by the manager or the detective, often in the presence of the salesperson.

Virtually all the women became indignant, loudly denying they had stolen merchandise in their possession, and frequently insisting a mistake had been made for which the store was going to be very sorry! If she consented, a search of the woman usually followed; invariably it yielded hidden articles. This discovery often produced hysterical weeping, occasionally even fainting, followed by impassioned pleading, desperate promises, and a variety of excuses for "what must have happened." The drama was enacted at a high emotional pitch; it was a scene that obviously had to be played out just as it was played up.

There is always the question of how to analyze such scenes. Were the excuses true, or were they created on the spot in self-defense? It is entirely possible that a woman picked up for shoplifting could not have described what provoked her particular response to the store environment, but true or false, more or less fanciful, the explanations would seem to be part of the play.

Store managers readily acknowledged that every effort was made to "hush up the cases." Shoplifters were routinely allowed to give back the goods, sign a release admitting the theft, and promise never to enter the store again; refusal could mean arrest and exposure. If there were a prosecution, the store had sufficient leverage that its name was "usually withheld," even when that of the suspect became public knowledge. Hesitancy to arrest the amateur shoplifter may have fallen within the concept of store service. Managers were protecting themselves and the image of the store, but they were also concerned with the broad circle of potential customers. "To ruin the reputation not only of a possible unwilling offender but also her family, throwing a stain upon the fair reputation of all connected with the accused, is too serious a subject for the average merchant, or man for that matter, to carelessly handle." Not only was there a distinction drawn between "the shoplifter who deliberately and willfully 'lifts' things for a living" and the "unfortunate beings who just happened to take it because inclination and impulse got together"; lenient treatment was a service to the reputation and social status of husbands and families, society, and especially the stores themselves. With people generally unaware of individual instances of shoplifting, the trouble-free, dream-world image of the store remained intact. Detective Daniel Kash felt many shoplifters were so skillful that "the next neighbors of the shoplifter who is caught in the act never know anything about it." Henry Blades, the chief detective at Wanamaker's, readily admitted that "no
good end can be served by such exposure. Moreover it would be a bad advertisement for the house, for such cases would receive extended newspaper comment, to the detriment of the firm exposing the culprits.38

Repeat customers who were suspected of shoplifting by store detectives were, not uncommonly, left alone just because they were recognized as good customers. Daniel Kash, a former New York City policeman and a well-known detective at Siegel-Cooper at the turn of the century, recalled "accidently" finding an expensive handkerchief in a wealthy charge customer's muff. Although the woman had been suspected of shoplifting for some time, Kash took no action, merely commenting, "Why Mrs. B. you must have picked this up by mistake with your bundle." We let her go, he told the reporter, and "she continued to trade at the store, as there was no apparent reason for stopping her charge account."39 The repeat shopper was a mainstay, and one that the stores assiduously cultivated. Management interpreted store loyalty as a signal that the store was providing the material and psychological satisfaction customers were thought to require. But this very constancy often made shoplifting arrests difficult. When such shoppers were stopped or finally arrested, the store often declined to prosecute. "Caution and discrimination" were essential in making arrests of this kind, warned detective Henry Blades.40

The New York Times reported an offshoot of the problem of the repeat customer as shoplifter. In this instance a "well-dressed woman" shoplifter was caught but not arrested because another customer intervened. The woman who interceded on the shoplifter's behalf did so purely for personal reasons, but the superintendent felt, pragmatically, that he could not deny her refusal to become further involved: "Being one of our best customers, we could not afford to offend her by pushing the matter."41

Many of the detained women gave false names and addresses; the police knew it and so did the courts, and neither group seemed unduly alarmed by the practice. A case with a fictitious name was the stuff of cheap novels and daily newspapers alike; such a case might appear in the Times or the Tribune two or three times under such tantalizing headlines as "Who is the Mysterious Shoplifter?" "Mystery About a Shoplifter," "Keeps Her Secrets Well," or "She Gave the Wrong Name."42

