

Female Criminality, Class, and Deviance During the Rise of the Twentieth Century Department Store

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INTRODUCTION

‘Consumer culture [was] not simply a deceptive manipulation of ... capitalism, but a complex relation between power and resistance, creativity and oppression...’¹

The period of 1880-1930 was the peak of the department store and shoplifting². From nascent medical theories permeating the legal process to the growth of consumerism, it was an era of changing social order. Certain groups, such as women and the working classes, were still within the inferior ranks. Yet the air of change was prevalent – the catalyst of World War One pushed social advancement, and the proliferation of the Suffragette movement transformed into ‘new womanhood’. Women yearned for independence, yet they were still constrained by financial limitations. Here, the rise of new industries embodied in the consumer culture of the department store became beacons of self advancement. Therefore, a focus on the rise of consumerism during this period will provide the framework for analysing why female criminals were predominantly implicated in property offences, specifically shoplifting.³

Consumer culture also caused the growth of London’s West End shopping districts. Whilst this opened up many public spaces to women looking for a sense of individuality, it also coincided with the social anxiety that consumerism

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¹ S Levine, ‘The Culture of Consumption Reconsidered: Essays in Tribute to Susan Porter Benson’ (2007) 19(1) *Journal of Women’s History* 210.

² E Abelson, *Shoplifting Ladies, When Ladies Go A-Thieving: Middle-Class Shoplifters in the Victorian Department Store* (1st edn, Oxford University Press, USA 1992) 149.

³ P Cox and J Campling, *Gender, Justice and Welfare: Bad Girls in Britain, 1900-1950* (Palgrave Macmillan 2003) 26.

would lead to the moral corruption of women. This emphasises that, in an attempt to hinder social advancement, the beginnings of female emancipation were dismissed as lewd and deviant.

The department store not only provided women with increased access to new lavish personal items, which instilled a desire to reinvent oneself, but the ease at which one could navigate around an open plan store encouraged many to take shelter behind the privacy that was granted in larger stores⁴ in order to steal items that were emblematic of social mobility, self advancement and luxury.

Furthermore, the decline of the 'old' dressmaking industry and the increase in readily available clothing displaced many working women. To channel a lost sense of dignity, many turned to the aisles of department stores. Here, 'shopping' (or shoplifting) provided women with a freedom that could not be sustained by limited income; thus, to construct a new identity and form of independence, luxurious items were obtained illicitly to maintain the facade of self sustenance. The main type of thief implicated in this verboten formation of identity was the working class criminal.

A distinction will be made between the amateur (who stole to supplement income) and career criminal (whose sole income came from theft). This is not to suggest that the higher class shoplifter was not also resisting an imposed identity that made her dependent on her family, rather her thievery was seen as more problematic to society and instead explained via constructed legal instruments.

Consequently, the kleptomania defence will be examined. Kleptomania will be understood as 'thieving madness',⁵ ie a mental condition that caused an impulsive desire to steal. It shall be set out that the wealthy (middle and upper class) woman was better protected when shoplifting as the very definition of kleptomania required that the individual had no economic need for the stolen items.

More general forms of stereotyping against women (eg the hysterical woman) were advanced in late Victorian medical discourse and the association of shopping behaviour with biological processes became so deeply rooted in the discourse that female sexuality was conflated with illness.⁶ By disengaging from

the legal process female criminals of a higher social status not only evaded liability but contributed to the prejudiced notion that women were incapable of rational processing.

The claim that women were 'disorderly' (both mentally and biologically) merely excused the fact that these theories were defined in a clumsy manner. Therefore, it will be advanced that kleptomania (and constructed psychological principles) were utilised solely as a social palliative, protected social elites, and explained the middle class shoplifting epidemic whilst constructed in a gendered manner.

The beginnings of female emancipation also challenged the broader criminology relating to femininity - it was mainly advanced prior to the time period in question but it implicated the autonomous woman as deviant.⁷ As suppression and deviance are symbolic of female sexuality, there will be a brief discussion on prostitution due to its predominantly feminine nature. Although not criminalised, the response of society against prostitution as immoral coincides with psychological evaluations of female morality and will be used to highlight how it explained female liberation, deviance and criminal culture during this time period.

The archetype working class career criminals who defied social norms were embodied in the all female 'Forty Thieves' gang. The women involved in the Forty Thieves came from the working class slums⁸ of Elephant and Castle, and Hoxton in East London, and many were of the younger generation that lost out to apprenticeships. Their ability to participate in the male dominated criminal climate and offences beyond shoplifting shows they were not slaves to consumerism or their biology. Instead, by using fraudulent techniques they infiltrated department stores and evaded police detection by manipulating their identities and adopting multiple pseudonyms.⁹ It will be underlined that they were cognisant of, and were able to *use*, social conventions to their advantage

⁷ A Logan, 'Women in the Criminal Courts', *Feminism and Criminal Justice: A Historical Perspective* (Palgrave Macmillan 2009) 79.

⁸ B McDonald 'London Gangs: Background' (2010) 222 <<http://www.crimeandinvestigation.co.uk/crime-files/london-gangs>> accessed 13 March 2015.

⁹ W Meier, 'Going on the Hoist: Women, Work, and Shoplifting in London, Ca. 1890–1940' (2011) 50 *The Journal of British Studies*, 428; 'Queen of the 40 Thieves. Prison for Leader of Notorious Shoplifting Gang' *Lloyd's Sunday News* (11 March 1923).

⁴ B McDonald, 'Alice Diamond and the Forty Thieves', *Gangs of London* (Milo Books 2010) 221.

⁵ T Whitlock, 'Gender, Medicine, and Consumer Culture in Victorian England: Creating the Kleptomaniac' (1999) 31 *Albion: A Quarterly Journal Concerned with British Studies* 413.

⁶ E Abelson, 'The Invention of Kleptomania' (1989) 15(1) *Signs* 140.

which allowed them to be left undisturbed whilst shoplifting in department stores.¹⁰

The Forty Thieves craved the aristocratic and lavish lifestyle, perhaps to escape the aggressive and masculine environment of Elephant and Castle and pursue a life of ease and comfort. Thus, it shall be emphasised that societal and institutional factors were more determinative of female deviance as opposed to physiology. It will be argued that gendered psychological viewpoints were prejudiced and that the rise of capitalist consumer culture and the kleptomania defence were orientated around class and emphasised gender differences already prevalent in society.

By using the Forty Thieves as an aberration from the constructed and widely accepted norm, it will be accentuated that they reclaimed their femininity to outwit and manipulate their victims. Female criminality will be examined during this period with an attempt to assert that women who committed crimes were rational agents guided by social, as opposed to innate, structures.

I. THE GROWTH OF CONSUMERISM AND THE RISE OF THE DEPARTMENT STORE

The rise of the department store in London's West End epitomises the inception of consumerism during this period. Department stores became prevalent, but grandiose establishments became associated with gluttony and luxury; they were viewed in distaste and were concomitant with the view that commercial growth would lead to decadence. Many political and social opponents denigrated them as 'halls of temptation'.¹¹ However, 'temptation' is suggestive of women's inherent weakness; consumerism did not cause or emphasise women's inherent moral depravity. Rather, the fuel of capitalism instilled and thrived on the desire for more. As, it shall be shown, women were in a naturally weaker social position and were more susceptible to finding the liberation offered by playing the consumer.

