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## **Manufacturing Kleptomania: the Social and Scientific Underpinnings of a Pathology**

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# **Manufacturing Kleptomania: the Social and Scientific Underpinnings of a Pathology**

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In 1816, Dr. Andrè Matthey defined kleptomania as a monomania or an obsession with a stolen object of insignificant exchange value.<sup>2</sup> In 1840, French physician C. C. Marc further classified it as an “irresistible tendency to steal”, emphasizing the value of the object stolen and linking it biologically to women and patients’ educational and social class.<sup>3</sup> Since kleptomania was an “irresistible tendency to theft”, it was by definition not principally a crime but rather a compulsion, an involuntary act – a medical condition. Besides gender, social class was a crucial factor in the kleptomania diagnosis, which reached its height in the 1890s through 1930s.<sup>4</sup> Scholarly research on kleptomania analyzes it as a product of newly founded institutions and a reflection of contemporary intellectual and social currents: the feminization of mental illness; the development of consumer culture and its most emblematic institution, the department store; the attendant anxiety surrounding women in the public sphere; the growth of forensic science; and tensions between the lower and upper classes. This paper aims to show the ways in which the kleptomania diagnosis expressed displaced societal fears and led to the ostracism or exculpation of groups based on an interesting mix of gender and class biases.

### **“Diseased by their Sexuality”**

By stressing gender and sexuality, contemporary science claimed kleptomania as a primarily female illness. More significantly, it was but one more illness that contributed to the pathologization of the female sex. Various illnesses associated with female secretions were already considered the domain of women. O’Brien notes that pyromania, dipsomania<sup>5</sup>, homicidal and suicidal monomania were all considered menstrual psychoses; “[d]eviant behavior ... could

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<sup>2</sup> Paul Lerner, “Consuming Pathologies: Kleptomania, *Magazinitis*, and the Problem of Female Consumption in Wilhemine and Weimar Germany,” *WerkstattGeschichte/Klartext Verlag* 42 (2006): 46. In Europe, kleptomania can be traced back to the early 19<sup>th</sup> century but was not popularly known in the United States until the 1870s. The “free entry principle” was apparently more prevalent in American department stores and may have accordingly influenced social commentary on American cases of kleptomania more than is evidenced in the literature on European kleptomania cases. See Elaine S. Abelson, “The Invention of Kleptomania,” *Signs* 1989 15(1): 135, 137 and Elaine S. Abelson, *When Ladies Go A-Thieving: Middle Class Shoplifters in the Victorian Department Store* (New York: Oxford University Press, 1989), 90.

<sup>3</sup> Patricia O’Brien, “The Kleptomania Diagnosis: Bourgeois Women and Theft in Late Nineteenth-Century France,” *Journal of Social History* 17, no. 1 (Fall 1983): 70.

<sup>4</sup> *Ibid.*

<sup>5</sup> Dipsomania is defined as the irresistible desire for liquor.

be traced to physiological origins – women were *diseased* by their sexuality ... The argument at its most extreme at the turn of the century was that all menstruating, lactating, ovulating, newly delivered, newly sexually initiated, and menopausal women were prone to crime.”<sup>6</sup> “Mental disorder in women was seen to follow any deviation from the sexual function of reproduction so critical to society’s survival.”<sup>7</sup>

Historically, psychiatry has specifically linked women – through physical conditions such as pregnancy, puberty and menopause – to a propensity to steal.<sup>8</sup> Physical symptoms reported by (mostly) female sufferers of kleptomania included head pains, loss of memory, “disordered menstruation, hemorrhoids, and uterine irregularities.”<sup>9</sup> The litany of characteristics of women with a propensity for kleptomania was so large one wonders why most women, regardless of social class, were not infected; “[w]omen with regular or difficult pregnancies, bad marriages, dead husbands, irregular cycles, menopause, nervous conditions, bad health, and suicidal inclinations were all considered prime candidates for the designation of kleptomania.”<sup>10</sup> Puerperal mania<sup>11</sup>, even when accused shoplifters had had their most recent child three years since the crime was committed, was often cited as a cause.<sup>12</sup> The link between women and kleptomania was in keeping with contemporary views on the relationship between insanity and female reproductive organs. Women were conflated with the disease. “Most shoplifters were women,” writes Abelson, “but the association of shopping behavior with biological processes ...

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<sup>6</sup> Patricia O’Brien, “The Kleptomania Diagnosis,” 68.

<sup>7</sup> Daniel Pick, *Faces of Degeneration: A European Disorder, c. 1848-1918* (New York: Cambridge University Press, 1989), 212. Although in its initial formulations, the illness was usually accompanied by other manias such as dipsomania or pyromania, it was later seen as an isolated impulse. See Abelson, “The Invention of Kleptomania,” 125, 127; Whitlock, “Gender, Medicine, and Consumer Culture in Victorian England: Creating the Kleptomaniac,” *Albion: A Quarterly Journal Concerned with British Studies* 31, no. 3 (Autumn, 1999): 430-431.

<sup>8</sup> Lerner, “Consuming Pathologies,” 54.

<sup>9</sup> Abelson, “The Invention of Kleptomania,” 127, 130.

<sup>10</sup> Patricia O’Brien, “The Kleptomania Diagnosis,” 69

<sup>11</sup> Puerperal mania was a disorder that afflicted mothers who had recently given birth, although it could strike during gestation as well as after weaning. Gunning S. Bedford, *The Principles and Practice of Obstetrics* (New York: William Wood & Co., 1869), 699.