There was a special kind of anonymity in the central city. In an age where personal documentation was not a necessity, women could give any name they wished, and without a good deal of investigation their real identity need never be known. Lawyers even stood up in court and swore they did not know their client's true name.43 Mrs. Caroline Hobart was patently a "nom de guerre," as were the names of at least thirty to thirty-five other women in this sample. The excuses were of a kind and seemed, in part, to be a response to the reporting of the arrests in the daily press. Some of the women were frankly afraid of their husbands' reaction.44 In 1880, for example, Mrs. Catherine King refused to reveal her legal identity when arrested for shoplifting in both B. Altman and Arnold Constable, claiming, "she did not want to disgrace her family; her husband is a well known businessman of Newark." In court nine days later, she still maintained her silence, refusing to give any clue to her identity "on account of her family and connections."45

The rationalization changed little over the years. Annie Smith was the name
given in Special Sessions Court by a "handsome, matronly woman dressed in black silk ... and wearing expensive diamond earrings." The justification for the pseudonym (for there was no pretense that the name was bona fide) lay in the fact that the putative Annie Smith was a respectable, well-connected lady. "Why should I disgrace my family?" asked a woman who called herself Maria Miller. One woman said she was Jane Doe, and another, who called herself Mary Brown, was paroled to her husband, John Doe.

Mary Smith was a commonly used fictitious name, but other, far less ordinary, names were used: May Hues, Josephine Durand, Emma Webster, Adelaid Martin, Louise Bryson, Leone Greenberg, Gertrude Price, and Nellie O'Brien are just a few. The list goes on, the names becoming more or less fanciful, but the attempt to protect the family, and obviously themselves, does not change. These women had something tangible to lose—their reputation and, with it, their self-esteem.

There is evidence of moral confusion in these attempts to hide behind fictitious names. Attempting to cope in the Gilded Age environment of rampant commercialism and speculation, some women found traditional virtues and inhibitions ineffectual tools. Momentarily submerging the distinction between right and wrong, the women had taken what they thought they wanted from department store counter tops. When caught, they found that what they really wanted was the facade of middle-class respectability. They coveted "things" and seized and opportunity to take them, but when arrested they held tenaciously to the security of class. On another level, however, these explanations shed light on certain cultural understandings of the period. In refusing to be named, women seized control of their own stereotype; they remained non-actors, non-participants, who hoped thereby to escape the consequences of their behavior.

Often, of course, the real woman emerged despite the fictions, and notwithstanding any attempt to dissociate the actions from the person one really was. Maria Miller turned out to be Mrs. W. D. Burnett of West 124th Street, New York City, whose husband was "entirely at a loss to understand his wife's actions." So similarly, one Jane Doe was in fact a Mrs. Cornelius I, Wigham, the wife of a retired and quite "astonished" liquor dealer in Brooklyn. It is a mark of this woman's presumed social position that the court papers continued to carry the pseudonym Jane Doe.

Whatever the repercussions and personal shame, it was not felt by the women alone. Shame attached to these men as well. The untoward notoriety threatened their status, community standing, and possibly their jobs. The newspaper statements of the men who were dragged into the situation were strikingly similar in tone, expressing concern with the implicit threat to their own position.

Dr. Swift (The Rev. Dr.) said he was "dumbfounded" when the telegram arrived; he was sure there must be some mistake .... Mr. Swift further declared in court that "it stands to reason that my wife would not stoop to take an umbrella and disgrace her own and my good name." He was at a loss to understand his wife's actions. She was very absent minded but . . .
Mr. Guinzberg stated that there was no reason for his wife to steal. They have a fine residence and Mr. Guinzberg is well-to-do. 54

Her husband took the stand to testify "his wife was given plenty of money and did not need to steal."55

These denials of motivation or of need denied, as well, the possibility that social and material ambitions spurred the behavior.56 But given the uneasy economic position of many middle-class families in the decades following the Civil War, one can assume that wives felt the twin pressures of money and status as keenly as their husbands did. The department store gave concrete expression to these pressures, tying the aspirations of class to material objects. The very existence of the grand bazaars suggested that commodities had redemptive power, and that their possession signified individual worth.57 Thorstein Veblen understood this. In his language, reputation and status rested on the strength of the outward manifestations of success. Symbols replaced reality. Conspicuous consumption, or at least emulative spending, even at the risk of economic strain, was a necessary concomitant of social standing.

