Women’s pathways into crime and incarceration: Insights from South Africa

Caroline Agboola\textsuperscript{1*}, Erasmus Kofi Appiah\textsuperscript{2} and Helen Namondo Linonge-Fontebo\textsuperscript{3}

Abstract: This article explored the pathways of women in South Africa into criminality. Using in-depth interviews, eleven women ex-offenders and women parolees, who were incarcerated in South African correctional centres, recounted experiences from their life histories which influenced their criminal offending. Some shared life histories of the participants before incarceration were experiences of sexual and emotional abuse, and dysfunctional marriage. Also, financial motivation was identified as a pathway of some of the participants into crime and incarceration; this manifested in two criminal categories—women who were poor and committed crimes that had to do with fending for themselves and their family members, and women who were financially comfortable but engaged in white collar crimes. With the composition of black women and white women respectively, these two categories lend credence to Adler’s submission on the differential criminal involvement of females by race. Intersectionality was used to explain the interconnectedness between the participants’ criminal behaviour. Ukuthwala, a form of traditional marriage in South Africa was shown to magnify the financial lack of women, and identified as a pathway to their criminal offending.

ABOUT THE AUTHOR
Caroline Agboola works in the Department of Sociology at the University of Johannesburg, Johannesburg, South Africa. Her research interests focus on Sociology of Crime, Sociology of Education and Open Distance Learning. She can be contacted via agboolacaroline@gmail.com
Erasmus Kofi Appiah is a Postdoctoral Research Fellow at the Wits Business School, University of the Witwatersrand, Johannesburg, South Africa. His areas of research interests include organizational behaviour and diversity studies. He can be contacted at ekappiah2001@yahoo.com
Helen Linonge-Fontebo is a Senior Lecturer in the Department of Women and Gender Studies and Secretary General in the Faculty of Social and Management Sciences, University of Buea, Cameroon. Also, she is a part time Lecturer in the Department of Sociology & Anthropology, the Pan African University and the National School of Penitentiary Administration (ENAP), Buea, Cameroon. Her major research interests include the following: Feminist criminology, theorizing and Prison studies, human rights, sexuality, gender and climate change. She can be contacted via namondolinonge@gmail.com

PUBLIC INTEREST STATEMENT
Paths into crime is gendered. This article lends to the literature on women’s pathways into criminality by reporting on the pre-incarceration experiences of women ex-offenders (also referred to as women ex-prisoners) in South Africa. In addition to histories of sexual and emotional abuse, dysfunctional marriages, and financial motivation, this study presents a unique pathway, ukuthwala—a form of child marriage—which was identified as a pathway to female criminality in South Africa. Also, intersectionality as it relates to gender, race, social status and the types of financial crimes that were committed by the participants is discussed in this article.
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1. Introduction

There is a gendered pathway into crime and this is as a result of the gendered circumstances that surround female crime. However, not all women offenders exhibit a one-size-fits all gendered pathways. In other words, female criminality varies not only across genders but also amongst females. Although male offenders may experience some of the circumstances that make females to commit crime, such as childhood abuse, however, female offenders are affected differently by those negative life events (Wattanaporn & Holtfrete, 2014). Research shows that there is a link between physical and sexual abuse of women and their subsequent offending behaviour (Daly, 1992; Owen & Bloom, 1995; DeHart et al., 2013; Levenson et al., 2015). Some other identified pathways of women into crime include economic marginalization, arrest histories, spousal abuse, cultural and societal norms, and marital problems (Cherukuri et al., 2009; Erez & Berko, 2010; Steiner & Wooldredge, 2014; Pasko & Chesney-Lind, 2016).

A significant difference between male offenders and women offenders is in their differential financial power with the latter being at a disadvantage. Women are less likely to have full-time employment before imprisonment as compared to men (Reisig et al., 2006). Due to their criminal records, the likelihood of securing employment, be it full-time or part-time, diminishes greatly for women after incarceration (Barrick et al., 2014; Agboola, 2017). This makes the challenge of women as breadwinners, particularly in South Africa, where women are often the sole financial providers in certain families, even more difficult, and this increases the possibility of their involvement in financially motivated crimes.