<sup>12</sup> Whitlock, “Gender, Medicine, and Consumer Culture,” 419. Kleptomania was even associated with hoarding. Whitlock, “Gender, Medicine, and Consumer Culture,” 420.

was a cognitive leap that was deeply rooted in the intellectual assumptions of the Victorian period.”<sup>13</sup>

There “was a mixed message,” writes Abelson, “in the diagnosis of such behavior as disease. On the one hand, it suggested that older moral judgments of ‘bad’ behavior were inappropriately simplistic, but, on the other hand, it defined the reproductive functions of women as inherently diseased.”<sup>14</sup> Accused women may have avoided the asylum or incarceration, but womankind was scientifically stigmatized in the process. O’Brien notes the irony that a widely-held scientific belief in women’s inferiority and the categorization of various sicknesses as female were used to “absolve what formerly had been considered criminal behavior.”<sup>15</sup>

### **Forensic Science: Psychology and Degeneration**

Scholars have situated the phenomenon of kleptomania in the context of the medical and legal “mad or bad” debate and the late nineteenth century’s increasing reliance on forensic science.<sup>16</sup> Although kleptomania was by definition a medical illness, it was derived from an essentially criminal act and cases were subject to examination in a court of law. Emphasizing forensic science’s fight for legitimacy, O’Brien writes, “[m]any of the published case studies [of kleptomania] were the consequence of court requests for medical examinations of defendants and reflected increased judicial reliance on the medical specialist in the process of judgment.”<sup>17</sup> In an interesting alignment of medical and legal professions on the “mad or bad” debate, judges were criticized for not taking the kleptomania diagnosis into consideration in their deliberations – even when medical literature questioned its validity!<sup>18</sup> By 1879, John Charles Bucknill and Daniel Hack Tuke, referring to a typical case of kleptomania were still emphasizing the legitimacy of

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<sup>13</sup> Abelson, “The Invention of Kleptomania,” 131.

<sup>14</sup> Abelson, “The Invention of Kleptomania,” 126.

<sup>15</sup> O’Brien, “The Kleptomania Diagnosis,” 71.

<sup>16</sup> Whitlock, “Gender, Medicine, and Consumer Culture,” 418.

<sup>17</sup> O’Brien, “The Kleptomania Diagnosis,” 66. For discussion of the fight to legitimize the diagnosis in judicial system, see also Whitlock, “Gender, Medicine, and Consumer Culture,” 429-430.

<sup>18</sup> Whitlock, “Gender, Medicine, and Consumer Culture,” 421, 427.

the disease, “In this and in other cases, it should be borne in mind that the character of the mental disorder was testified to by the highest authorities, and that their evidence was considered conclusive by a court of law – proverbially suspicious of medical testimony.”<sup>19</sup> Although the diagnosis gained acceptance in professional circles, public skepticism endured.

O’Brien stresses the decriminalization implicit in the kleptomania diagnosis. If these women were ill, they were not guilty of a crime. “The theft itself was nearly lost sight of in the psychiatrist’s concern with pathology – those diseased events that preceded, resulted in, and survived the act of theft and were woven together to form the fabric of a pathological condition.”<sup>20</sup> As the nineteenth century wore on and kleptomania became an accepted defense, the primary cause of the illness was not so much physiological but rather intellectual – as in the “weakness of the female mind” – or psychological – specifically sexual and related to desire.<sup>21</sup>

In fact, the kleptomania diagnosis was linked to deviant or dysfunctional sexuality regardless of whether the sufferer was female or male. In one memorable case, a woman said “she got more pleasure from her thefts than from ‘the father of her children’”!<sup>22</sup> Scientists saw these thefts as a form of sexual gratification, even relating the size of objects stolen to penis envy in women.<sup>23</sup> One case study involved a male doctor who, besides having “neurasthenic and hysterical tendencies ... engaged frequently in masturbation. In his adult life problems of sexual performance and premature ejaculation were followed by frenzies of maniacal theft.”<sup>24</sup>

The idea that women were more “interested in material goods” than men and that the latter had a stronger command over their impulses than women contributed to the feminization of

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<sup>19</sup> John Charles Bucknill and Daniel Hack Tuke, *A Manual of Psychological Medicine Containing the Lunacy Laws, the Nosology, Aetiology, Statistics, Description, Diagnosis, Pathology, and Treatment of Insanity with an Appendix of Cases* (London: J. & A. Churchill, 1879), 280-281.

<sup>20</sup> O’Brien, “The Kleptomania Diagnosis,” 67.

<sup>21</sup> Whitlock, “Gender, Medicine, and Consumer Culture,” 432, 435.

<sup>22</sup> O’Brien, “The Kleptomania Diagnosis,” 68.

<sup>23</sup> Lerner, “Consuming Pathologies,” 55-56.

<sup>24</sup> *Ibid.*

kleptomania.<sup>25</sup> And yet, this did not preclude male kleptomaniacs. O'Brien writes, "men were more frequently mentioned in earlier works, although they remained a distinct minority both before and after mid-century."<sup>26</sup> Moreover, the few mentions of male shoplifters classified as kleptomaniacs expose the possibility that the diagnosis' link to females was contested over time. In 1839, the American Dr. Isaac Ray differentiated male kleptomania from the variety that afflicted females by specifying that the former was caused by trauma while the latter was physiologically related to their gender.<sup>27</sup> In the 1880s, a *Lancet* article bemoaned the fact that men who actually did suffer from the disease were discriminated against because its feminized connotations precluded them from being diagnosed.<sup>28</sup> At least some professionals granted that the affliction was not feminine alone.

The diagnosis' connection to the theory of degeneration – the idea that certain segments of the population were, through hereditary traits, regressing or devolving – could have potentially implicated or exculpated the poor as well. A family history of mental illness, suicide, alcoholism or even paralysis was considered a causative factor.<sup>29</sup> In 1839, American Dr. Isaac Ray connected kleptomania with idiocy and "abnormal confrontations" and head injuries.<sup>30</sup> In 1874, Dr. Henry Maudsley, one of the proponents of degeneration theory, "described kleptomania as a type of 'moral imbecility' connected to idiocy whose sufferers were not responsible for their actions."<sup>31</sup> Tiersten notes how "new determinist models of human nature ... depicting both women and the lower classes as biologically and environmentally predisposed to irrational behavior" fed into the stigmatization of the feminized department store and consumer

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<sup>25</sup> Lerner, "Consuming Pathologies," 56; Lisa Tiersten, *Marianne in the Market: Envisioning Consumer Society in Fin-de-Siecle France* (Berkeley: University of California Press, 2001), 47-48.