The quartet of middle-class women from Lynn, Massachusetts, who amassed "Trunkfuls of Booty" before they were caught in 1897 had no hesitation in giving their reasons for shoplifting: "They saw things they wanted, could not buy them, so took them from the counters when they were not watched."58 Because we are aware that there is no necessary correlation between income and class in the late twentieth century, we should not be too quick to dismiss the possibility of economic motives in some of these cases. In a mobile society, in which appearances meant so much, the appearance of not being able to afford "things" was a threat of serious proportions. 59

Obviously, no husband would ever say of his wife's shoplifting, "I suspected it all along." Husbands insisted that because their wives had an established social position, based of course on their wealth or position, and had what they considered to be a suitable allowance, the possibility the wives might shoplift did not exist. There seemed to be a growing distance between what men and women thought necessary to maintain the appearance of class. It was the woman who spent, "largely to bring about fulfillment of some idea or other of what [the] conditions for a pleasant environment should be for herself and for others."60

Most middle-class men had little firsthand knowledge of the realities of day-to-day consumption. Their understanding of what things cost was probably vague, and they were unlikely to take into account what having enough money meant in the social context of the department store. This was the first generation for whom material abundance was an everyday possibility. "The question today," Bertha June Richardson wrote in her 1904 study of women's economic function, "is not what shall be produced to supply my needs, but how shall I spend to satisfy my needs." (Italics mine.)61 There was an infinite variety of things to buy, a push by the stores and their advertisers to buy them, and, increasingly, a society in which one's social position was tied to material possessions.
For the middle-class woman, financially dependent, without income or economic position of her own, having sufficient money did not necessarily mean freedom or control over spending. Even as they turned over part of their salary to their wives, husbands still regarded it as their own. It was their money. In an early feminist tract, *Fettered for Life, or Lord and Master* (1874), Lilly Devereux Blake observed that women had to justify and account for everything they spent, including ordinary expenses.62 Echoing Blake, the author of an 1889 treatise on domestic economy demanded, "Let women have money to spend as they see fit [and] avoid annoying explanations as to why they need to buy another spool of thread today when they just bought one yesterday!"63 Years later a woman reminisced, "In my girlhood we spoke with awe of my contemporary, Louise de Koven, who had a bank account and could sign checks!"64 Empowered in the domestic arena as mothers and homemakers, women dominated the consumption process—there was little division of labor here—yet they had virtually no control over money. A woman's allowance or pocket money was generally a gift bestowed, not something to which she was entitled. Dismissed as "pin money," a woman's allowance reflected the explicit power relationships within the family.65

Feminists were aware of the problems surrounding money. "The Poor Little Rich Girls" was how the *Business Woman's Journal* described unmarried girls of comfortable families who were expected to "keep up" but either were never given money of their own to spend (Daddy paid the bills), or were given a wholly inadequate allowance. From their sheltered economic position many of these young women resorted to various stratagems to get what they felt they needed—ordinarily inadequate allowance. From their sheltered economic position, many of these young women resorted to various stratagems to get what they felt they needed—and wanted; a "demoralizing" state of affairs that, columnist Ella Wheeler Wilcox charged, "leads the weak and irresolute to shoplifting and petty larceny .... "66

An article in the *Boston Herald* in September 1890 tackled the problem of women and money head-on. The author, a Mrs. Ives, declared the failure of men to see that their unwillingness to allow their wives a discretionary income left them often "unable to meet the demands laid upon them by the social conditions surrounding them." Unnamed "social tragedies" were the result: "Women lie and steal and resort to all sorts of questionable expedients in order to obtain the spending money which they require for their own private purposes."67 There was a reality to Mrs. Ives' argument. Many of the women had legitimate purchases in their possession and money in their purses when they were caught. Their shoplifting was that extra something that they felt they could not afford or possibly could not justify buying.

Women generally took things for their personal use, citing needs, or perceived needs, that often exceeded their ability to pay. Purchasing some things—most things—and stealing others, many women seemed to use shoplifting as a kind of budget-stretching device.68 To many shoppers, the stores seemed so rich, so large, and so impersonal that it was a simple thing to maintain the illusion that what they did was not really theft; theft was something someone else committed. Women who would never steal from an individual took merchandise from the department stores and denied the implications of the act. For these women, shoplifting was a form of consumer behavior. Contrary to all logic and to the evidence, more than one woman...
rejected any conscious motive and adamantly defended herself with the assertion, "I am an honest and respectable woman."69