The West End became a 'cosmopolitan pleasure centre'¹² that produced new ideals for bourgeois femininity but exacerbated class differences leading to women such as Elizabeth West, Margaret Smith and Mary Morris¹³ targeting department stores. They were tried at the High Court and, although they were working class thieves, the facts of the case are universal. It emphasises the ubiquitous consumerist milieu in which shoplifting was committed. The women were caught stealing luxurious items such as furs and silk blouses; the items were beyond their price range but were symbolic of social advancement and opulence. The theft was committed in the open from various different counters, and this was a common narrative of department store shoplifting from both working and higher class thieves; the art of misdirection and anonymity of the department store were paramount. Consumer culture provided women a form of independence away from family ties and was the sole method of advancement, whereas social structures (of gender and class relating to dependence and limited income) were the reasons to be looking for it. Shoplifting can therefore be seen as taking advantage of the opportunity to be 'independent' provided by the department store; this is the influence of consumerism that shall be explored.

Early Consumerism

Consumer culture creates desire. It was this initial drive of consumerism that made capitalism led by demand¹⁴ profitable and accessible. The construction of being 'fashionable' was presented to society, and the aim to follow trends perpetuated differences based on class,¹⁵ especially if one did not own desirable items.

Ashmore et al. present this in analysing the rise and fall of Bourne and Hollingsworth - the intersection of metropolitanism and consumption meant that the vibrant location of Oxford Street was most suitable for a department

¹² E Rappaport, 'Shopping for Pleasure: Women in the Making of London's West End' (2001) 106 *The American Historical Review* 258, 40.

¹³ 'Kings Bench Division: Shoplifting' *The Times* (22 January 1909) 3.

¹⁴ A Herrmann, 'Shopping for Identities: Gender and Consumer Culture' (2002) 28 *Feminist Studies* 541.

¹⁵ *ibid* 540.

¹⁰ McDonald (n 8) 221.

¹¹ E Rappaport, "'The Halls of Temptation': Gender, Politics, and the Construction of the Department Store in Late Victorian London' (1996) 35 *Journal of British Studies* 58.

store. Despite this, the ‘quiet conservatism at the wrong end’¹⁶ of Oxford Street led to the store’s demise. Consumers gravitate towards, and are susceptible¹⁷ to, what is presented to them as popular. The notion of ‘fashionability’ was therefore most guiding upon women; the idea of shopping became a pleasurable escape¹⁸ from social norms. Buying and selling became fundamentally female worlds,¹⁹ and women were seen as shoppers for the whole family. The new public spheres (ie department stores) emerging during this period were ones women seized and played a critical role²⁰ in shaping. These new public spaces were infused with the possibility of liberation,²¹ whilst still carrying the reminder of women’s oppression and subordination to men (socially and financially), and wealthy, counterparts.

Furthermore, Reekie emphasises trade hearings in Australia relating to women’s wages and highlights how lack of male knowledge in clothing was a source of ‘cross class...male camaraderie’.²² This is telling of the desire women had to disassociate from male identities and develop their nascent individualities. Retailers were able to capitalise on women’s need for new identities, reinforcing the idea that advertising and capitalism were able to construct the image of modernity and femininity.

Advertising

In an analysis of female editorials and magazines from this period, it is evident that virtually all depended upon advertising. Indeed, magazines like *‘The Queen’* were female orientated and promoted high society imagery and consumer culture. They did not necessarily claim femininity corresponded to consumerism, however consumption was perceived as the main method for

¹⁶ A Ashmore, B Edwards and D Gilbert, “‘Mr Bourne’s Dilemma’”. *Consumer Culture, Property Speculation and Department Store Demise: The Rise and Fall of Bourne and Hollingsworth on London’s Oxford Street’* (2012) 38 *Journal of Historical Geography* 434, 439.

¹⁷ R Bowlby, *The Haunted Superstore, Carried Away: The Invention of Modern Shopping* (Faber and Faber 2000) 7.

¹⁸ Hermann (n 14) 542.

¹⁹ Levine (n 1) 12.

²⁰ *ibid.*

²¹ *ibid.*

²² G Reekie, ‘Decently Dressed? Sexualised Consumerism and the Working Woman’s Wardrobe 1918-1923’ (1991) *Labour History* 42, 49.

personal improvement²³ and liberation; women were the primary clientele and it was mostly to them that department stores directed their appeals.²⁴ Figure 1 is a collation of the type of advertising that was prevalent in *‘The Queen’*.

Fig. 1: Clothing and cosmetics adverts shown in the first issue of every month in *‘The Queen’* during the year of 1923.

	Jan-Apr	May-Aug	Sep-Dec
Hair and cosmetic products	101	80	82
Clothing (non-department stores*)	95	105	134
Department stores	72	77	101
Children’s clothing	28	16	46
Sales	40	3	5

* Ready-made clothing eg boutiques and furriers.

It is clear from this investigation that consumer culture was fundamentally skewed and presented a stereotyped vision of femininity. Understandably, this is only a single magazine and one may be wary of generalising these findings, however consumer culture was pervasive in targeting women and as it coincided with the growing culture of female emancipation, this depiction of self improvement would have been an exciting novel concept.

It does not take much imagination to gather that women during this period would have been far more susceptible to such imagery. Consumer culture reflected the social dynamics of the department store, and it was clear that advertising capitalised on, and perpetuated, gender stereotypes.²⁵ This reflects

²³ Rappaport (n 12) 36.

²⁴ Abelson (n 6), 137.

²⁵ Levine (n 1) 10.

the mixed message being received by women in the period of self advancement, whereby resistance to the social progress was presented by reaffirming traditional social roles. This advertising paradox was prevalent in outlets such as *'The Queen'* and noticeably held women back by presenting anachronistic views on gender whilst propounding a modern and liberating culture. An example of this would be the magazine's advertisement of progressive avenues such as life insurance²⁶ and motoring, right alongside the claim in a cosmetics advert that 'beauty is a woman's birthright'.²⁷ These messages highlighted that women were looking for independence, yet they were scarcely able to do so efficiently without being reminded of their inferior status.

Inside the Department Store

Consumerist imagery was representative of a pervasive culture that permeated class boundaries. Working class women would have been inclined to steal because they would not have been able to afford to buy these items (even with an income). The working class woman desired such items in order to become more autonomous and engage in personal advancement; consumer culture claimed that this would be the outcome for those that obtained luxurious items.

For the middle class woman, shoplifting may also have been an attempt at gaining 'independence' but was mainly a means of making wealth and status physical - the status that commercial culture painted as imperative. Whilst the middle class woman was theoretically more financially independent (due to the enactment of the Married Women's Act 1870 which allowed married women to own property), she was still in an inferior social position to male counterparts. Firstly, the social remnants of coverture would have placed women in subordination to their husband and restricted her financial freedom, and secondly, the higher class woman was less likely to have her own source of income. According to Abelson, many were 'idle housewives' with no defined social role,²⁸ and is very emblematic of the uncertain and disordered advertising prevalent in *'The Queen'*. It is apparent that many higher class shoplifters were also reacting against dependence and economic powerlessness; here, theft was also a form of self definition²⁹ and reaction against existing restraints.

²⁶ 'Woman's Needs Mean Woman's Deeds' *The Queen* (4 Jan 1923).

²⁷ 'Eno's Fruit Salt' *The Queen* (4 Jan 1923).

²⁸ Abelson (n 6) 164.

²⁹ *ibid* 167, 171.