<sup>26</sup> O'Brien, "The Kleptomania Diagnosis," 70.

<sup>27</sup> Whitlock, "Gender, Medicine, and Consumer Culture," 418.

<sup>28</sup> Tammy C. Whitlock, *Crime, Gender and Consumer Culture in Nineteenth-Century England* (Burlington: Ashgate, 2005), 203.

<sup>29</sup> O'Brien, "The Kleptomania Diagnosis," 68.

<sup>30</sup> Isaac Ray cited in Whitlock, "Gender, Medicine and Consumer Culture," 418.

<sup>31</sup> Maudsley cited in Whitlock, "Gender, Medicine and Consumer Culture," 429.

culture.<sup>32</sup> Gustav LeBon's crowd theory implicated crowds of female shoppers as "governed by unconscious, irrational impulses."<sup>33</sup> Tiersten explains the pathologized department store in the context of determinism and Darwinism, whereby the mid-nineteenth century belief in criminality based on free will ceded to a criminality based on biological and environmental factors.<sup>34</sup> The kleptomania diagnosis was built on pre-existing class and gender biases which, coupled with scant evidence, were nevertheless able to influence medical theory.<sup>35</sup> As Whitlock articulates, what surprises is not that society was gender biased but rather that scientific thought was buttressed by it.<sup>36</sup>

### **Anxieties Surrounding Consumer Culture and Women in the Public Sphere**

While some medical experts linked women to kleptomania biologically, others proposed non-biological motivations that were indicative of greater misgivings about consumer culture. Although kleptomania predates the department store by several decades, this new commercial institution was closely linked to the rise in its incidence.<sup>37</sup> Indeed, after 1850, the term kleptomania was exclusively used in connection with department stores.<sup>38</sup>

Pilbeam describes how dramatically the department store changed not only consumer culture but also the sphere of women:

Department stores revolutionized mere shopping, creating a new culture of consumption. The main customers were bourgeois ladies, attracted by the safety, respectability, comfort, cleanliness, and elegance of the buildings, which were well lit and fitted. Stores stressed that ladies could visit their stores knowing that nothing would jar their feminine sensibility and moral uprightness.<sup>39</sup>

The department store was the one institution where women were allowed to roam freely in public; "it was a protected space in which she could eat lunch, have tea, meet her friends, rest,

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<sup>32</sup> Tiersten, *Marianne in the Market*, 17.

<sup>33</sup> Tiersten, *Marianne in the Market*, 47-48.

<sup>34</sup> Tiersten, *Marianne in the Market*, 46, 49.

<sup>35</sup> Whitlock, "Gender, Medicine, and Consumer Culture," 435-436.

<sup>36</sup> Whitlock, *Crime, Gender and Consumer Culture*, 210; Whitlock, "Gender, Medicine, and Consumer Culture," 434.

<sup>37</sup> Whitlock, "Gender, Medicine, and Consumer Culture," 414.

<sup>38</sup> O'Brien, "The Kleptomania Diagnosis," 70.

<sup>39</sup> Pamela Pilbeam, "Bourgeoisie," In *Europe 1789-1914: Encyclopedia of the Age of Industry and Empire Vol. 1*, edited by John Merriman and Jay Winter (Detroit: Charles Scribner's Sons, 2006), 288. *Gale Virtual Reference Library*. <http://go.galegroup.com/>



write a letter, and browse” and where “[e]ven child care often was provided.”<sup>40</sup> Indeed, department stores seemed to cater to a lady’s every need, including as they did restaurants, hair salons, reading and correspondence rooms, and even travel agencies.<sup>41</sup> This optimistic description contrasts markedly with the tensions evinced by scholars writing about kleptomania.

The department store was characterized by a variety of new sales techniques, many of which seem harmless enough: fixed prices and cash purchases; the option to return or exchange items; and ready-made items.<sup>42</sup> Other characteristics proved more problematic. Take, for example, the *entrée libre*, which implied no obligation to purchase but a liberty to wander and sensorially take desired objects in or the anonymity of the busy and crowded department store.<sup>43</sup> Anxieties began to surface around women’s role as consumers in the public sphere. In Emile Zola’s novel, *The Ladies’ Paradise*, the department store serves as “a hotbed of pathology”, producing a variety of professional thieves, kleptomaniacs and *enceintes*.<sup>44</sup> After one of her spending sprees, Madam Marty, the novel’s kleptomaniac, is described as a sick person, “her mind unhinged by the neurosis to which the great drapery establishments gave birth.”<sup>45</sup>

The alienist<sup>46</sup> Alexandre Laccasagne wrote that department store “display-case provocations are one of the factors of theft. They exist in order to arouse desire ... They fascinate the client, dazzle her with their disturbing exhibition ... stir up the social order and can be called

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<sup>40</sup> Abelson, “The Invention of Kleptomania,” 137.

<sup>41</sup> Lerner, “Consuming Pathologies,” 48.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Lerner, “Consuming Pathologies,” 47; Emile Zola, *The Ladies’ Paradise* (New York: Barnes & Noble, 2006), 268. Enceinte is the French term for pregnant.

<sup>45</sup> Zola, *The Ladies’ Paradise*, 281.