This level of denial was pervasive. If suspect Maria Miller had thought herself to be a shoplifter or had let others brand her "shoplifter," she would have had to question why she knowingly violated her own ethical precepts; and, even more troubling, she would have had to face the moral implications of her lapse. She would have been guilty of something more than irresponsibility. Aware of the normative distinctions between stealing and not stealing, these women were seemingly incapable of sensing emotionally that their shoplifting was wrong. They told themselves they were innocent, and, however fragile their defenses, they did not think of themselves as thieves. 70

How, then, did these women see their own actions? Some women were quite frank about their reasons: like the quartet in Lynn, Massachusetts, whose "motive for stealing was the desire for fine apparel which they could not afford to buy." Others cited the example of women they had observed or had heard about-these women were imitators; they did what they knew other women were doing.71 The more difficult responses to interpret were those of the women who readily acknowledged they could pay for what they wanted, but stole the merchandise just the same. The Brooklyn woman who decided to shoplift instead of spending the twelve dollars she had been given to buy Christmas presents suggests the taking of a calculated risk, a conscious level of action quite different from that of the woman who was at a loss to explain what had happened.72

Many of the women described the overwhelming temptation, the "physical inability to resist" the magnetism and lure of the displays. This was a common defense, and one that store personnel and magistrates came to expect. Although this routine explanation quickly became a cliche, it fulfilled social expectations. Women were expected to succumb to temptation. The claim that she had "no recollection of taking the articles found on her person," was a variation of this common defense.73

These stories, with their close relationship between truth and plausibility, become evidence for the mentality of the group.74 It is not unlikely that some women were genuinely confused by their own actions. Their shoplifting was a spur-of-the-moment act, and their shame emerged as total denial. Even when a suspect pleaded guilty, as Mrs. Abbie Long did in 1898, it was not unusual for her to implore the judge to understand that "I did not mean to take the articles, indeed I did not. I had money and I could buy them .... I did not do it, I could not have done it."75 For Mrs. Long, the wife of a clergyman, the expanding material economy posed choices even more difficult, than those faced by other women. Hers was a public role and her conduct was minutely scrutinized. Expected to embody traditional values, the minister's wife was supposed to eschew the more blatant manifestations of the material culture.76 That she often did not is evident. Mrs. Long's refusal to believe what she had done was the shocked reaction of a woman for whom the stakes were high.

The available cultural stereotypes focusing on woman's weak state of mind and frequent episodes of irresponsible behavior played into these explanations. In one highly publicized case in 1893, Dr. W. Gill Wylie, a prominent New York gynecol-
ologist and Professor of Medicine at Bellevue and Polyclinic Hospitals, appeared on
the scene and posted bond for a suspected shoplifter. The doctor, who had a private
sanitarium at 215 West 43rd Street, explained that he had been treating the woman
for "seven or eight years for a reflex nervous trouble which rendered her at times
unaccountable for her actions."77 "Reflex nervous trouble" was a pervasive, if ill-
defined, female symptom, and Dr. Wylie was probably saying little more than that
his patient was hysterical. In providing this excuse for shoplifting, the doctor thus
reinforced the common assumption that the female was often unstable, ruled by her
nervous system and her emotions.78

Many times the woman's unconscious became the culprit. "I had no intention to
steal anything," the putative Mary Smith told the judge, "[I] took the things uncon-
sciously."79 Mrs. Eladia Rubria protested that she did not know what she was doing
when she took the candies, needles, kid gloves, silk scarves, and a comb, which
were all jumbled together in a Gladstone bag she carried on her arm.80 Laura Little's
defense was classic. Not only was she described as "one of those apparently inex-
plicable cases of a young woman [she was thirty-one years old and unmarried] of
respectable parentage being detected in shoplifting," but she, too, confessed that
"she did not realise what she was doing when she took the fichu and other articles."
She said she felt "possessed of an impulse to seize things and walk off." A variation
on this theme was replayed with dismaying regularity.81 The women used it to
explain themselves, their lawyers used it to justify their clients' actions, and doctors
used it to legitimize their diagnoses.