Reisig et al. (2006) contend that a major difference between male offending and female offending lies in the context of offending in terms of the level of violence that is used in the crimes committed; this difference is more evident in violent crimes than minor crimes. The authors argued that there is a gender differentiation in the usage of weapons where men are more likely to use weapons, such as guns on their victims, while women often use guns in committing crime with males as accomplices. In terms of robbery, men use guns and they may also use strong arm tactics, whereas women who commit similar crimes draw on their sexuality and confrontational tactics, without the use of guns (Schwartz et al., 2014). Contextual difference between male offending and female offending is also evident in victim-offender relationship. The victims of violent female offenders tend to be known to women; these victims could be intimate partners, friends or family members, while violent male offenders often do not know their victims on a personal level. Also, differences in the criminality of men and women manifest in the frequency of the use of force. This decreases for women as they advance in age. In other words, women commit less violent crimes as they age when compared to men. Gender differences are present in terms of theft as the motives behind this crime differ for men and women. Some scholars believe that the men who commit financial crimes do so in order to maintain their status in society; whereas, it is noted that women who commit similar crimes do so to cater for the financial needs of their friends and family (Reisig et al., 2006). The gendered response of women’s criminal involvement is explained further using the gendered pathways theory. The objective of this paper is to examine the pathways of women into crime in South Africa.

2. Materials and methods

This study examined the experiences of eleven women ex-offenders and parolees after incarceration (also called imprisonment internationally) in South Africa. Based on a qualitative research design, the study employed in-depth interviews with eleven women ex-offenders and parolees to explore a variety of the participants’ experiences before their incarceration to ensure a detailed
understanding of participants’ pathways to crime and incarceration. All the interviews took place in Pretoria, South Africa. The interviews were audiotaped following a semi structured interview format with the use of an interview guide. The open-ended interviews (Weller et al., 2018) were flexible so that the research participants could include additional issues and concerns. Prospective participants for this study were identified using two lists from the Department of Correctional Services, Pretoria, South Africa. The first list was that of women who had been released from the correctional centres (referred to as prisons in international literature), while the second list consisted of the names of women parolees who were about to complete their parole. Using purposive sampling, women who were willing to participate in this study, and those women who met the selection criteria above were selected for this study. The purposive sampling technique was appropriate for this study because it identified participants who could provide significant data on the research topic (Olivier, 2004). Snow ball sampling (Parker et al., 2019) was used to locate more participants by asking the initial participants to suggest other women ex-offenders and women parolees who were interested in taking part in this study. Snow ball, also called respondent—driven sampling, allows the researcher to identify hidden respondents through other respondents (Giles et al., 2018) as was the case in this study. Participation was voluntary, informed consent was obtained from all the participants and pseudonyms were used to ensure anonymity. The findings of this study are not representative of the pre-incarceration experiences of women in South Africa because probability sampling was not used, however they offer insights into some women’s pathways into crime. Data analysis involved thematic coding of full transcripts of all the interviews (Neuman, 2006). Having examined issues relating to materials and methods, the next section focused on the theoretical perspective on women’s pathway to crime as a point of departure.