<sup>46</sup> In the nineteenth century, mental pathologists or psychiatrists were called alienists because they treated mental alienation. “Alienist,” *Oxford English Dictionary Online*, <http://dictionary.oed.com/>. Edward Shorter, *A History of Psychiatry: From the Era of the Asylum to the Age of Prozac* (New York: John Wiley & Sons, Inc., 1997), 17.

the ‘apértifs’ of crime.”<sup>47</sup> This opinion held sway among various professions as well as kleptomaniacs themselves. Thomas Byrnes, a former chief of detectives in New York, noted,

I am free to say that I consider the displays made by the great stores of the country a constant temptation to persons whom either heredity or acquired mental affection has given a bent toward theft, which does not mean that they are thieves, but that they have been robbed, by some strange process, of all knowledge that they are committing a wrong.<sup>48</sup>

Indeed, the variant term for kleptomania, *magazinitis*, was derived from the phrase *grand magasin*, or department store, and implied that its “techniques of advertising and display” were actually to blame.<sup>49</sup> Accused women’s explanations betrayed similar feelings of being overwhelmed by consumer culture or perhaps – as will be suggested – played into them:

Some women charged with shoplifting accused the stores of permitting too much freedom: they became “over excited” and over stimulated in the large stores; they could not refrain from handling things, and no one bothered them. Everything led to temptation, shoppers complained, the salespeople were either disinterested or too busy to be of real service, and there was a “deplorable liberty” to touch everything. The tension between traditional values, particularly the postponement of gratification, and the newer, more compelling gospel of consumption led many women to fear their own impulses. In creating fantasy, the stores encouraged an abandonment in consumers that produced behavior troubling in its implications for both moral and social restraint.<sup>50</sup>

Whitlock notes that shopkeepers were vilified for their retail tactics; critics equated their repeated “tempting” with entrapment.<sup>51</sup> Society’s fledgling unease with a more dominant and aggressive consumer culture is also evident in *The Ladies Paradise*, where the umbrella maker, Bourras, rails against the new aggressive sales methods of “counter jumpers”. Dr. Laccasagne pointed to a hodgepodge of environmental and biological causes:

as absinthe and vermouth stimulates the appetite for food, so do heaped-up counters whet the feminine greed for possession. The strongest willed of women will yield by expending more than she in her sober moments has set aside for her wants. But who can measure the force which draws on and overmasters the feeble or degenerate minds?<sup>52</sup>

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<sup>47</sup> Lacassagne, “Les Vols à l’étalage et dans les grands magasins,” *Revue de l’Hypnotisme et de la Psychologie Physiologique* (September, 1896), 82, quoted in O’Brien, “The Kleptomania Diagnosis,” 73.

<sup>48</sup> Charles Sinclair Elliot, *Lectures on Nervous and Mental Diseases* (New York: A. L. Chatterton & Co., 1897): 685.

<sup>49</sup> Lerner, “Consuming Pathologies,” 47.

<sup>50</sup> Abelson, “The Invention of Kleptomania,” 139

<sup>51</sup> Whitlock, “Gender, Medicine, and Consumer Culture,” 421, 435; Tiersten, *Marianne in the Market*, 29-30.

<sup>52</sup> Clark Bell, “Criminal Anthropology-Kleptomania,” *The Columbus Medical Journal* XVII (July 1896/January 1897): 443.

Although shopkeepers tried to sell the idea of the department store as a respectable pleasure, English society was uncomfortable with what they viewed as “seedy shops”, the idea that female shoppers might be touched by department store employees and anxieties over the possibility they might be seduced by shopkeepers.<sup>53</sup> After all, in *The Ladies’ Paradise*, salesmen consider flattery toward female shoppers to be part of their job.

Consumer culture saw the creation of a variety of female social types. One was the *flâneuse*, or the unaccompanied browser. Another, the *palpeuse*, or “shopper who titillated herself by stroking and fondling store merchandise”, a role in tune with the popular conception that traditional boutiques provided provisions while department stores provided pleasure.<sup>54</sup> Concomitantly, there was great trepidation about women being out in public unaccompanied.<sup>55</sup> Fears surfaced that female consumers would be confused with other types such as the “public woman” or prostitute as well as concern that the “urban anonymity” of the consumer sphere made women aggressive and also provided opportunities for trysts.<sup>56</sup> The public felt that the “*grand magasin* undermined normal restraints on human behavior ... Illicit lovers could meet and lose themselves in the mass of shoppers without ever being noticed.”<sup>57</sup> There was even fear that wives were obtaining money for goods via betrayals and sexual favors.<sup>58</sup> Tiersten notes the similarities, in 1890s France, between the image of the bourgeois shopper and the *demimondaine*, a courtesan or woman supported by a wealthy lover.<sup>59</sup> “It is no coincidence”, notes Lerner, “that kleptomaniacs were often discussed in the same context as prostitutes, as both

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<sup>53</sup> Whitlock, *Crime, Gender and Consumer Culture*, 214, 216, 142-143. An interesting sidebar to the discussion of the ominous department store is Paul Lerner’s work on kleptomania and ethnic scapegoating. Just as France’s flailing shopkeeper class’ economic woes provided an opening for rampant anti-Semitism, Lerner discusses how female kleptomaniacs were seen as the victims of department store entrepreneurs, often depicted as Jewish. Lerner suggests that “the notion of the stores’ mysterious, hypnotic powers overlapped and intersected with depictions of excessive Jewish power and influence over German economy and society achieved in part through the manipulation of German women.” Lerner, “Consuming Pathologies,” 47, 51, 56.

<sup>54</sup> Tiersten, *Marianne in the Market* 26, 29, 48; Lerner, “Consuming Pathologies,” 47.

<sup>55</sup> Whitlock, *Crime, Gender and Consumer Culture*, 151-152, 214.

<sup>56</sup> Tiersten, *Marianne in the Market*, 26-29, 42. In Zola’s *The Ladies’ Paradise*, the department store provides the rendezvous site for the affair between Monsieur Boves and Madame Guibal.

<sup>57</sup> Philip Nord, *Paris Shopkeepers and the Politics of Resentment* (Princeton: Princeton University Press, 1986), 164.

<sup>58</sup> Tiersten, *Marianne in the Market*, 41.