What they were describing, of course, was the pathology of consumption. Mod-
ern merchandising was geared to self-gratification, to the impulsive purchase, the
irrational desire. Merchants wanted to make shoppers feel the propriety of such
responses. Whetting the consumer's appetite with their emphasis on spending and
material possessions, merchants, paradoxically, helped to promote the legitimacy of
wants over needs, and "wants," sociologist Daniel Bell writes, "by their nature are
unlimited and insatiable."82

In most cases the likelihood of being detected seemed never to have occurred to
the women, for the general absence of caution was a hallmark of their behavior.
On the other hand, some suspects probably did mean to get caught. For these
women shoplifting was possibly a rational act of defiance to punish others-
husbands and families—by punishing themselves. It is also possible that some
women were reacting against their own dependence and economic powerlessness.
As women began to move from the limited framework of domesticity and into a
different self-definition, they might have been reacting to a crisis internal to the
middle-class family. In shoplifting they were exercising both power and control,
even if it was also what one psychiatrist has labeled a form of "moral suicide."83
The four women from Lynn certainly were rational and aware of what they were
doing and why they were doing it. Respectable women, who were ostensibly dedi-
cated to the maintenance of middle-class values—which included the prohibition,
"Thou Shalt Not Steal"—the Lynn shoplifters seemed not unduly burdened by such
standard moral values until they were caught.

Although the source of the behavior was located in the individual and the
changes taking place in the middle-class family, the relationship between consciousness and activity can never be fully charted. Valid reasons may not be operative reasons. But whether the opportunity was there, or whether the women created it, the ease of shoplifting in the modern department store made it seem like an invitation. The culture of the big store, the diverse stimuli within the shopping milieu, created the environment that affected the behavior of so many women. Given the free entry, the immense and almost seductive display of all kinds of objects, the "freedom to pass unnoticed in the middle of a crowd" that constantly pressed on all sides, and the possibility of touching whatever she found pleasing-given all these factors and the virtual assurance that her class position protected her—it is entirely probable that the middle-class woman shoplifted without thinking seriously of the consequences.

There is no dearth of evidence that the impact of these middle-class shoplifters was substantial. A relatively specific form of activity that became as much a female symptom as a crime, shoplifting was decisively important because of the meaning placed on it by physicians, the legal profession, the stores, the individuals involved, and the larger society.

NOTES
4. Dry Goods Economist (Oct. 27, 1900), 57; Merchants Record and Show Window (Jan. 1910), 45.
6. New York Times (Dec. 11, 1897), 1:2; also see Boston Globe (Dec. 10, 1897), 1:5.
7. Dry Goods Economist (Oct. 27, 1900), 57. The DGE wrote that the situation was different in London and Paris. Merchants in those cities were "vengeful," less interested in the good will of friends and relatives. American stores and the general public viewed the middle-class shoplifter very differently from the pickpocket or professional shoplifter; see also Barbara Hobson, Sex in the Marketplace (Ph.D. diss., Boston University, 1982)
8. New York Herald (Feb. 7, 1886), 21:3-4; Dry Goods Economist (Feb. 1, 1902), 75 and (March 15, 1902), 75.
9. Boston Globe (Dec. 6, 1897), 6:2, editorial,
11. These trends are evident in the 1880s in the correspondence of John Wanamaker. Wanamaker wrote to one G. Harry Davis that he had reviewed "Mrs. Miller's case, and considering the long period of time that she was stealing from us and the large quantity of goods that you would readily admit, I think the sentence was an extremely light one... I cannot see my way clear to interfere with the sentence of the judge." On the following day he wrote to the judge in the case. "I understand efforts are being made to get you to shorten the sentence of Mrs. Miller who was convicted of stealing at the Grand Depot. But little of her long continued offenses came before you and her sentence was light. I would suggest it
stand as it is.” See John Wanamaker to G. Harry Davis, May 2, 1883, and John Wanamaker to Judge Allison, May 3, 1883, Letterbook, 33-34, Wanamaker Archives, Philadelphia, Pa. Bill Leach was kind enough to share this correspondence with me.


13. Ibid.


15. John Wanamaker to Messrs. Rothermel Brown, Letterbook, 493, J. W. Personal from 1881-1883, Wanamaker Archives. Thanks are due, once again, to Bill Leach for uncovering this correspondence and sharing it with me.


17. Ibid. (Dec. II, 1898), 3:5; see also *Brooklyn Eagle* (Dec. 22, 1896), 4:5, and (Oct. 27, 1896), 16:2.


19. *New York Times* (April 27, 1905), 18:5. In her autobiography, the notorious shoplifter Sophie Lyons related how, in the 1880s, she successfully convinced a store detective that she was a kleptomaniac: “Did you pay for that hat?” “No, Sir, I didn’t pay a cent for it. You see, I am a Kleptomaniac, and I just cannot help taking any pretty thing I see in the stores. My husband has done everything to stop me, but the habit seems to be incurable.” *Autobiography of Sophie Lyons* (Chicago: Star Publishing Co., 1913) typescript, from the files of the Pinkerton National Detective Agency.