Regardless of class, consumer culture was not merely a nebulous - it was a physical construct that manifested itself in the architectural design³⁰ of the department store. The free access of such stores was a rare opportunity for a woman to circulate on her own without being accountable to anyone. Indeed, the open plan designs of department stores created ease of access and attractive exhibitions created an environment that seemingly affected the behaviour of many women.³¹ An interview with a shopkeeper following a theft highlights the acceptance of this notion:

I am afraid ... in these things many women have no conscience. In the big stores, where there is so much of what every woman wants, some women, honest enough in everything else, seem to think that there is no more harm in taking an article than there is in taking a cherry from a heavily-laden tree.³²

Abelson highlights that as women were perceived as the main consumers, they were merely doing what was expected of them.³³ Even in stealing, many higher class women were only partaking in obtaining items in the way consumer culture taught them. Many women did not view themselves as criminals, and this does support the shopkeeper's focus on the 'honest' middle class shopper who merely succumbs to desire.

Nevertheless, a more nuanced approach is needed. A working class thief *did* steal for different reasons, but for both classes of shoplifter, it is a fallacy to claim she was weak minded. She was rational. All of the factors emphasised by consumerism contributed to the aspiration to be 'better'. When the objects of this goal were presented in opportune displays, many women, including those in the Forty Thieves, were able to use their cunning and misdirection to obtain the items for themselves, especially during sales periods.³⁴ Here, criminality was not a moment of weakness, but a radical act against subordination, instilled by consumer culture and made easier by the anonymity of the department store.

³⁰ Ashmore et al. (n 16) 438.

³¹ Abelson (n 6), 172.

³² 'Queen of the 40 Thieves. Prison for Leader of Notorious Shoplifting Gang' *Lloyd's Sunday News* (11 March 1923).

³³ Abelson (n 6), 137.

³⁴ 'The Forty Thieves' *The Times* (8 July 1921) 7; 'Kings Bench Division: Shoplifting' *The Times* (22 January 1909) 3.

Consumerism capitalised on polarised gender norms and facilitated the creation of various groups of shoplifters.

II. SHOPLIFTING AND THE CONSTRUCTION OF IDENTITY

Even during social progress, the working class woman faced greater economic subordination. Therefore, this section focusses on the working class thief. This is not to suggest that arguments relating to independence and individuality are not applicable to higher class women - instead, this section highlights the differentiated application of law and social response to the wealthier shoplifter.

As consumerism offered the opportunity to construct a new 'self', working class women expressed themselves via these channels rather than being puppets of consumer culture. In a world that denied women independence, shoplifting became an emancipatory, if illegitimate, method of autonomy. On that account, working class women thieves acted as agents of their own motives.

There were two types of working class thief. Firstly, the amateur criminal was a casual, or habitual, shoplifter that may have stole regularly but only because she could not afford to buy - as women's social position elevated, the acquisition of clothing was viewed as a badge of bourgeois status and womanliness. Meier³⁵ asserts that the decline of the clothing industry led the amateur shoplifter to thievery when work was unreliable. Secondly, the career criminal ('hoister') stole solely to sell items on; her profession was thieving. Furthermore, stealing in teams represented the shared experiences of women turning to criminality, which allowed for the habitual thief to conjugate into organisations such as The Forty Thieves and establish a new identity.

A Displaced Generation

The decline of the dressmaking industry pushed many women towards criminality. Women workers were supplanted by cheaper labour in the 'ready to wear' clothing industry facilitated by the department store. The 1893 Royal Commission on Labour report³⁶ on the working conditions for women supports

³⁵ *ibid* 416.

³⁶ Royal Commission on Labour *Reports on Employment of Women* (Vol. 37 1893-94) C. 6894.

that the main professions women were involved in were dressmaking, laundry, millinery, and in fewer cases as shop assistants.

The report draws light to many factors which could have contributed to the push to criminality. It highlights the disparity of wages between women and men³⁷ for similar positions, thus emphasising women's economic dependence on men. Additionally, it is clear that whilst sometimes provided with meals and lodging, the conditions of accommodation were cramped³⁸ and unhygienic.³⁹ Furthermore, women in these industries were significantly underrepresented and only made up two percent of the trade union for shop assistants.⁴⁰ Alongside this, it was clear that many were ignorant of the provisions of the Workshop Acts,⁴¹ leading to abuse of power by employers, and dismissal with very little notice on trivial grounds.⁴² Not only were women experiencing poor working conditions with very little support should they lose their job (which was a likely outcome), but their very industry was declining.

Poor treatment also accentuated a loss of pride in one's work; dressmakers were the lowest paid workers in proportion to skill⁴³ and mastering a technique and channelling the self towards a trade was displaced when jobs were lost, regardless of whether that was due to underrepresentation, poor conditions or the declining industry.

Indeed, London's 'veteran'⁴⁴ shoplifter, Ellen Adams, spent forty four years of her life in prison and was the archetypal habitual working class criminal. As a laundress, her job was considered 'unskilled' and unstable. There is anecdotal evidence to suggest that laundresses only worked episodically when their husbands were unable to provide an income,⁴⁵ therefore the profession was filled with the most economically insecure and devalued. Here, thieving supplemented an unsteady income. Ellen Adams' guilty plea in the 1921 London Sessions was for shoplifting in a Kensington store - the hub of luxury and advancement. Adams' first conviction was sixty years prior for stealing silk and

³⁷ *ibid* 4-5.

³⁸ *ibid* 13.

³⁹ *ibid* 96.

⁴⁰ *ibid* 3.

⁴¹ *ibid* 13.

⁴² *ibid* 88.

⁴³ *ibid* 89.

⁴⁴ 'A Shoplifter of 81' *The Times* (27 January 1921) 7.

⁴⁵ Meier (n 9) 420.

it is ascertainable that the theft of such luxurious items were common amongst women who worked around clothing and fabrics. Other laundresses, such as West, Smith and Morris (previously mentioned) also support this; with low income and an undervalued identity, stealing style was an opposition to pervasive subordination.

Shoplifting was not only a means of financial support, but a result of many working class women understanding, and appreciating, dress due to their work experience - not overlooking that clothing was the mark of economic independence during the interwar years.⁴⁶ This meant that being unable to afford high quality clothing in department stores led to multiple cases of shoplifting for those constructing a new sense of self.

Another example is that of Shena Suck and Rose Greenbaum⁴⁷ being convicted of stealing two sealskin capes from a Regent Street furrier in 1897. Adorned in furs and diamonds, they managed to convince the furrier that Greenbaum was Suck's employee⁴⁸ and that they were dressmakers. This was more than a masquerade - many women displaced from the dressmaking industry used their prior knowledge and training to manipulate shopkeepers.⁴⁹ They placed an order of sealskin capes, and left without paying. When arrested within their home, it was noted that they kept many stolen items in boxes, such as silks, furs and jewellery. It was evident from this setting that they were engaged in hoisting and the illicit market of selling stolen goods.

Suck and Greenbaum had also been part of a criminal gang.⁵⁰ Like the Forty Thieves, this case shows how women consolidated into professional groups. Additionally, the taking on of a younger quasi apprentice by an older criminal was not uncommon and demonstrates the susceptibility of younger working class girls who had been supplanted by a dwindling trade and were looking for a route to channel their desire to work and gain independence.

Meier also highlights how women in 'new' professions (such as secretaries) were less likely to shoplift due to regularity of wages and job security. Nevertheless, being a 'modern woman' meant obtaining clothing to symbolise

and display modernity and self determination - this went beyond the regularity of wages.