<sup>59</sup> Tiersten, *Marianne in the Market*, 43.

activities were attributed to abnormal desires and violated the boundaries of normal economic conduct.”<sup>60</sup>

Lisa Tiersten discusses the conflict between consumerism – associated with impulsiveness, desire, disorder and luxury – and civic culture in Third Republic France, whose ideals included reason order, civic virtue, simplicity and equality:

...the new consumer marketplace seduced women away from the moral sanctuary of the home and, by cultivating their baser instincts of egotism, vanity, and pleasure-seeking, inured them to maternal and wifely sentiment and rendered them indifferent to the concept of societal duty. Critics across a broad political spectrum saw the modern marketplace as dangerous precisely because it provided women with the kind of financial and psychological independence that undermined their supporting, dependent roles within the family.<sup>61</sup>

Women were seen as a “conduit channeling the corrupt values of the commercial public into the domestic interior.”<sup>62</sup> Whitlock writes, “Paradoxically, the ideology of separate spheres with women as morally insulated ‘angel’ rose concurrently with commodity culture and a greater participation by women in the public of retail and consumption of goods.”<sup>63</sup>

### **Consumer Culture Evinces Economic and Gender Tensions**

Rather than one monolithic view contrasting men with women as physically or mentally weak, the various scientific, popular and cultural sympathies that came to bear on the issue of kleptomania over time betrayed ambivalent and conflicting views on the feminization of the diagnosis. Abelson discusses how its defense exposed the “psychological tension between Victorian men and women.”<sup>64</sup> These tensions were practical, demonstrating societal views on women’s place and agency and betrayed a feminist counter-narrative that exposed gender biases.<sup>65</sup>

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<sup>60</sup> Lerner, “Consuming Pathologies,” 54.

<sup>61</sup> Tiersten, *Marianne in the Market*, 3-4, 18, 20, 24.

<sup>62</sup> Tiersten, *Marianne in the Market*, 25.

<sup>63</sup> Whitlock, *Crime, Gender and Consumer Culture*, 135.

<sup>64</sup> Abelson, “The Invention of Kleptomania,” 128.

<sup>65</sup> Although it may be ahistorical to define my subsequent discussion as “feminist” insofar as feminist discourse did not yet have the currency that class did (which I will turn to next), it is interesting to see glimmers of arguments in this direction. Although perhaps not part of a wider movement in defense of kleptomania’s stigmatization as a female illness, an 1851 editorial entitled “A Mother of Ten Children”, for example,

When Mrs. Walter Castle, a wealthy American tourist, was caught stealing in London in 1896, her legal defense was kleptomania. Mr. Castle, on the other hand, was seen as a “long-suffering, understanding husband” whose defense “rested on ‘his reputation for honor and integrity.’”<sup>66</sup> The 1888 play *Kleptomania: A Farcical Comedy in Three Acts* was “part of the continuing tradition of criticizing women’s role in consumer culture and class status.”<sup>67</sup> And the patriarchal conception of husbands is evidenced in the attitude of the lawyer for an accused woman who chastises a shopkeeper for not thinking to let his client’s husband know about her condition so that he could “take care of her.”<sup>68</sup> Similarly, Michel Corday’s short story *La Gardienne* tells the story of a daughter who helps her widowed kleptomaniac mother from her own impulses; “we are made to understand,” writes Tiersten, “that without a husband to supervise her, she cannot help herself.”<sup>69</sup> These examples show how the kleptomania discourse reflected and promoted negative and patriarchal conceptions of women. Contemporary sources substantiate the idea of the impulse shopper but also demonstrate how a patriarchal economy may have affected women’s commercial behavior. In the 1870s, shoppers wrote letters to women’s magazines admitting their ignorance of money management, fretting about neglecting payments for necessities while simultaneously spending on luxury items.<sup>70</sup> Some women eluded potential scrutiny by paying part of a bill in cash and showing their husbands the half-paid bill as evidence of how much they saved!<sup>71</sup>

Some contemporaries argued that the consumerist critique about a skewed perception of necessity was biased towards males. Husbands who did not provide their wives with sufficient

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does deny the link between women’s puerperal condition and their propensity to steal. Whitlock, “Gender, Medicine, and Consumer Culture in Victorian England,” 425.

<sup>66</sup> Abelson, “The Invention of Kleptomania,” 128-129

<sup>67</sup> Whitlock, “Gender, Medicine, and Consumer Culture,” 434.

<sup>68</sup> Whitlock, “Gender, Medicine, and Consumer Culture,” 421.

<sup>69</sup> Tiersten, *Marianne in the Market*, 50.

<sup>70</sup> Tiersten, *Marianne in the Market*, 35.

<sup>71</sup> Tiersten, *Marianne in the Market*, 41.

funding to materialize the glamour they expected were partly to blame when their wives turned to theft to realize unreasonable expectations.<sup>72</sup> The extent to which “goods came to represent and even constitute people in consumer society” seems to have been lost on critics of consumerism.<sup>73</sup> Auslander cites etiquette manuals and women’s magazines that counseled women to account to their husbands for their expenditures and bear the responsibility for buying goods equal to their social station.<sup>74</sup> Some went so far as to say that a happy marriage hinged upon the correct home décor.<sup>75</sup>

This is not to say that women were totally economically disenfranchised. Women’s economic rights were subsumed by their husbands’ via “coverture” which prohibited wives from entering contracts as individuals.<sup>76</sup> And yet, Whitlock discusses the “law of necessities” which took precedence by first, allowing women to contract on husbands’ behalf for items deemed necessary and later, allowing them to “contract for luxury goods with or without their husband’s knowledge.”<sup>77</sup>

These day-to-day economic questions have not been as deeply explored in the literature on kleptomania. Take, for example, the assumption that purportedly middle and upper class shoppers really were as wealthy as believed. Whitlock presents the cases of three shoplifters who apparently lost their wealth. This can be surmised by the fact that two of them were employed as a music teacher and governess, jobs that wealthy women would not take because they entailed work outside the home.<sup>78</sup> Upon further investigation, Whitlock learns that the third shoplifter’s

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<sup>72</sup> Tiersten, *Marianne in the Market*, 50-51.

<sup>73</sup> Auslander, “The Gendering of Consumer Practices,” 81.

<sup>74</sup> Auslander, “The Gendering of Consumer Practices,” 83-84.