3. Theoretical frameworks—gendered pathways model and intersectionality

3.1. Gendered pathways model
The gendered pathways model used in this study argues that the pathways into crime for men and women are different because of their gender-specific experiences. Hence, women offenders have higher rates of victimisation, sexual, physical, and emotional abuses during childhood and adulthood than male offenders (Winham et al., 2015). Daly’s (1992) classical work on five pathways of females into crime, used as a blueprint by other scholars, was employed for this study thus: 1. Street women run away from home as a result of abuse and violence. These young women run away from abusive or overly “strict” parents and the gendered and sexual conditions of survival on the street are recognised—engaging in prostitution, drugs and theft in order to survive. The primary source of their income therefore becomes their bodies which is also a primary source of their victimisation either by male “clients” or violent men—typically fathers, male kin, or male intimates; 2. drug-connected women use and sell drugs, sometimes in connection with their intimate partners or family members; 3. harmed or harming women have histories of physical and sexual abuse and neglect, particularly during childhood, followed by school and delinquency problems and presenting a hostile withdrawn demeanour and chronic adult criminality 4. battered women experience victimization and violence from their intimate partners and their criminal offending, most likely resonated from the aforementioned and 5. “other” women is strictly an economic pathway which manifests in crimes such as theft, fraud and embezzlement and motives such as a “desire for more money” survival, greed, or economic gain (Brennan et al., 2012, p. 1483). The women in the other pathway are different from those in the other four pathways because they do not have drugs or alcohol problems, nor notable histories of abuse or violence. The pathways approach opines that there are unique circumstances that lead females to commit crimes. Consequently, Daly further illuminates five representational issues to consider when explaining the above. Firstly, the terminology which poses the following questions: what should we call women who have been arrested for crime? Are they “female criminals” or “female offenders”? or are they “victims” who become “criminalised”? Or is their law breaking simply criminalised? Secondly, which dimensions of women’s law breaking should be “emphasised”? Given that some researchers focus on conditions that “criminalise survival”, while others consider women as victims of structures and relationships—interlocking oppressions/intersectionality. In some cases attention
is centered on women’s “resistance” to oppressive relationships, whether these are intimate, sexual, legal, or the workplace (Daly 1992:16). Thirdly, the author makes claims of typicality or generalisation highlighted by Pat Carlen who suggested that there is “no typical criminal woman”-it is not possible to describe one criminalisation pattern that holds for all or even most women. Fourthly, the source of representation: what “authority” will be the basis for describing a woman’s biography or the circumstances that lead to her law breaking, should it be only the woman’s account? Can others such as family members, intimates, counsellors, psychologists, court officials, or court advocates be trusted to provide accurate information? If the sources of information differ, is the woman law breaker’s account privileged over another’s account? Finally, ethical: How much should one divulge about a woman’s law breaking or her experiences while growing up and how should that depiction be framed? For instance, how much information about a woman’s life should be revealed? Is it possible to understand the emotional or psychological dimensions of women’s lives in a way that does not reproduce the same “psy” script, which casts deviance in individualistic and pathological terms (Daly 1992:17)? The pathways identified in Daly’s biographies are similar to histories of sexual abuse, emotional abuse, dysfunctional and unhappy marriage and financial motivation found in this study. The pathway approach does not only acknowledge the differences between male and female criminality but also the differences amongst the criminality of females.

On the other hand, Loeber et al. (1993) suggest a different pathway for male offending identified in authority-conflict pathway. These authors argue that males who exhibit authority-conflict pathway are stubborn and run away from home in defiance against authority figures at home. However, this study focuses on women’s pathway to crime and incarceration; as such will not emphasis on the aforementioned framework. Kathleen’s Daly’s women’s pathway theoretical framework is most suitable for this research because it is representative of women’s lived experiences and realities that gives them a voice. Her research was based on the biographies/live events of forty women and forty men out of 400 defendants. Similarly, this paper looks at the lived experiences of eleven women ex-offenders and parolees after incarceration. In addressing the issues of women’s pathways to crime in South Africa, Daly’s pathways 1, 3–5 were employed for this study which best explains the criminality of the participants as seen in the findings of this study. The gendered pathways theory is well-suited for this study because it helps to explain how the gender of the women in this study influenced their criminality, as well as how the women’s circumstances led them into crime.