Reekie⁵¹ supports this by claiming that female liberation was interconnected with the sexualisation of the new working woman's wardrobe; the economic livelihoods of women depended on their ability to be attractive⁵² and stylish. Therefore, social mobility for most women to new economic sectors during this period of progress was demeaning and devaluing to women still fixed in older forms of work. A Board of Trade inquiry in 1899 drew attention to the fact that '...the distinctive dress [domestic servants] are required to wear marks them out as a class apart'.⁵³ Regaining a sense of pride was inextricable to dress; this was felt predominantly by those displaced from the clothing industry and domestic servants experiencing depersonalisation in uniform and activity. By not having a job in the 'new' forms of work, those stuck in the 'old' were particularly subjugated.

The turn to thievery meant dressing the part, and using thieving as a performance and craft of its own.⁵⁴ The teamwork would have subdued the loss of pride and identity emanating both from the depletion of legitimate crafts, and the desire for self-creation. Shoplifting was a circuitous method of independence; new womanhood was encapsulated in new industries, away from the demeaning labour of domestic service and the clothing industry. Thus, economic freedom and social liberation that 'new' work represented could be obtained from fashion.

The Hoisters of the Forty Thieves

The working class thieves were not of this 'new' industry of work. Amateur shoplifters could fall into the hands of professional organisations, and Meier emphasises that many younger criminals looked up to the leaders of the Forty Thieves who 'looked like film stars';⁵⁵ they were taken to expensive venues and

⁵¹ *ibid* 42.

⁵² *ibid* 51.

⁵³ C Collet, *Wages of Domestic Servants... Report on the Money Wages of Indoor Domestic Servants* (Irish University Press 1970) 22.

⁵⁴ Meier (n 9) 430.

⁵⁵ L Gamman, *Gone Shopping: The Story of Shirley Pitts - Queen of Thieves* (Signet Books 1996) 83.

⁴⁶ S Todd, 'Young Women, Work, and Leisure in Interwar England' (2005) 48(3) *The Historical Journal* 805.

⁴⁷ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 7.2, 11 March 2016), November 1897, trial of Shena Suck (22) and Rose Greenbaum (17) (t18971122-22)

⁴⁸ 'Index' *The Times* (24 November 1897) 9.

⁴⁹ Meier (n 9) 416.

⁵⁰ *The Times* (n 48) 9.

offered a lifestyle that broke away from everyday reality.⁵⁶ The idea of 'new womanhood' coincided with the decline of industries that younger women would have entered into and facilitated this glamorous and exciting form self discovery and realisation.

Thievery became a way of life for many working class women, and for the higher ranking members of the Forty Thieves it was a way to earn respect in a male dominated underclass as criminals in their own right. It has been suggested by many that the Forty Thieves were merely the branch of 'trophy wives' for the main 'Elephant and Castle' gang, however this is a facile generalisation. The most notable figure of the Forty Thieves was Maggie Black. She was born in a working class area of Southwark in 1886⁵⁷ as the daughter of criminals, and was brought up surrounded by aggression and hardship.

Maggie Black's persona was domineering, and her diamond covered knuckles not only represented the pursuit of glamour, but earned her the nickname 'Alice Diamond' for her hefty punch.⁵⁸ A powerful woman, both in stature and demeanour, she became the leader ('Queen') by the age of twenty, and was even too intimidating for her male counterparts - her husband left her at the age of twenty-five when he learnt of her criminal underworld status.⁵⁹

It would be an insult to the calculating expertise of the Forty Thieves to claim they were mere victims of advertising and desire, and the underrepresentation of female crime during this period does not show their true professionalism. Alice Diamond would personally select many women in order to train them and expand the Forty Thieves; not only did she pick those who were tactful and skilled, but those who did not look like criminals in order to take advantage of the fact that a 'lady' was rarely disturbed in the department store. This reinforces the classist application of social norms towards women.

Although many working class amateur thieves willingly accepted what the Forty Thieves had to offer, some were not able to escape the 'forceful persuasion' of Diamond and her associates. Diamond controlled the entire organisation, and she was aggressive in dealing with 'outsiders' who worked the same areas as her gang and demanded a share of any profits. This weakens the

authority of gendered stereotypes - Alice Diamond was powerful and violent, just as any male criminal would have been perceived as.

Indeed, the Forty Thieves were some of the most notorious criminals in the underworld and so specialist were their tactics that they were labelled the 'cleverest shoplifters in the world'.⁶⁰ Not only did they exploit gender stereotypes by utilising the assumed innocence of women and the anonymity of the department store, but they also created diversions whereby a woman 'fainted' in order to allow other members to steal when shop assistants were distracted. Moreover, they were pragmatic in the way they physically carried out the acts. One of their tactics involved wearing large underwear beneath their coats in order to slip items into unnoticed.⁶¹ Another tactic involved the swapping of large bags; multiple women would enter the store with empty bags and fill them until another member would discretely swap the bags,⁶² thus allowing the looting process to continue for as long as possible. Alice Diamond was an astute and organised commander, much to the dismay of social stereotypes of this period. Some commentators have even jokingly referred to the gang as 'the first Avon ladies...[selling] crocked gear [instead of] cosmetics'.⁶³

Shoplifting as a principally female offence⁶⁴ reevaluates the world of male dominated crime, and shows female criminals as acting of their own volition. They were able to manipulate prejudices against women and the gendered environment of high end department stores to their advantage. Acting within a social system that was shaped to subjugate a certain class of women also allowed them to fall to the whims of expert criminals such as the leading women of the Forty Thieves. Working class women capitalised on shared identities, and re-sculpted displaced identities based on the glamour and camaraderie of shoplifting in the social climate of new womanhood to build a network of lucrative hoisting.

⁶⁰ *ibid.*

⁶¹ Gamman (n 55) 81.

⁶² *ibid* 82.

⁶³ *ibid.*

⁶⁴ N Cox, 'Beggary of the Nation: Moral, Economic and Political Attitudes to the Retail Sector in the Early Modern Period' in J Benson and L Ugolini (eds), *A Nation of Shopkeepers: Five Centuries of British Retailing* (I. B. Taurus 2003) 26.

⁵⁶ Meier (n 9) 424.

⁵⁷ 'London Gangs: The Key Figures of the Forty Thieves' <<http://www.crimeandinvestigation.co.uk/crime-files/london-gangs/key-figures>> accessed 13 March 2015.

⁵⁸ *ibid.*

⁵⁹ 'The Cleverest Shoplifters in the World' *The Times* (7 February 1920) 5.

III. THE AFFLUENT SHOPLIFTER AND KLEPTOMANIA

The kleptomania defence evolved alongside consumer culture⁶⁵ and facilitated the explanation of the middle and upper class ('higher class') female shoplifter. As a higher class woman had many more gendered norms (eg compliance) incumbent upon her, the stricter, idealised femininity was more imposing than that of 'rougher' working class femininity. It therefore made more sense to view the affluent woman shoplifter as a helpless kleptomaniac, rather than a rational agent who showed flagrant disregard for the social framework of class, hierarchy and patriarchy.

The Nineteenth Century Defence

The beginnings of kleptomania were not infused with bias,⁶⁶ instead this was facilitated by the rise of the medical profession⁶⁷ within the courtroom. It was emphasised that a symptom involved those of 'easy circumstances'⁶⁸ stealing items without economic necessity. It was also not an ailment to be applied to one gender yet doctors reinforced the common assumption that women were intrinsically unstable and ruled by the nervous system.