<sup>75</sup> Auslander, “The Gendering of Consumer Practices,” 97-98.

<sup>76</sup> “Coverture.” *West’s Encyclopedia of American Law Vol. 3 2<sup>nd</sup> ed.*, edited by Shirelle Phelps and Jeffrey Lehman (Detroit: Gale, 2005). 258. Gale Virtual Reference Library. <http://go.galegroup.com/>

<sup>77</sup> Whitlock, *Crime, Gender and Consumer Culture*, 104-105, 153

<sup>78</sup> Whitlock, *Crime, Gender and Consumer Culture*, 149; Auslander, “The Gendering of Consumer Practices,” 82-83.

husband repeatedly fell into bankruptcy.<sup>79</sup> Tammy Whitlock refers the “tremendous pressures on class and position” that influenced these upper and middle class women to steal.<sup>80</sup> These conditions may have well been stifling for a woman who was expected to remain home without pay. One can imagine how a furtive theft may have provided some type of release, one that was perhaps internalized as an unspoken protest. It is possible that the various societal strictures, including enforced accountability and the censuring of desire worked in tandem and may have led to a release of pressure via theft. Some kleptomaniacs justified their theft by referencing their large purchases. Patricia O’Brien writes about an extreme manifestation of the “new consumer mentality” as when a kleptomaniac rationalized, “I stole it because, having made a number of purchases with cash, I felt that this little addition was my due.”<sup>81</sup> In England, novelists, journalists and doctors were among the critics of consumer culture’s re-definition of need, conceived as luxury items that middle and upper class women required to demonstrate their status.<sup>82</sup>

Tiersten also notes that some writers “depicted virtuous women ignored by their husbands and driven to seek neurotic compensation in illicit pleasures.”<sup>83</sup> She cites the example of Octave Uzanne who “effectively summarized the problem of the gilded cage in his book of 1892, *La Femme et la mode*, in which he portrays the wayward consumer as an unhappy wife who chafes at being treated as a child, feeling bored and frustrated by her enforced passivity.”<sup>84</sup> These arguments demonstrate more sensitivity to women’s circumscribed roles, their right to desire, and how they actively responded to male expectations or, surprisingly, male

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<sup>79</sup> Whitlock, *Crime, Gender and Consumer Culture*, 149.

<sup>80</sup> Whitlock, “Gender, Medicine, and Consumer Culture,” 436-437.

<sup>81</sup> Dubuisson quoted in Lacassagne, “Les Vols à l’étalage et dans les grands magasins,” *Revue de l’Hypnotisme et de la Psychologie Physiologique* (September, 1896): 81, quoted in O’Brien, “The Kleptomania Diagnosis,” 73.

<sup>82</sup> Whitlock, “Gender, Medicine, and Consumer Culture,” 414-415.

<sup>83</sup> Tiersten, *Marianne in the Market*, 52.

<sup>84</sup> Tiersten, *Marianne in the Market*, 52.

shortcomings. These “defenders of women consumers” argued for more female autonomy and input into family decision-making processes.<sup>85</sup>

Scholars also note women’s agency as well as their disempowerment in the pathologization of bourgeoisie shoplifting. Women either denied the thefts or actively participated in their representation as kleptomaniacs.<sup>86</sup> Knowing the term’s currency in the popular imagination, women accused of shoplifting were savvy enough to invoke kleptomania as a defense without ever uttering the term and perhaps without feeling the symptoms; “[a] large proportion of these women were excused either in the store or in the courtroom because they claimed to be kleptomaniacs or because they cited general malaise and physical debility without using the label.”<sup>87</sup> In 1853, Dr. James Duncan noted that some women *pretended* to have kleptomania.<sup>88</sup> Whitlock, however, maintains that the institutionalization of forensic science led to female “disempowerment”; “[a]lthough they often willingly took refuge from prison in the kleptomania defense, by doing so, they gave up their rights to speak for themselves and increased their dependence on medical and criminological ‘experts’ to tell their stories.”<sup>89</sup>

### **The Class Paradox**

Social class definitely played a factor in how kleptomaniacs were dealt with and perceived, although not always for the obvious reasons. Poor women who stole were not considered infirmed by virtue of their sex.<sup>90</sup> Kleptomaniacs were always wealthy women or, more precisely, only wealthy women could use kleptomania as a legal defense. O’Brien notes that “... the stores, the courts, and the legal and medical professions sought to protect from public scrutiny many of the individuals arrested [for shoplifting], especially if they were

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<sup>85</sup> Tiersten, *Marianne in the Market*, 52-53.

<sup>86</sup> Whitlock, “Gender, Medicine, and Consumer Culture,” 413.

<sup>87</sup> Abelson, “The Invention of Kleptomania,” 140.

<sup>88</sup> Whitlock, “Gender, Medicine, and Consumer Culture,” 420.

<sup>89</sup> Whitlock, “Gender, Medicine, and Consumer Culture,” 414.

<sup>90</sup> O’Brien, “The Kleptomania Diagnosis,” 68.



otherwise respectable bourgeois women. With kleptomania, protection was even more certain because of concern for the patient and her family's honor."<sup>91</sup> Bourgeois women, then, were more likely to receive favorable treatment if caught. "Stores lost merchandise from many sources – professional thieves, clerks, delivery men, and others – but only the middle-class female shoplifter was thought to be acting out of a medical disability ... stealing by members of other classes was simple theft."<sup>92</sup> In her discussion of kleptomania in the United States, Abelson writes

The legal and moral innocence of this woman (of some means and indeterminate years), as well as the compulsive nature of her actions, were taken for granted by professionals and the public alike. Use of the kleptomania diagnosis to defend the actions of a select group of women suggests the distinctive role nineteenth-century doctors played in shaping and giving analytic visibility to gender-based definitions.<sup>93</sup>

Abelson posits that the kleptomania diagnosis enabled contemporaries to understand what they otherwise would not; how a wealthy and by extension upright woman would commit a crime of this nature. "Faced with the unsettling phenomenon of respectable women stealing merchandise from the dry-goods bazaars, physicians explained kleptomania in terms of feminine weakness and sexuality."<sup>94</sup> Since wealthy women could afford to pay for stolen objects (indeed, they sometimes even had the necessary amount on hand) contemporaries could not understand their motivation for stealing. What we now qualify as blatant favoritism towards the upper class should not obscure the great incongruity contemporaries must have felt about "respectable thievery". It is fascinating to find that, at least in some cases of kleptomania, society was ignorant of the hardships that some "wealthy" women were undergoing. Scientific and moral explanations abound. By using the term "kleptomania" or denouncing it as simply a convenient malady to exculpate the wealthy, the overwhelming majority of society – both popular and professional – overlooked more practical considerations.