### 3.2. Intersectionality

The concept of intersectionality or “intersectional analysis” resonated with legal scholar Kimberle Crenshaw’s (1991) classical article in which she addressed the multiple and cross-cutting effects on identities of race, class, global location, sexual preference, ability, age, and gender in the lives of women of colour in the USA through structural and political exclusions as well as specific representation (Crenshaw, 1991, p. 1244). These identities cannot be pulled apart because they are interconnected and mutually enforcing. The variations of these intersections qualitatively alter the experience of being a woman—this diversity must be taken into account in theorising the experiences of women because these are the vectors of oppression and privilege or the “matrix of domination” (Hill Collins, 1990). The matrix according to Collins manifests oppression in four domains—1. the structural domain which operates to organise power and oppression. 2. The disciplinary domain sustainably manages oppression. 3. The hegemonic domain legitimises oppression. 4. The interpersonal domain controls the interactions and consciousness of individuals. Marion Young (1990) on her part expands this matrix of domination to five namely: exploitation, marginalisation, powerlessness, cultural, domination and violence which cannot be collapsed into one category. The matrix of domination could therefore be viewed as a spectrum where intersections of oppression meet. Along this spectrum lies the varied experiences of black women in this study. Crenshaw (1991), argues that black women frequently experience discrimination in employment because they are black women, but courts routinely refuse to recognise this discrimination—unless it can be shown to be a case of what is considered general discrimination. Therefore, this approach obscures the fact that women in different social and geographical locations face different problems. Intersectionality theories understand these
arrangements of inequality/injustice as hierarchical structures based in unjust power relations. This theory recognises the fundamental link between ideology and power that allows dominants to control subordinates by creating a politics in which difference becomes a conceptual tool for justifying arrangements of oppression. Intersectionality gives voice to the group knowledge worked out in specific life experiences created by historical intersections of inequality and to develop various feminist expressions of this knowledge.

Some criminologists conceptualise intersectionality in different ways by foregrounding structure and multiple inequalities, whereas others examine context and contingency of multiple identities. These different approaches have been termed “systematic intersectionality” and “constructionist intersectionality” respectively (Prins 2006 in Daly 2008) but they do not exhaust the range of approaches taken. How one conducts an intersectional analysis—what methods to use—is open to debate, as is the potential for intersectional analysis to “inspire political action and policy development” (Kang et al., 2017, pp. 27–28).

Although the concept of intersectionality has widely contributed to feminist analysis and various disciplines including criminology, it is not void of limitations or problems. Firstly, intersectionality refers to the mutually co-constitutive nature of multiple aspects of identity, yet in practice this term is typically used to signify the specific difference of “women of colour”, which effectively produces women of colour (and in particular, Black women) as other and again centres white women (Puar 2012 in Kang et al., 2017, pp. 27–28). Secondly, the framework of intersectionality was created in the context of the United States; as such the framework reproduces the United States as the dominant site of feminist inquiry and women’s studies’ Euro-American bias (ibid). Thirdly, the concept is limited to its premise of fixed categories of identity, where descriptions like race, gender, class, and sexuality are assumed to be stable.

An intersectional perspective examines how identities are related to each other as far as experiences are concerned and how the social structures of race, class, gender, sexuality, age, and ability intersect for everyone. This approach develops a more sophisticated understanding of the world and how individuals in differently situated groups experience differential access to both material and symbolic resources.

4. Findings
The participants' lives before incarceration, which provided their pathways into crime, are discussed in this section. These pathways are histories of sexual abuse and emotional abuse, dysfunctional and unhappy marriage, and financial motivation. The job description of the participants represents the jobs which they had at the time of their crime commission.

According Collins (1990), agency and individual perspectives are lost and oppressed through the use of controlling images. She argues that black women are portrayed in one of three ways in the United States: as a “hoochie”, a “mammy” or a matriarch. In each of these images, a woman’s sexuality is pre-determined as being either non-existent or over-the-top. Not only are black women not in control of their image, they are accused of being the source of their problems, “the welfare queen”, therefore depicting black women as lazy, unmotivated and reliant on government support (Collins, 1990). Such controlling images do not represent the lived realities of black women in the United States likewise South Africa having a similar background. The above table and Table 2 below further explain the concept of the “matrix of domination” which shows how oppression is systematically organised in the framework of intersectionality. From Table 1 and 2 it is possible to insinuate that there are subtle ways of exploitation, marginalisation, powerlessness, cultural domination and violence that blacks may be facing as a result of their race that the whites may not be experiencing (See, Crenshaw, 1991 above). It is worth noting that the only white woman who was unemployed had a rich husband.
4.1. Histories of sexual and emotional abuse