Physicians⁶⁹ channelled kleptomania towards bias and chastised judges for their early failure to recognise kleptomania as an irresistible impulse, even among rational women - rationality somehow being independent to a woman's subjugation to her physiology. A prominent medical journal⁷⁰ also criticised a jury's application of the supposedly 'known fallacy' that one had to show irrationality in order to be a kleptomaniac. It was stated that a 'presence of method [in stealing] is [not] fatal to the theory of madness...'; even if an act looked methodical the defendant was faultless. The defence applied to the wealthy female, but she had to do little more than commit the offence in order to be afforded its shelter.

⁶⁵ Abelson (n 6) 149.

⁶⁶ Whitlock (n 5) 433.

⁶⁷ T Whitlock, *Solving the Problem of the Criminal Consumer*, *Crime, Gender, and Consumer Culture in Nineteenth Century England* (Ashgate Publishing Ltd 2005) 185.

⁶⁸ I Ray, *A Treatise on the Medical Jurisprudence of Insanity* (1838) 139.

⁶⁹ Maudsley, *Responsibility In Mental Disease* (1874) 82.

⁷⁰ 'Kleptomania and Artifice' (1879) *The Lancet* 1 2893.

Class and gender were inextricable, defining characteristics of kleptomania. Yet, wealthier women deepened female subordination - higher class women were first and foremost offered medical solace in legal proceedings by virtue of their economic status, but as women were more likely to benefit as shoplifters. Kleptomania thereby became gendered and played into cultural stereotypes.

There was also a desire to protect respectable women against the depravity of consumer culture. 'Need' had been redefined so that even well off women emulated fashionable culture.⁷¹ However as her economic dependence still *de facto* rested upon her husband or father, she resorted to shoplifting as a method of budgetary management.⁷² This provided 'kleptomania' the opportunity to develop and remedy a moral panic, ie that a lady may be capable of cognisant defiance against subordination.

Abelson also suggests that the kleptomania defence was permitted more often as the higher class shoplifter was viewed as having 'suffered enough'⁷³ embarrassment by being caught. She was portrayed as falling foul⁷⁴ to the temptation of displays deliberately constructed by shopkeepers who were advised to remain vigilant⁷⁵ and not lead her astray. Thus department stores were very reluctant to sever ties with well connected women - it was less hassle to simply present the crime as their own responsibility.⁷⁶

These women benefitted from the beginnings of female emancipation in exploring new feminised spaces in the department store, yet they were heedless to the consequences of theft. If caught, the ignominy was met with fainting or hysterical screams⁷⁷ - this gave the impression that she was incompetent and incapable of being an intentional thief. There is little wonder why professionals conjured up a defence based on mental incapacity when this is how some women willingly portrayed themselves. Some were even so indignant at being caught that they sued the department store for slander,⁷⁸ for it was better to deflect responsibility for a damaging accusation than to sheepishly admit guilt. This explains why department stores did not implement universal policies or

⁷¹ JC Bucknill, 'Kleptomania' (1862) 7 *The Journal of Medical Science* 266.

⁷² Abelson (n 6) 167.

⁷³ *ibid* 170.

⁷⁴ Whitlock (n 5) 415.

⁷⁵ *A Handy Guide for the Draper and Haberdasher* (F Pitman 1864) 23.

⁷⁶ J Brown, 'On Genteel Thieves' (1855) *Tait's Edinburgh Magazine* 289.

⁷⁷ Abelson (n 6) 160.

⁷⁸ 'Alleged Shoplifting - *Warham v Selfridge and Co. (Limited)*' *The Times* (11 March 1913) 3.

consistent punishments,⁷⁹ and the scarce information on these women highlights their considerable protection in cases of shoplifting, even if taken to trial.

Some medical (and legal) commentators refused to ‘admit [kleptomania] into nosology to meet the exigencies of fashionable life’⁸⁰ and this gives weight to the argument being propounded - kleptomania was merely excusatory in advancing the idea of an inherent female weakness susceptible to desires instilled by advertising, thereby ignoring the nuances of social inequality. These views are laudable, but were ultimately minimal and, consequently, futile.

Ella Castle

The case of Ella Castle embodies many of the raised points hitherto. Mrs Castle was the wife of a socially prominent and wealthy businessman from the United States - on a trip to London in 1896, both were arrested and charged with shoplifting. This was a rare case of a wealthy shoplifter reaching trial, but it does emphasise the minimal activity on the part of stores to take action against wealthy shoplifters - this has been noted in similar cases whereby the department store has asserted that the only reason an influential woman was brought to court was because there was no doubt that she intended to commit an offence.⁸¹

Ella Castle’s story was widely reported and on the day of the trial the courtroom was crowded⁸² - many of the spectators were sympathetic ladies and officials from the US Embassy. It is evident from this that Mrs Castle was the focus of public attention even though her husband had also been arrested. Nevertheless, the prosecution strategically attributed sole responsibility of the offence to her. This seems to have been partly prompted by exceptional⁸³ US Embassy pressure (showing the striking level of influence involved in such cases), but also facilitated by medical experts and social expectations; gentlemen just ‘didn’t act this way’,⁸⁴ which supported the channelling of the kleptomania defence via gendered routes. Mr Castle’s innocence was easily rationalised due to

his good reputation.⁸⁵ Mrs Castle was not assumed as ‘innocent’, but ‘sick’ and worthy of sympathy.

This case also drew to light the virtue of class during the trial. The defence counsel encouraged Mrs Castle to put forward a guilty plea rather than insanity. Insanity would have led to institutionalisation, whereas pleading guilty would almost likely have led to acquittal,⁸⁶ conveniently freeing her to return to the USA much sooner.

Her lawyer also placed particular emphasis on her physical and mental condition - one report even recalls her being attended by two nurses and helped to her seat by her husband.⁸⁷ She was portrayed as the weak and pitiful woman, her husband: the resolute ‘self reliant’ man.⁸⁸ Many medical experts were called to testify that Mrs Castle was of unstable mind and not responsible for her actions; after all, she was not in want of money, therefore insanity *must* have caused the acts.

This narrative epitomises the disassociation of rationality from women. To make them ‘irresponsible’ was conducive to silencing them. Mrs Castle’s voice was not heard, although it appears that she would not have chosen to be anyway. Hiding behind her handkerchief,⁸⁹ she embodied the juxtaposition of kleptomania in the courtroom; in this situation she was satisfied to be powerless as *just* a woman, but in a strong position as a *wealthy* one.

To view Ella Castle’s actions as solely criminal would have been unthinkable at the time due to the social repercussions she would have faced. She had so much to lose, that the only explanation was insanity. Her reaction was resemblant of a period drama - when the guilty verdict was passed down her screams and violent struggles of ‘My god, what does it mean?’⁹⁰ echoed the courtroom. A good deal of the ladies in the gallery exhibited a strong emotional outburst, and many wept for the ‘unfortunate’ prisoner. This frenzy was unwarranted. With measures for reprieve already taken by the American Embassy, she was (as expected) released relatively quickly.⁹¹

⁷⁹ Abelson (n 6) 155.

⁸⁰ ‘Kleptomania’ (1861) 11 *British Medical Journal* 510.

⁸¹ *The Times* (11 March 1913).

⁸² ‘Mrs Walter Castle Goes to Prison’ *Sacramento Daily Union* (London, 7 Nov 1896) 78.