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<sup>91</sup> O'Brien, "The Kleptomania Diagnosis," 66.

<sup>92</sup> Abelson, "The Invention of Kleptomania," 140-141.

<sup>93</sup> Abelson, "The Invention of Kleptomania," 124.

<sup>94</sup> Abelson, "The Invention of Kleptomania," 130.

Popular opinion often concluded that women and the middle class should be judged differently. Sir Conan Doyle's letter to the London *Times* read, "the benefit of the doubt should certainly be given to one whose sex and position ... give her a double claim to our consideration. It is in the consulting room and not to the cell that she should be sent."<sup>95</sup> O'Brien notes that physiological reasons for kleptomania in women were "more slowly applied to working-class women."<sup>96</sup> Lower class women who posed as ladies in order to steal as teams "gathered little sympathy in the press."<sup>97</sup> Shopgirls caught stealing were an affront on two levels; they not only breached their employers' trust but also tried to rise above their station in life.<sup>98</sup>

Although bourgeois women accounted for the majority of kleptomania cases, this did not privilege them in all ways. Kleptomania implied not just a pathologization of females but rather *bourgeois* females. The fact that this ailment afflicted mostly bourgeois women actually echoed the stigmatization of middle and upper class women who were seen as mentally and physically weak.<sup>99</sup> Tiersten states, "... bourgeois women [were] said to be governed by their uncontrollable desire for objects ..."<sup>100</sup> In his discussion of the theory of degeneration, Pick notes that degeneration "could occur from the top downwards."<sup>101</sup> Although less biologically speaking, O'Brien at one point defines kleptomania as a "description of a mutation in bourgeois behavior."<sup>102</sup> In this way, the same social class favored for their respectability also came to be stigmatized as mentally weak: "...if they were women who had money and who still stole, one could conclude that they were suffering from a *debilité mentale*. By this means, shoplifting came

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<sup>95</sup> Abelson, "The Invention of Kleptomania," 134.

<sup>96</sup> O'Brien, "The Kleptomania Diagnosis," 68.

<sup>97</sup> Whitlock, *Crime, Gender and Consumer Culture*, 136.

<sup>98</sup> Whitlock, *Crime, Gender and Consumer Culture*, 137-138.

<sup>99</sup> Whitlock, "Gender, Medicine, and Consumer Culture," 419.

<sup>100</sup> Tiersten, *Marianne in the Market*, 8.

<sup>101</sup> Pick, *Faces of Degeneration*, 210.

<sup>102</sup> O'Brien, "The Kleptomania Diagnosis," 71.

to be associated with low intelligence and weakness of spirit in bourgeois women.<sup>103</sup> “In the cultural climate of the late nineteenth century,” writes Abelson, “the excessive behavior patterns of a few middle-class women were deemed representative of the constitution and fragility of the group.”<sup>104</sup> Prejudice developed in both directions.

Indeed, contemporary popular culture was quite vocal, if ineffectual, about the fact that the kleptomania diagnosis entailed a class bias. Contemporaries were keenly cognizant of the implicit class, if not gender, bias.<sup>105</sup> Although Abelson writes that “[t]he legal and moral innocence of this woman, as well as the compulsive nature of her actions were taken for granted by professionals and the public alike”, more recent scholarship throws a different light on the matter.<sup>106</sup> Much like today’s skepticism of famous and wealthy criminals evading prosecution while more marginalized criminals are subject to more strongly enforced penalties, medical and judicial professionals as well as the general public were cynical about the unfair advantage given to the wealthy. Seen another way, wealthy women were burdened by being expected to uphold their “respectability”; critics felt they “deserved even more disdain” than poor shoplifters because they did not live up to their image.<sup>107</sup> Medical journals of the 1860s criticize the medicalization of shoplifting.<sup>108</sup> Indeed, artistic production – in the form of ballads and plays – as well as popular literature – such as newspaper and magazine articles – were testament to the fact that not everyone bought the rhetoric on “respectable thievery” which decriminalized shoplifting by the upper and middle class.<sup>109</sup> Rebuking the kleptomania defense of the wealthy Mrs. Castle, *The Brooklyn Daily Eagle* published an article that signaled the class bias:

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<sup>103</sup> O’Brien, “The Kleptomania Diagnosis,” 67.

<sup>104</sup> Abelson, “The Invention of Kleptomania,” 142.

<sup>105</sup> Whitlock, “Gender, Medicine, and Consumer Culture,” 433

<sup>106</sup> Abelson, “The Invention of Kleptomania,” 124

<sup>107</sup> Whitlock, *Crime, Gender and Consumer Culture*, 139.

<sup>108</sup> Whitlock, *Crime, Gender and Consumer Culture*, 203.

<sup>109</sup> Whitlock, “Gender, Medicine, and Consumer,” 420, 423, 434.