20. *New York Times* (Dec. 2, 1904), 7:3. The unequal application of criminal law was a problem at all levels of the legal system. See Gerard C. Brandon, “The Unequal Application of the Criminal Law,” *Journal of the American Institute of Criminal Law and Criminology* I, no. 6 (March 1911), 893-95; see also Barbara Hobson’s dissertation, “Sex in the Marketplace.” The discussion of the varying responses of the courts and the implicit class bias underlying the discretionary practices in the policing and treatment of prostitutes is applicable to the treatment of shoplifters; see personal correspondence of merchant John Wanamaker to attorneys, Messrs. Rothermel Brown, Jan. 8, 1883, Letterbook, 493, J. W. Personal from 1881-1883, Wanamaker Archives. Bill Leach passed this correspondence on to me.

21. *Merchant’s Record and Show Window* (June 1916), 9, and (Jan. 1910), 49.

22. T. C. N. Gibbens and Joyce Prince, *Shoplifting* (London: The Institute for the Study and Treatment of Delinquency, 1962); T. C. N. Gibbens, Clare Palmer, Joyce Prince, “Mental Health Aspects of Shoplifting,” *British Medical Journal* (Sept. I, 1971), 612-15. English psychiatrist T. C. N. Gibbens was the author of a major study of shoplifting in London stores between July 1959 and August 1960. Interested in shoplifting behavior, Gibbens and his associate, Joyce Prince, investigated 532 cases of female shoplifting. While not applicable in all respects, the methodology and analytical categories used and the questions asked in this and in the ten-year follow-up study allowed me to look at my sample of about 190 shoplifters with a keener eye.

23. I have checked every women mentioned in a shoplifting case in the *New York Times* index for the years covered by this study, along with those so mentioned in the *Brooklyn Eagle* (1891-1973) and the *New York World* (sporadic index for a few years). I attempted to verify the addresses and occupations of the husbands in one of three New York City directories: *Phillips Elite Directory*, *Trows New York City Directory* (some New Jersey towns included), and the *Brooklyn City Directory*. Only 35 addresses were fully documented. Additional names that appeared in the pages of the store journals or other New York City newspapers were similarly checked.
The 190 names represent only a tiny fraction of the total number of shoplifting arrests. Other than middle-class female shoplifters, one was the son of the King of Spain, some were shop girls, another was a Canadian minister, and another was a former church sexton. See *New York Times* (July 2, 1911), 3:7; (Dec. 20, 1907), 1:5; (Dec. 3, 1897), 5:3; and (July 20, 1898), 12:2.


25. *New York Times* (Dec. 9, 1898), 1:3. Mrs. Abbie Long was the Sunday School Superintendent at The Church of the Puritans, located on 130th Street near Fifth Avenue. About one suspect arrested in 1893 we know nothing more than her name, Mary Arthur, and the intriguing fact that "she spent time in a cell reading a French novel;" *New York Times* (Feb. 21, 1893), 3:4.

26. *New York Daily Tribune* (July 21, 1901), supplement, 1:4; Emma Churchman, *Queen of Home* (Philadelphia: Miller-Megee Co., 1889), 43-45, 48. Hewitt wrote of new avenues of employment, opening for women, e.g., bookkeeping, shorthand, and typewriting, but these were careers for single women. She felt married women "should have one profession ... from choice, let no mother relegate her duties to another, while she preaches science and knowledge away from home."

27. *Dry Goods Economist* (Dec. 4, 1897), 13, editorial, and (March 23, 1891), 153. See also Nathan C. Fowler, Jr., "Reaching the Men Through the Women," *Printers' Ink* 5 (July 22, 1891), 51-53, "The woman buys, or she directs the buying of everything from shoes to shingles."


29. Ibid. (Dec. 11, 1898), 3:5.


32. This scenario appears in a variety of sources. See *New York Times* (April 26, 1908), 8; (Dec. 12, 1904), 6:4; (Jan. 2, 1906), 15:1; *New York Evening Post* (June 3, 1903), 5:1; *New York Tribune* (Dec. 17, 1905), V, 3:1.