⁸³ Abelson (n 6) 128.

⁸⁴ *ibid*; see also *Lloyd’s Sunday News*, 11 Mar. 1923, ‘...the male shoplifter is rare’.

⁸⁵ Abelson (n 6) 128.

⁸⁶ *ibid* 129.

⁸⁷ *Sacramento Daily Union* (n 82).

⁸⁸ *ibid*.

⁸⁹ *ibid*.

⁹⁰ *ibid*.

⁹¹ *ibid*.

This case casts into doubt the attempt of the law to administer justice more fairly.⁹² Ella Castle may have been convicted as a shoplifter, but to claim justice had been done would be a facile assertion. Even disregarding the audacious exoneration by virtue of her husband's connections, looking at the delivery of the judgement is telling of the affiliations of societal institutions. 'The court ... had great difficulty in dealing with an exceedingly painful case, upon which sympathy so powerful [had] been brought to bear [that it] almost ... interfere[d] with justice.'⁹³ Ella Castle was convicted, however reluctantly. In the end, she (and others like her) benefitted from impunity.

Twentieth Century 'Kleptomania'

The trial of Ella Castle marked a stark transformation in the way the criminal law was administered towards the kleptomaniac.⁹⁴ The defence of kleptomania had evolved into one that made rationality so malleable that it could also be accepted as a symptom of malady. Kleptomania melded into the general notion of 'insanity', yet it became easier to be afforded its protection; public opinion encapsulated within the jury favoured the accordance of legal judgement with scientific conclusions⁹⁵ (at this time propounding the 'feeble minded kleptomaniac' more readily than before).

Kleptomania was not just gendered - it was also classist. In a letter to the editor of *The Times* a doctor noted the inequality of sentencing between Ella Castle's case and other similar crimes. He courteously put forward assertions advanced by other critics as to why this may have been the reason, but ultimately offered a sardonic and insightful claim that he '[sp]ent his life studying] diseases and disorders of the mind, but [had] never met with, nor heard of, any form of insanity which only appear[ed] in a particular social grade of the population.'⁹⁶

The assessment of the discrepancy between the application of kleptomania and low social class or gender is commendable, but even after Ella Castle's case

there was still disparity between the treatment of higher and working class women in shoplifting cases. The 1922 case of Emily Caldecott⁹⁷ supports this. As a middle aged married women, Caldecott's 'well dressed' demeanour and South Kensington residence was telling of her background; she was remanded on doctor's bail after stealing silk, claiming that her 'nerves were unstrung'. Yet three other women (with previous convictions—most likely working class offenders) were sentenced to imprisonment with hard labour; this stark contrast in administration of justice strengthened the selective implementation of kleptomania towards the higher class woman. To delineate between simple thief and mania, repeat offenders were not afforded the defence. Although, the clear irony here is that the higher class shoplifter may have stolen just as often as the repeat working class offender but would have been less likely to have been previously prosecuted. This gives weight to the deliberation that special legal treatment was still being afforded to these women as the risk of ruining reputation outweighed the immorality of the acts.

The wealthier women who stole were not victims of consumer culture or malady. Neither were they exercising the radical beginnings of 'new womanhood'. Instead they stole to preserve their elevated status and perpetuate a society that exerted enormous pressure vis-à-vis class and social position. It was expected of women to succumb to temptation, and this gave authority to the kleptomania defence. The facetious tone applied to the analysis relating to class was mimicked by other social commentators⁹⁸ who used the application of kleptomania to the higher class woman in order to mock the helpless and irresponsible nature of women as a whole. Kleptomania was thus recognised as a farcical ailment, yet the responses it drew out reinforced commonly held assumptions about women - their feeble-minded nature and lack of self control was taken as evidence of women's weaker mental states.⁹⁹

Despite the obvious benefit gained by higher class women who hid behind kleptomania, the lack of female involvement in legal proceedings¹⁰⁰ only further disempowered women and strengthened the position of male voices (medical experts) in court. Taking a back seat in the legal process further perpetuated an unequal culture skewed against women. By not tackling the underlying issues of

⁹² As many women (prior to the 1880s) sought to rely on irresistible impulses to escape liability, the higher class woman was no longer assured acquittal by claiming 'kleptomania', instead having to rely on the generalised defence of 'insanity'. See Abelson (n 6) 129.

⁹³ *ibid.*

⁹⁴ 'Kleptomania' 102 *Law Times* (London, 14 November 1896) 28.

⁹⁵ *ibid.*

⁹⁶ 'Kleptomania' *The Times* (23 December 1896) 9.

⁹⁷ 'Hard Labour for Shoplifting' *The Times* (London, 18 January 1922) 7.

⁹⁸ See M Melford, *Kleptomania: A Farcical Comedy in Three Acts* (S French, 1895)

⁹⁹ L Zedner, 'Women, Crime, and Penal Responses: A Historical Account' (1991) 14 *Crime and Justice* 347.

¹⁰⁰ Logan (n 7) 79.

wealth and status that shoplifting revealed, it also perpetuated a classist justice system and culture.

The use of kleptomania may have shifted the blame from, and negated the culpability of, the female shopper, but a new (consumerist) emphasis on desire shifted the focus of kleptomania from a biological illness to that associated with generalised psychological factors, such as sexual desire.¹⁰¹

IV. FEMALE CRIMINALITY AND (SEXUAL) DEVIANCE

‘[I]n the strength to set standards resides the strength to maintain control.’¹⁰²

It has been ascertained that this period was encompassed by the changing social and economic position of women. Strict divisions of labour and gender were easing but this was viewed as threatening to social order. Women’s newfound liberation was viewed as the root cause of criminality. Therefore ‘deviance’ was a strategy to suppress the newly asserted female autonomy; here, reacting against ideal femininity meant choosing a life of crime. But female criminality is a more complex social phenomenon.¹⁰³ Any definitions relating to ‘deviance’ and ‘female criminality’ were thereby influenced by the changing economic and political position of women.¹⁰⁴

Therefore, it is likely that the ‘epidemic’ of shoplifting was presented in response to female freedom - shoplifting occurred before the department store, but claiming that emancipatory movements led to an increase in crime justified the denial of women’s liberation and instead perpetuated their inferior status.¹⁰⁵ Consumer culture did not break down social order, and it is not difficult to understand why many women reacted against harsh conventions to develop a sense of self.

Female criminality focused on ‘double deviance’ - women violated legal *and* social norms when committing crime and were worthy of ostracism as well

as legal condemnation.¹⁰⁶ In order to suppress the female’s frightful potential, a strict ideal was imposed within cultural frameworks and any deviation from mindless conformity or sexual apathy¹⁰⁷ was indicative of a disordered mind and could be interpreted as pathological vis-à-vis the artificiality of ideal womanhood.

The woman who exerted masculine behaviour (ie deviance) was viewed as abnormal. During the late Victorian period Lombroso and Ferrero advanced an idea based on degenerative evolution and being ‘born criminal’. It was later put forward by psychologists (such as de Clérambault) that material and emotional renewal of the female body occurred in cycles and thievery occurred during these intervals; theft and consumption were seen as acts of renewal¹⁰⁸ caused by psychological disturbances relating to hormonal imbalance.

Ultimately, it will be asserted that ‘arrested development’¹⁰⁹ of female criminology was representative of the lack of interest in female crime - it, like the perpetrators, was viewed as insignificant and unnecessary to analyse critically. It went unchallenged that women were inherently imbalanced, weak and backwards, leading to an oversimplified analysis of female criminality, class and deviance during the rise of the twentieth century department store.