Five of the participants, Margaret, Gail, Erin, Gina and Emelia, narrated their experiences of acquaintance and statutory rape before incarceration. For some of these women, their experiences of sexual (including rape) and emotional abuse began in their childhood and continued into adulthood, with the abusers being men who are well-known and trusted by the women. For example, Margaret stated that “I experienced a lot of bad things in life … there was a time, around the age of fourteen; I was raped by my cousin”

Similarly, Gail reported that:

Table 1. Demographic characteristics of respondents

| Pseudonym | Age | Race | Education | Occupation     |
|-----------|-----|------|-----------|----------------|
| Margaret  | 26  | Black| Grade 11  | Unemployed     |
| Gail      | 37  | Black| Grade 12  | Volunteer worker|
| Erin      | 33  | Black| Grade 4   | Cleaner        |
| Gina      | 22  | Black| Grade 10  | Unemployed     |
| Emelia    | 52  | Black| Grade 12  | Business co-owner|
| Megan     | 61  | Black| Grade 12  | Unemployed     |
| Emily     | 47  | White| Grade 10  | Unemployed     |
| Lebohang  | 23  | Black| Tertiary  | Bank worker    |
| Ariel     | 49  | White| Grade 10  | Cashier        |
| Felicia   | 46  | White| Tertiary  | Medical doctor |
| Monica    | 50  | White| Tertiary  | Law firm worker|

Table 2. Findings vis-à-vis theoretical frameworks

| Findings                                                   | Reasons women committed crime                                                                 | Women’s Pathway to crime                                                                 | Intersectional Analysis                                                                 |
|------------------------------------------------------------|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| Sexual & Emotional abuse (rape, early marriage/child marriage/ukuthwala). Sexuality and Gender | Rape from cousin and from a police man                                                                 | 1.)“street women”, running away from home because of abuse, violence and strict parents | Matrix of domination                                                                    |
| Sexual & Emotional abuse                                  | Childmarriage/ukuthwala (robbed victim from enjoying childhood, education, skills and consequently running away from husband) | 3.)Harmed & harming women (Physical and sexual abuse and neglect during childhood)         | Dominance objectifies the dominated: all forms of oppression imply the devaluation of the subjectivity of the oppressed. |
| Dysfunctional and unhappy marriages                       | Provocation resulting to assault and gambling                                               | 4.)Battered women (victimisation and violence from intimate partners)                      | Power relations, controlling images                                                      |
| Financial motivation                                       | Poverty led to shoplifting. Emelia and Ariel embezzled despite the fact that they were viable | “Other” women (economic pathway: theft, fraud and embezzlement)                           | Intersectionality (blacks are unemployed and whites employed except Emily who had a wealthy husband) |

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... It's a Police [Policeman] that raped me. It's someone that I know. Joe, and he was dealing with my case [the first time that she was arrested for shoplifting at the age of 15]. So, he used to come to our house after I left [Police custody]. So now, he started becoming like a friend/relative. Everyone in my house was used to him.

Gail further narrated that she was raped by a policeman who was a family friend. He offered her a ride on her way to work, after much difficulties getting a taxi. Gail attested that “rather than take me to work, the Policeman drove me to a secluded place and raped me inside his car”. To Gail this seemed to be a premeditated act because her rapist had been professing his love for her, but she had repeatedly rejected his offer of a romantic liaison.

Another participant, reported sexual and emotional abuse at the age of 12, in the form of statutory rape:

When I was twelve years old, my mother took me to her rural home in the Eastern Cape, where she was born. I was married off at the age of twelve … I was so scared. I had my first-born child at the age of 13 … I ran away [from her husband] at 14 years (due to sexual and emotional abuse) … My early marriage robbed me of my childhood. I never enjoyed being a kid (Erin).