33. Many sources deal with the sequence of these events. See *New York Times* (Dec. 11, 1904), III, I; *New York Evening Post* (Feb. 18, 1899), 16:1.; Some stores had women sign a release exonerating the store from any damage claims or suits for false arrest. See *New York Times* (Dec. 12, 1904), 19:4; (March 3, 1872).


There are numerous citations in the daily press for this practice of giving false names. See for example New York Times (Feb. 18, 1893), 12:4; (March I, 1895), 13:6; (Dec. 19, 1895), 14:2; (Dec. II, 1904), III, 1; San Francisco Chronicle (Dec. I, 1896), 5:2; Boston Globe (Dec. 25, 1897), 1:7.

There was one well-dressed woman was reported as crying, "Oh, what will my husband say ... I shall be disgraced for life.

The lawyer for many of these cases was Mark Alter. Claiming to have defended over 500 shoplifting cases, Alter gave a dramatic interview to a Times reporter... "If I could give the real names of the 500 women whom I have defended on the charge of shoplifting, it would make a sensation that would startle New York. One was the wife of a Supreme Court judge, another a near relative of an ambassador; one, a well-known society woman, had several hundred dollars in her pocketbook when she was arrested for stealing a trinket worth a few dollars. Out of 4000 arrests every year, only about 700 ever get into the courts and of this number not more than 50 are convicted." New York Times (Jan. 2, 1906), 15:1.

Psychologists had advanced this very possibility in 1862. Writing in the Journal of Mental Science and excerpted in the American Journal of Insanity, the prominent English authority on insanity, Dr. John C. Bucknill, analyzed early evidence of "the thieving madness." It is, he wrote, "part of the struggle for existence in the middle and even upper-classes of our complex social system." Such madness "combined with the prevailing fashion of an emulative and showy expenditure, [to] make the sense of want keenly felt ... where no traces of vulgar poverty are discernible .... Women spend no inconsiderable portion of her [sic] time in the discharge of that new and peculiar duty of life called 'shopping.'"
surprised that when the means fail to satisfy the desires thus stimulated ... that in some few instances the desire of the eye should prove too strong for the moral sense .... It would be more true than gallant to consider these fair thieves as an elder kind of children.”  

AJI XIX (Oct. 1862), 150-51. See full article “Kleptomania,” Journal of Mental Science VIII, 42 (London 1863), 262-75.


61. Ibid., 38.


63. Hewitt, Queen of Home, 38.


65. William Dean Howells, A Woman’s Reason (Boston: Osgood & Co., 1883), 185. Describing the fierce concentration of women shopping, Howells asked, “Where does the money all come from? It is a fearful problem, and the imagination must shrink from following these multitudinous shoppers to their homes, in city and suburb, when they arrive frayed and limp and sore, with overspent allowances, and the hard task before them of making the worst appear the better reason.” Some historians see women in control of the household budget. See Branca, Silent Sisterhood, 22.


67- Boston Herald (Sept. 13, 1890), 9:3, excerpted from Forum magazine, Sept. 1890.

68. David John Thomas, "The Demographics of Shoplifting" (Ph.D. diss., University of Nebraska-Lincoln, 1979), 222. In 1902 a spokesman for Ehrich Bros. commented, "... there is that innate love of shopping which many a woman feels obliged to gratify even with an impoverished purse." *Dry Goods Economist* (Feb. 22, 1902), 37.


77. *New York Times* (Feb. 19, 1893), 9:4. The "medical history" of Mrs. Louisa Schloss, mentioned earlier, was quite similar to this episode, although the two incidents took place fifteen years apart; see Dr. Walker Gill Wylie's obituary in the *New York Times* (March 14, 1923), 19:5.

78. *New York Herald* (Feb. 7, 1886), 21:3-4. Some women "are simply not strong in resisting the temptations to which their sex are most subject." The article continues, "Some really absent-minded have carried some article away from the counter utterly unconscious of it." There are so many comments of this nature that it is difficult to choose only one.


81. Ibid. (May 24, 1893), 9:2. It is interesting that Miss Little was a repeat customer in Stern's. See also *New York Times* (Jan. 18, 1882), 8:6; (Aug. 14, 1887), 1:4; (March 27, 1889), 2:5.