Female Biology – Lombroso’s ‘Atavistic Criminal’

The premise of female oriented criminology was embedded in the belief that women were incapable of similar acts of aggression¹¹⁰ as men. The study of the female criminal was an attempt to confirm the obstinate claim that she was unlike a woman at all. Criminologists such as Lombroso and Ferrero¹¹¹ elaborated on the conception that female criminality was biologically determined and measured and compared signs of evolutionary degeneration in female

¹⁰⁶ Zedner (n 99) 320.

¹⁰⁷ Cox (n 64) 137.

¹⁰⁸ V Coulson, “‘Stealing Silk Is My Delight’: Gaëtan Gatian de Clérambault and the Sexual Politics of Poststructuralist Feminism” (2013) 79 *New Formations*, 40.

¹⁰⁹ C Smart, *Women, Crime, and Criminology: A Feminist Critique* (Routledge & Kegan Paul Books 1976) 4.

¹¹⁰ DR Flood, ‘Deviance Gendered, Criminology Exposed’ (2007) 19 *Journal of Women’s History* 215.

¹¹¹ C Lombroso and G Ferrero, *The Female Offender* (D Appleton and Company 1895) 45-76.

¹⁰¹ *ibid* 435.

¹⁰² F Adler, *Sisters in Crime: The Rise of the New Female Criminal* (McGraw-Hill 1975) 155.

¹⁰³ C Smart, ‘The New Female Criminal: Reality or Myth?’ (1979) 19 *British Journal of Criminology* 50.

¹⁰⁴ S Smith (1975), quoted in Smart (n 103) 58.

¹⁰⁵ *ibid*.

offenders. If a woman's body was shaped similarly to that of a man this would explain her criminalistic tendencies; she was more male than female.

Evidently, their theory of the 'atavistic criminal' was inherently skewed against women. Whilst it was (unsurprisingly) difficult to confirm that women criminals were physically similar to men, this was conveniently explained in the terms that it would be difficult to discern atavism in the criminal woman as she was not as evolved as a man,¹¹² making any signs of atavism less pronounced. Unfortunately, these assertions were not mere japes. To simply hypothesise that underdeveloped biology in a criminal woman would implicate her as completely depraved supports the view that women were viewed disparagingly. Women were portrayed as animalistic and backwards for merely exercising retaliation against patriarchal standards.

It is not difficult to consider the dubiousness of such theories, especially when the criminal woman was portrayed as ugly and sexless.¹¹³ This depravity was supposedly intrinsic, however the criminal woman was most likely living in a squalid environment - this would have accounted for physical deformities,¹¹⁴ and it would have explained the cultural framework that pushed her towards criminality.

These studies also exacerbate class issues as Lombroso and Ferrero distinguished between the working and middle class criminal. The 'born criminal' was part of the criminal underclass. Whereas the higher class woman criminal was not viewed as like the degenerate criminal at all. Instead, she was explained as an 'occasional criminal',¹¹⁵ with adequate moral equipment and the capability of 'possess[ing] sufficient chastity and maternal love'.¹¹⁶ The difference between the working and middle class thief was that where the working class woman was innately rotten, the middle class woman was 'weak willed'.¹¹⁷ Both analyses are equally condescending and draw attention to gendered criminology, but the differentiation in theory based on class emphasises the class prejudice in female criminality. Nonetheless it does support the prior account given: the higher class shoplifter was relegated to a helpless

and compliant kleptomaniac, rather than a rational thief who flouted gender and class norms.

These pejorative theories mostly went unchallenged. Notwithstanding this, Kellor¹¹⁸ replicated Lombroso and Ferrero's study, applying the anthropometric measures and introduced psychological tests to her participants. She was unable to confirm any of the findings put forward in 'The Female Offender' and criticised the view that female criminality was innately determined. It is evident that many psychologists and criminologists of this era ignored the striking social and environmental imbalances which influenced many criminals.

It is evident that such criminology, and norms relating to 'femininity', merely acted to consign agency to the stigmatised marker of 'deviance'.

Female Psychology – A Hormonal Imbalance

Towards the end of the Victorian era, psychologists suggested that women who committed crimes were manifesting suppressed sexual desires. Many factors could lead to this deviance; girls' social cohesion meant that they were expected to conform to societal standards more readily than boys, therefore the girl as a delinquent was viewed as far more psychologically troubled than the boy delinquent.¹¹⁹ Cox¹²⁰ has analysed research on psychoanalytical explanations of female delinquency. She draws attention to the viewpoint that female delinquency was seen as the result of an awkward transition from childhood to adulthood (and many psychologists focused on the earlier bodily and physiological development of girls).

Whilst women would have had to repress any new found desires due to strict societal standards, it is far fetched to accept the notion that this repression would manifest in theft or sexual deviance.

Psychiatrists such as de Clérambault studied the most extreme version of this theory in women who shoplifted silk as an expression of fetishism.¹²¹ The act of stealing silk was linked to a hormonal imbalance causing mental incapacity, and theft to sexual gratification. By making physical the immaterial

¹¹² Flood (n 110) 215.

¹¹³ Cox (n 64) 136.

¹¹⁴ *ibid.*

¹¹⁵ Smart (n 109) 35.

¹¹⁶ *ibid.*

¹¹⁷ *ibid.*

¹¹⁸ F Kellor, *Experimental Sociology. Descriptive and Analytical: Delinquents* (The Macmillan Company 1901).

¹¹⁹ J Cowie et al., *Delinquency in Girls* (Heinemann Educational 1968) 227.

¹²⁰ Cox (n 64) 135.

¹²¹ Coulson (n 108) 28.

quality of the fetish, the subject rejected the physical reality of being a woman.¹²² The aforementioned case of Ella Castle also furthers hormone related psychology - her defence rested on the general notion of feminised 'hysteria' with a specific womb related disease manifesting as kleptomania. Femininity was thereby conflated with sickness.¹²³ Regardless, it is better to reject this prejudiced psychology and instead view theft in terms of its symbolism;¹²⁴ silk, and other items of clothing, provided women with what they desired in terms of identity and pleasure in a reaction against a rigid social structure.

The problem with psychoanalysis is also clear; it is too far fetched and presents a skewed analysis of the female as a delinquent. Cowie et al.¹²⁵ epitomises this point, claiming that female delinquents had a predisposition causing unattractiveness. Ostracism would cause a girl to 'act out' for attention. Furthermore the difficulty in finding a partner for the physically undesirable women could cause sexual repression or promiscuity, perpetuating delinquency. Even during the movement of female advancement, many outlets reflected this backwards ideology—one issue of *'The Queen'* presented a cosmetics advert denigrating the 'plain' girl, claiming that her life would be spent in 'bitterness and tribulations'.¹²⁶

Moreover, it was argued that the pretty girl was manipulative and wanting.¹²⁷ In light of the polarised standards being presented to women in terms of how they should behave, look, think, feel etc. women such as the Forty Thieves deliberately played into this stereotype. One story depicts the expansion of the gang - Diamond would find pretty women and allow them into the team in order for them to then lure respectable men into disreputable situations, demanding payment in exchange for not ruining his character.¹²⁸ This story is substantial for two reasons: firstly it shows that the pretty girl was not an intrinsic criminal, rather sharp minded females capitalised on these stereotypes. Secondly, it highlights how female criminality did not manifest into neatly defined offences. Not only were these 'deviant' women involved in shoplifting, but they engaged in blackmail.