4.2. Dysfunctional and unhappy marriages

Similar to the histories of sexual and emotional abuse, reported dysfunctional and unhappy marriages also contributed to the participants’ criminality. According to Gina, her past intimate relationships were characterised by philanderers and emotional abusers who were men. In this particular narrative, Gina was living in an abusive relationship for six years and had a three-year-old daughter out of that relationship. At the beginning of the interview, Gina explained that she thought she would not make it to the interview due to a miscarriage that she had three days prior. She was just regaining her strength from the miscarriage and was willing to participate in the interview. She reported that the cause of her miscarriage was due to stress from her “man’s” incessant philandering. The pregnancy that she lost was for her “husband” (she used the terms “my man” and “my husband” to refer to the man that she co-habits with). She further reported that she had on several occasions caught him cheating with other women and this was the root cause of her incarceration. Gina explained that, she and her man shared a two-bedroom flat with another man of Black African origin (her husband is from the same country as their male flatmate), and that their flat mate had a girl-friend who is a citizen of another African country (Gina’s man and their flatmate resided in an African country that is different from their country of origin). According to Gina, their flat mate went back to his country of origin for good, leaving his girlfriend behind (this girlfriend and Gina share the same country of origin), and the lady started having an affair with Gina’s husband. Gina said that she warned the lady to stop having an affair with her husband to no avail. This provocation led Gina to pour hot water on the husband’s girlfriend, and that was what led to her arrest and eventual incarceration.

Similar to Gina’s case, emotional abuse, dysfunctional and an unhappy marriage resulted in Emelia’s criminal behaviour:

Ja … I had a bad marriage. My husband owned a club here in …., with women stripping and what have you. He had a lot of girlfriends, from oh, 1996. I had a bad marriage, where my husband and I drifted apart. So, I started gambling … it became a habit for me. Whenever my husband was not around, which happens a lot, I go gamble. That was how I started gambling and became addicted. I am a co-owner of the company that I defrauded. My sister, who is also my co-accused, was working for us. We went gambling. We withdraw (sic) money from the company account and go gambling (sic) (Emelia).
4.3. Financial motivation

The criminality of some of the participants was closely link to various aspects of financial motivation. Narrating some of the experiences that preceded their incarceration, Megan and Emelia explained how poverty led them to crime:

… It was only poverty. Before my parents’ death, they were financially responsible for me and my siblings. After their death, I became the bread-winner of the family, and that was when I started shoplifting to feed myself, my children and siblings. The shoplifting started after my parents passed away. I was not working when I started shoplifting. I was the eldest in my parents’ house. I was responsible for everything, rent, food and so on. I started shoplifting after my retrenchment from … (Megan).

On her part, Emily noted that:

I was married to a wealthy man. He had an accident. He was in a wheel chair for five years before he died. After that, my life just went downhill. He never allowed me to go and work. I had never worked in my life. Its twelve years since he passed away. You know … you need the money to put food on the table … You need the money, so what do you do?

Lebohang, Emelia, Ariel, Felicia, and Monica’s criminality also belong to the other pathway (as identified by Daly, 1994) but theirs is different from those of Megan and Emily because they were not poor when they committed their financial crimes. Lebohang committed a white-collar crime (fraud) in the bank that she worked in. Emelia and Ariel are sisters and co-accused, and they were incarcerated of embezzlement. Ariel (Emelia’s co-accused) admitted that “Nothing happened to make me do what I did [embezzlement]. Sometimes, you do what you are not supposed to do … “. Emelia co-owned a company with someone else, and the two sisters were incarcerated because they embezzled money from this company’s account. Similarly, Felicia was incarcerated for fraud, which she committed in the accounting firm that she worked for. She disclosed that she was not poor but committed the crime anyway “… I didn’t have a difficult childhood … We weren’t (sic) poor or anything. There was always money for everything … I was earning a big salary. I was an accountant at that time, and I was earning … a month. So, I didn’t had (sic) to do fraud. I did it because I can (sic), because I could do it”. Also, Monica’s crime was that of fraud “I come from a middle-class family. We were not rich, but we had just enough to live on … I was imprisoned because I committed fraud at the law firm, where I worked”. These women wilfully committed crimes contrary to postulations that women are victims of crime.