Had a poor woman without influence been convicted of a crime to which Mrs. Castle confessed, the chances are a thousand to one that she would have been railroaded to prison and that the case would have attracted no attention either in the newspapers or elsewhere. She would have been set down as a common shoplifter. And the suggestion of a pardon would never have been made.<sup>110</sup>

A few days earlier, an article pointedly questioned the argument that kleptomania was a disease of the wealthy; “[a]ll other diseases, mental as well as physical that afflict poor humanity are common alike to rich and poor ... We should like to have an analysis of kleptomania, with an explanation of how it is that its ravages are confined to the rich and respectable, while the poor but honest are entirely free from it.”<sup>111</sup> An 1867 article in the popular British humor magazine *Punch* entitled “Justice’s Two Scales” includes a poem that mocks the treatment of the wealthy thief:

But when nice little boys,  
“Respectfully connected,”  
Stealing Crystal Palace toys,  
Are unhappily detected,

Their medical adviser,  
Is called to prove *insania* ;  
Or – as larger words look wiser –  
“Epileptic kleptomania.”

...

Crime itself, in thy livery,  
May take its fling *cum venía* ;  
What in the pauper’s thievery,  
In thee is “kleptomania.”<sup>112</sup>

Whitlock cites one case where lower-class women attempting to use the diagnosis were denied and this created a backlash effect on a middle class woman trying to use that defense soon after.<sup>113</sup>

Shopkeeper responses to shoplifting also reflected class tensions and biases. In 1855, shopkeeper John Brown wrote an article satirically commiserating with the merchant in a recent

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<sup>110</sup> “Mrs. Castle’s Release,” *The Brooklyn Daily Eagle*, November 11, 1987, 6.

<sup>111</sup> “Kleptomania,” *The Brooklyn Daily Eagle*, November 9, 1869, 2.

<sup>112</sup> “Justice’s Two Scales,” *Punch, or the London Charivari*, November 30, 1867, 217.

<sup>113</sup> Whitlock, “Gender, Medicine, and Consumer Culture,” 427-428.

court case. Accusing the wealthy of stealing was neither socially nor financially recommended; it was better to allow theft or try one of two tactics: to hide their accusation by classifying the shoplifter as absent-minded or to surreptitiously bill shoplifters for the items they stole.<sup>114</sup> The poor, on the other hand, he quipped, were better built for the rigors of incarceration. Shopkeepers generally preferred not to accuse the wealthy.<sup>115</sup> They were already stigmatized as cheap or as seducers and were vilified for exploiting female sales clerks who were forced into prostitution due to low wages.<sup>116</sup> Popular opinion was not on their side. A former English silk warehouse owner wrote a letter to the *Times* verifying that middle class shoplifters were common, that it was difficult to prosecute them and that lower class shoppers were more readily searched than wealthy ones.<sup>117</sup> One draper's memoir notes his dismay when his employer banned but did not prosecute well-off shoplifters.<sup>118</sup>

## Conclusions

This paper set out to show how the kleptomania diagnosis evinced gender and class biases but found a more complex discourse surrounding these very biases. The frequent mention of female shoplifters indicates the prevalence of kleptomania among women and the particular pathologization of the female body, but – if only to a small degree – some male kleptomaniacs were also explained by reference to their irregular sexuality. Although the diagnosis was feminized, there was an acknowledgement that women's passive role in a patriarchal economy and the demands of the new consumer culture may have played a role in these thefts. The decriminalization of shoplifting may have saved them from prison but overall added to the idea that women were, by nature, defective and that wealthy women in particular were mentally

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<sup>114</sup> Whitlock, "Gender, Medicine, and Consumer Culture," 423.

<sup>115</sup> Whitlock, *Crime, Gender and Consumer Culture*, 209.

<sup>116</sup> Whitlock, *Crime, Gender and Consumer Culture*, 139-141, 218; Lerner, "Consuming Pathologies," 49.

<sup>117</sup> Whitlock, *Crime, Gender and Consumer Culture*, 147

<sup>118</sup> Whitlock, *Crime, Gender and Consumer Culture*, 148

weak. Rather than simply a convenient way out of prison time, women were disempowered by medical and legal discourse. And finally, though poor women could not avail themselves of the kleptomania diagnosis, there were many voices of dissent which mocked the idea that it was a disease that struck only wealthy women.

The literature on kleptomania emphasizes the fabricated nature of the disease, contextualizing it in terms of anxieties regarding consumerism and gender. Once the motivations for the diagnosis are exhausted, we are left with the facts. Many women diagnosed with kleptomania, particularly in the post 1870 period when kleptomania was accepted by the medical profession as well as in courts of law, were able to avoid incarceration. Some diagnosed women were able to escape prison but not asylums.<sup>119</sup> Lower class English women faced “transportation”, or banishment to the penal colony in Australia.<sup>120</sup> Exact numbers are difficult to ascertain. One can estimate the extent of the shoplifting problem via one 1892 source which notes that over 600 shoplifting cases from the *Bon Marché* department store in Paris alone made it to court.<sup>121</sup> But giving definitive counts is difficult due to the fact that shoplifting was tallied with other types of thefts; could be treated as a “non-indictable offense dealt summarily by a magistrate”; and of course, the fact that we do not know the “dark figure” of shoplifting cases that went unreported.<sup>122</sup>

If kleptomania really was manufactured to explain what contemporaries felt was unexplainable and thereby betrayed the many anxieties which permeated nineteenth century European culture, available shoplifting statistics indicate that it was a real – if perhaps exaggerated – occurrence. The contemporary assumption that motivated the diagnosis – that upper and middle class women had no reason to steal – should be given more attention. Some of

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<sup>119</sup> Whitlok, “Gender, Medicine, and Consumer Culture,” 420.

<sup>120</sup> Transportation to Australia ended in 1852. See Whitlock, *Crime, Gender and Consumer Culture*, 188.

<sup>121</sup> Whitlock, *Crime, Gender and Consumer Culture*, 215.

<sup>122</sup> Whitlock, *Crime, Gender and Consumer Culture*, 128-129.

the very people who were assumed to have no need to steal actually did, feeling acutely the need to keep up the appearance of wealth when they had long lost it. Delving into the lives of known “kleptomaniacs” may shed light on these practical considerations. More research into the actual and purported wealth of those considered to be middle and upper class might shed some light on a more complex class system where membership between classes perhaps fluctuated more often than was thought or realized by the popular imagination.

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