¹²² *ibid* 36.

¹²³ Abelson (n 6) 140.

¹²⁴ *ibid* 40.

¹²⁵ *ibid*.

¹²⁶ 'Elizabeth Arden' *The Queen* (7 June 1923).

¹²⁷ Cox (n 64) 146.

¹²⁸ McDonald (n 8) 226.

The new psychological explanations of female criminality, alongside the attempt to rationalise the theory of 'hormonal imbalance' were equally as ludicrous as theories of biologically determined criminality. It is best to see 'deviant' behaviour as merely a social construct that was not biologically or psychologically¹²⁹ determined and could not have been assigned to any social group; it was deliberately attached to women in an attempt to hinder social advancement.

Prostitution and Class – Female Deviance Beyond Shoplifting

A fear of female delinquency was inextricable with female sexual deviance, and female sexuality was presented as a social danger.¹³⁰ The fear was not so much that *all* women would be led astray, rather socially reputable women may be led astray by the 'inherently' sexually deviant women found amongst the 'underclass'. Researchers such as Lombroso¹³¹ did not differentiate between crime and sexual deviance in working class women, instead claiming that prostitution was a natural and expected outcome of the degenerate female. It seems this fear was shared by many in relation to the rise of the department store, and Rappaport¹³² has highlighted how this was seen to coincide with the worry that it would lead to the moral decline of ladies.

When proprietors attempted to challenge the pervasive images of a public sphere filled with disorderly women by serving light refreshments to cater to the needs of the shopper, public debate became centred on the appropriateness of female activity outside of the private sphere.¹³³ The fear of the 'shopper turned prostitute'¹³⁴ in London's West End represented the cultural stigma attached to the sexually deviant woman and the socially accepted norm that middle class women were easily influenced, whereas the lower class women was inherently deviant. Fear of a woman being like a prostitute was not an anxiety that was felt vis-à-vis the working class woman; a woman with loose morals was more

¹²⁹ Smart (n 109) 34.

¹³⁰ S Kowalsky, 'Who's Responsible for Female Crime? Gender, Deviance, and the Development of Soviet Social Norms in Revolutionary Russia' (2003) 62 *The Russian Review* 366.

¹³¹ Lombroso and Ferrero (n 111).

¹³² Rappaport (n 12) 31.

¹³³ *ibid*.

¹³⁴ *ibid* 32.

acceptable when she was not socially reputable,¹³⁵ but for a 'lady' to defy rigid norms incumbent upon her regarding sexual behaviour was undesirable. Therefore, this was a class infused element of prostitution and female sexuality.

Ultimately, it was not a well founded fear that women would be led astray. It was instead a fear that women would become autonomous beings, capable of rationality and agency. It is hardly surprising this extensively repressed female behaviour manifested itself as a desire to construct identity via consumer culture.

In order to hone in the point that women were rational agents and were not slaves to consumer culture or their physiology, one final example of the Forty Thieves will be put forward.

On the evening of December 21 in 1925 in a pub in Lambeth, many members of the Forty Thieves were present during a fight between Alice Diamond and another gang member. Both male and female members were present, but Alice Diamond ultimately led a mob towards the home of the other party to the fight. The door of the other woman's home was kicked in (on Diamond's orders) and her father was attacked so badly that he received twenty stitches. Many of the mob members that committed the acts of violence were male, however Diamond was the one *coordinating* the affair.¹³⁶ Later, many of the higher ranking members of the Forty Thieves (including Diamond) were charged with riotous assembly with intent to do grievous bodily harm.¹³⁷ Evidently, these women were hardened criminals and were not representative of all female criminals, but it does highlight that female criminality and 'deviance' were not solely linked to sexuality or desire, and did not manifest wholly in shoplifting or prostitution.

If the 'born' working class criminal (who was viewed as more likely to be sexually deviant) committed offences beyond those expected of her, then it is glaringly obvious that the theory of femininity and deviance was unfounded. Other women would also have been capable of offences beyond what was expected of them but stronger ideals imposed upon them due to their social position were severely more restrictive. Women were able to be criminals in the same way their male counterparts were, and the only desire present was to be one's own person.

¹³⁵ Smart (n 109).

¹³⁶ 'London Gangs: The Arrest' <<http://www.crimeandinvestigation.co.uk/crime-files/london-gangs/arrest>> accessed 13 March 2015.

¹³⁷ 'Riot in a Lambeth Street' *The Times* (19 March 1926) 16.

CONCLUSION

The end of the nineteenth and beginning of the twentieth century was embodied by the rise of consumer culture and the foundations of female emancipation for an era of new womanhood. Evidently, the prejudices against women were still in place and to reconcile changing cultures with entrenched social norms led to a tension in analysing the female criminal. Consumer culture was menacing to a rigid social system and threatened to give women a sense of freedom and desire to obtain economic independence from the family, however this freedom was also viewed as likely to create a decadent class of ladies. Consumer culture did indeed redefine the notion of need and provided working class women with the opportunity to construct a new identity modelled on the economically comfortable woman. Likewise, the department store was a solace for the middle class woman who exercised escapism within its aisles. However, her sheltered social position helped maintain and turn gendered stereotypes into an exacerbated class issue alongside the rise of the kleptomania defence.

Radical acts of shoplifting against gender and class restrictions became diluted by the middle class woman's utilisation of the expectation placed upon women to be feeble-minded and susceptible to desire. Unlike these women, working class career criminals such as the Forty Thieves were able to manipulate these absurd standards in order to exploit a culture of consumerism to their advantage.

Additionally, the criminology of this era was clearly very skewed against women and was still representative of the 'feminisation of madness'¹³⁸ in the nineteenth century. It was useful for psychology to be used to explain the deviance of women who were audacious enough to be guilty of the 'double deviance' of flouting gender and social, as well as legal, norms. Gendered prejudice presented women as more likely to steal clothes, cosmetics and jewellery,¹³⁹ and whilst this may have been the primary focus of the criminal woman's sights, it ignored the wider social structures in place that channelled women towards these forms of crime, instead settling on relegating women's actions and making the woman a slave to her biology.

¹³⁸ Whitlock (n 5) 425.

¹³⁹ J Bowlby, *Forty Four Juvenile Thieves: Their Characters and Home Life* (Baillière, Tindall and Cox 1946) 8-11.

Stories from the era show that female criminals were also capable of committing offences just as serious as their male counterparts. This cannot be reconciled with the view that a woman would manifest her sexual deviance in neatly defined forms such as shoplifting in itself, and it instead shows that female offenders were capable of acting of their own volition to exercise their agency. These theories were merely designed to distract from the capability of female autonomy and class issues created by an unequal social structure. Focusing on psychology and physiology detracts from an inherently prejudiced system and worked to disguise social issues that led many women to shoplifting in the first place. Criminology of this era was an attempt to explain how women were not truly 'responsible' when committing crime, or indeed, capable of responsibility whatsoever.

The 'epidemic' of female shoplifting was caused by an unequal social structure, and was conveniently explained away by prejudiced theories in an attempt to preserve and justify the imbalanced framework of society. Women were capable of being rational agents, and career criminals such as the Forty Thieves were radical in their actions, not merely for their audacity to commit such elaborate and extensive crimes, but in their reaction against a disadvantageous system.



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