Table 2 summarises the findings in relation to the theoretical frameworks used in this paper. Four out of the five women’s pathway to crime framework best described the findings of this paper indicated above. In addition, the intersectional analysis framework corroborated the women’s pathway model through the matrix of domination made up of combinations of intersecting oppression such as race, gender, socioeconomic status, age and sexuality.

5. Discussion

Histories of sexual and emotional abuse, as identified in the two types of rape—acquaintance rape and statutory rape—preceded the criminality of two women in this study. Acquaintance rape is defined as “sexual assault crime committed by someone who knows the victim” (ICASA, 2016, p. 1); it is also regarded as a “type of rape that occurs between two people that know each other” (Tracy, 2019). It is important to note that in relationships of acquaintance or statutory rape as seen in the results section of this paper, the rapist is in a position of power and control over the victim who is always his subordinate for instance—doctor-patient, religious leader-follower, coach-athlete, and teacher-student relationships. However, the rapist may not necessarily have more power and control over the victim, in relationships between co-workers, friends and classmates. The experiences of the women in this study regarding acquaintance rape are not unique to South Africa given that over 80% of rape in the United States of America (USA) is categorised as acquaintance rape (Women’s and gender center, 2021). Statutory rape, which was experienced by a participant of this study, is a global problem in child marriages that cuts across countries, cultures, religions and ethnicities (Unchained At Last, 2021; The United Nations
Children’s Fund (UNICEF, 2020a). Child marriages is more common among girls than boys, and its highest levels is reported in sub-Saharan Africa, where 35% of girls are married before the age of 18. This is followed by South Asia, Latin America, the Middle East and North Africa and Eastern Europe with 30%, 24%, 17%, 17% and 12 % respectively (UNICEF, 2020b). Child marriages often create conditions of social neglect, with little education, low self-esteem and no skills and opportunities for personal development; hence these girls are trapped in the vicious cycle of ignorance, poverty and disease, gender inequality, health problems and violence (International Women’s Health Coalition, 5a; Linonge-Fontebo, 2018). In South Africa, Monyane (2013, p. 64) described the marriage that Erin had with her husband as ukuthwala … “a form of customary marriage where the young man forcibly takes a girl to be his wife”. Kayana (in Monyane, 2013, p. 67) explains that ukuthwala means “to carry”. The practice of ukuthwala is common among the Sotho, Mpondo, Mfengu and the Xhosa tribes in South Africa (Department of Social Development, 2009 in Monyane, 2013). Tshabala-Msimang (in Monyane, 2013, p. 76) regards ukuthwala as “… a form of gender-based violence against a girl-child [which] … ultimately compromise (sic) the development of the girl child and can result in early pregnancies … “. Monyane (2013, p. 76) notes the disadvantages of ukuthwala when he stated that “[m]ost victims of ukuthwala lack education and with limited prospects of possible employment, they remain in the cycle for (sic) poverty”. A large number of the victims of ukuthwala are from poor families (Rainbow Index, 2011 in Monyane, 2013). Rembe et al. (2011) observe that although the practice of ukuthwala is thought to be disappearing, it is becoming increasingly more popular and some Xhosa communities, as well as, communities in other parts of South Africa still practice this custom. The impecunious family backgrounds of girls who are subjected to ukuthwala and the sustenance of poverty created by ukuthwala in girls’ lives can be a predisposing factor for female crime as the relationship between poverty and the criminality of females has been established (Steffensmeier & Allan, 1995). It is important to note that ukuthwala in itself does not lead to crime but it creates an enabling environment for crime by paving the way for sexual and emotional abuse, and enhancing the feminization of poverty. Ukuthwala and its link to criminality that was discussed in this paper cannot be generalised due to its singular reported case in this study. However, the cultural practice of ukuthwala and how it influences the criminality of women requires more empirical studies so as to explore the connections between the two social phenomena. In this regard, case studies may be beneficial to explain the link. Many child marriage victims like Erin run away from home reflecting the first point in Daly’s pathway to female crime as is discussed later on in this paper.

Closely related to histories of sexual and emotional abuse, intimate partner abuse and dysfunctional intimate relationship is noted as a common pathway to female offending behaviour (Daly, 1992; Saxena et al., 2014; Burgess-Proctor et al., 2016), and it was an influencing factor in a participant’s crime—Gina. It is noteworthy that prolonged sexual and emotional abuse closely earmarked Gina’s crime, and it is linked to the concept of “victim precipitation”—referring to some overt, identifiable conduct or omission on the part of a victim which provokes an individual to commit crime (Tibatemwa-Ekikubinza, 1999).

Daly (1994) identified a pathway, other, to female offending—greed and poverty is the motivating factor of the female offenders who belong in this category. Unlike some of the female offenders, the other female offenders do not have any history of abuse, inherent violent tendencies, or drugs and alcohol addiction. The financial power of women in this category differs; some are poor, and some others have full-time jobs. Theft, fraud and embezzlement are often perpetuated by women offenders who exhibit the other pathway of female criminality. In particular, embezzlement is associated with women offenders who are employed full-time. The crimes that are committed by the financially empowered women in the other pathway is made possible because of the positions of trust that they occupy in organisations (Daly, 1994; Reisig et al., 2006). The pathways of seven participants in this study to crime and incarceration belong in Daly’s other category of female offending.

With regards to financial crimes, the pathways of the participants of this study into crime revealed two categories. These categories are distinct based on the type of crime committed and the financial power or lack thereof of the participants; the first category is that of impoverished participants who were incarcerated because of crimes committed due to financial constraints. While the participants in the second category were financially empowered and committed white collar crimes because their
jobs provided them with such opportunities. The first and second criminal categories are made up of black women and white women respectively. This supports Adler’s contention that “the pattern of criminal involvement for females differs by race with black female offenders concentrated in crimes against persons and property and white female offenders involved in both ‘blue collar’ crimes (vice, assault, robbery and so on) and white collar crime”.

The participants’ financially motivated crimes lend credence to the intersectionality perspective. Interconnections is observed between the race, social class and the committed financial crimes of the participants. For the most part, the black participants (except for Lebohang) were unemployed or had low-paying jobs. Whereas, most of the white participants (expect for Emily) had jobs which gave them more financial power than their black counterparts. On the one hand, with the exception of Lebohang, the types of jobs that the black participants had did not place them in positions where they could have access to commit financial crimes. The white participants, on the other hand, had jobs which enabled them to have opportunities of committing financial crimes, and they did. This study found no intersections between the educational qualifications of the participants and the crimes, financial and non-financial, that they committed.

6. Conclusion and recommendation

The present study explored the pathways of women in South Africa into crime and incarceration. The narratives of the participants indicated that experiences of sexual abuse and emotional abuse, dysfunctional and unhappy marriage, and financial motivation were some of their pathways into criminality. The abuse that some of the participants experienced were, for the most part, directly responsible for their crimes and subsequent incarceration. Intersections were found between the race and social class of the participants. This was evident in the two criminal categories that emerged with regards to financially-motivated crimes; the first category was made-up of women who were poor, while the second category consisted of women who were not poor but committed financial crimes because they were in positions to do so at their workplaces. A pathway unique to the criminal offending of women in South Africa was identified as ukuthwala. However, more studies on ukuthwala as a pathway into criminal offending in South Africa needs to be conducted so as to be able to generalise the finding to women offenders in South Africa. The findings of this study strongly support some of Daly’s pathways into female crime.

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Author details

Caroline Agboola
E-mail: agboolocaroline@gmail.com
ORCID ID: http://orcid.org/0000-0002-8862-7566
Erasmus Kofi Appiah
ORCID ID: http://orcid.org/0000-0002-1714-804X
Helen Namondo Linonge-Fontebo
ORCID ID: http://orcid.org/0000-0003-3604-8236

1 Department of Sociology, University of Johannesburg, Johannesburg, South Africa.
2 Wits Business School, University of the Witwatersrand, Johannesburg, South Africa.
3 Department of Women and Gender Studies, University of Buea, Swi, Cameroon.

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Correction

This article has been republished with minor changes. These changes do not impact the academic content of the article.

Data availability

The data for this study is available upon request from the authors.

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